STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF: Top Nails & Spa, LLC License No. 103966 and Lien Nguyen Moore

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CASE NO. CO 14-0180 STATEMENT OF CHARGES, SETTLEMENT AGREEMENT AND FINAL ORDER

RESPONDENTS

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Top Nails and Spa LLC, through its owner Lien Nguyen Moore (Respondents), and hereby enter into this combined Statement of Charges, Settlement Agreement, and Final Order (Agreement & Order) pursuant to Iowa Code sections 17A.10, 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

STATEMENT OF CHARGES

1. Respondents were issued license number 103966 to operate a salon in the State of Iowa on December 12, 2011.

2. Board records indicate that Respondents' salon is located at 890 Middle Road, Suite 24, Bettendorf, Iowa, 52722

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa Code chapters 17A, 157, and 272C.
COUNT I - UNSANITARY PRACTICES

4. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with engaging in unsanitary practices, in violation of Iowa Code § 157.6 (2013) and 645 IAC §§ 63.11(8), 63.13(6), 63.14, 63.16(6), 63.18(1), 63.25 and 63.26.

COUNT II - FAILURE TO POST SANITATION RULES

5. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly post a copy of the most recent sanitation rules and inspection report in the reception area at eye level in violation of 645 IAC § 63.2.

COUNT III - INCOMPLETE FIRST AID KIT

6. Respondents are charged under Iowa Code §147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to maintain a complete first aid kit in violation of 645 IAC § 63.6(9).

COUNT IV - FAILING TO DISINFECT INSTRUMENTS AND EQUIPMENT

7. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to disinfect metal bits; and neglecting to maintain disinfectant solution at each work station in violation of 645 IAC §§ 63.11(8) and 63.13(6).
COUNT V - MMA ON PREMISES

8. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with having a product containing liquid methyl methacrylate (MMA) on its premises in violation of 645 IAC § 63.18(1).

COUNT VI - CLEANING AND DISINFECTING SPA TUBS

9. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly disinfectant and record the cleaning of spa tubs in violation of 645 IAC § 63.25(1-3).

FACTUAL CIRCUMSTANCES

10. During an investigation of Top Nails and Spa LLC on July 24, 2014, the following violations were documented:

11. Sanitation rules were posted in the back of the salon.

12. The salon did not maintain a first aid kit.

13. Dirty metal bits were found at the manicure stations.

14. Used sand bands, files and buffers were found at the manicure stations and in unmarked plastic boxes.

15. The spa log had not been maintained.

16. Unlabeled plastic bottles were located at the manicure stations.

17. Used wax was found wrapped in plastic next to the paraffin dip.
18. Two samples of nail liquid were taken by investigators and submitted to the University of Iowa Hygienic Laboratory. Testing confirmed high concentration levels of methyl methacrylate acid (MMA) in one sample.

SETTLEMENT AGREEMENT AND FINAL ORDER

19. Respondents Lien Nguyen Moore and Top Nails and Spa LLC agree to pay to the Board a civil monetary penalty of $500.00 total. The funds shall be payable to the State of Iowa. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Order is executed.

20. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

21. By entering into this Agreement and Order, Respondents voluntarily waive any rights to a contested case hearing on the allegations contained in the Agreement and Order and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.

22. This combined Agreement and Order, is voluntarily submitted by Respondents to the Board for consideration.

23. Respondents acknowledge they have a right to be represented by counsel in this matter.

24. Respondents agree that counsel for the State may present this Agreement and Order ex parte to the Board.

25. This Agreement and Order is subject to approval of the Board. If the Board fails
to approve this Agreement and Order it shall be of no force or effect to either party.

26. This Agreement and Order shall be part of the Respondents’ permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violation.

27. In the event Respondents violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondents’ licenses or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

28. This Agreement, and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

29. The Board’s approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts & Sciences and the Respondents.

Respondent(s)                                      Iowa Board of Cosmetology Arts & Sciences

[Signature]                                      [Signature]
By:                                               By: Chairperson

12/31/14                                          1-12-15
Date                                               Date
cc: Lien Nguyen Moore  
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