BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES OF THE STATE OF IOWA

IN THE MATTER OF:)
New Nails,) CASE NO. 06-205; 06-206;
License No. 006959) 06-230; 06-315
and)
Son Kim Huynh) SETTLEMENT AGREEMENT
) AND FINAL ORDER)
Respondent.	,)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board), and Son Kim Huynh (Respondent), and pursuant to Iowa Codes sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent.

- 1. Respondent Son Kim Huynh is the previous owner of Respondent Salon, New Nails, and held a license to operate a salon, no. 006959.
- 2. A Notice of Hearing and Statement of Charges was filed against the Respondent on August 1, 2007. A contested case hearing in this matter is scheduled for November 6, 2007.
- 3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
- 4. Respondent Salon was sold to Anh Thi Truong on October 20, 2007 while disciplinary action was pending in violation of the Board's rule at 645 Iowa Administrative Code 61.2(6). This Settlement Agreement will resolve any potential charge related to that violation.
- 5. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges but waives the right to

hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.

- 6. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order and agrees that the State's counsel may present this agreement to the Board.
- 7. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force and effect to either party.
- 8. This agreement shall be part of the Respondent's 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 violations.
- 9. This Settlement Agreement and Final Order is a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 22 and 272C.
- 10. The Board's approval of this agreement shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED

11. The Respondent agrees to voluntarily surrender his license to operate a nail Technology salon in the State of Iowa and understands that pursuant to 645 Iowa Administrative Code section 12.1(5) a voluntary surrender, when accepted by the Board, shall have the same force and effect as an order of revocation. This agreement shall constitute Respondent's written statement of intention to surrender his license pursuant to 12.1(5).

- 12. The Respondent shall surrender his license to the Board within 10 days of the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson's signature.
- 13. Respondent agrees to pay to the Board a civil monetary penalty of \$1000.00 total. The funds shall be payable to the State of Iowa. Respondent shall remit full payment of the civil monetary penalty to the Board within 60 days of the date this Agreement is executed by the Board.
- 14. In the event the Respondent applies for, and is granted, licensure in the State of Iowa to operate a nail technology salon in the future, the license shall be placed on probation for a period of two (2) years.
 - 15. During the probationary period, Respondent shall comply with the following terms:
 - a) Respondent shall comply with all relevant statutes and administrative rules in the course of operation as a nail technology salon.
 - b) Respondent shall file quarterly reports with the Board listing the salon's employees, whether licensed by the State of Iowa to provide nail technology services or not, and the number and type of nail technology services performed by each employee. The quarterly reports shall be typewritten. The failure of the Respondent to provide complete and truthful information in the quarterly employee reports shall constitute a violation of this agreement. The Board or its designee may verify the information provided in the quarterly reports through an examination of Board records, by interviewing persons listed as salon employees, or by conducting an unannounced inspections of the Respondent Salon.

c) Respondent owner shall complete three (3) hours of continuing education that is applicable to Nail Technology, Sanitation, or Iowa Laws and Rules that include Iowa Code Chapter 157 and Iowa Administrative Code chapters 59 through 65 within ninety (90) days from issuance of this order, and continuing education obtained may not be used for future license renewal. Respondent owner must obtain Board approval before enrolling in any course taken for the purpose of satisfying this obligation.

This settlement agreement and final order is approved by the board on November 7, 2007.