

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

IN THE MATTER OF)	CASE NO. 09-031
)	
Nail Lovers and Spa)	
License No. 010790)	SETTLEMENT AGREEMENT
and)	AND FINAL ORDER
Victor Phan)	
License No. 00650)	
Respondent.)	

COMES NOW the Board of Cosmetology Arts and Sciences of the State of Iowa (“Board”) and Victor Phan (“Respondent”), and pursuant to Iowa Code 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 is the owner of salon, Nail Lovers and Spa, 4444 1st Ave NE, Suite 240, Cedar Rapids, IA 52402. Respondent was issued license number 010790 to operate a salon in the State of Iowa and a cosmetologist license number 00650.
2. A Notice of Hearing and Statement of Charges was filed against the Respondent on July 13, 2009. A contested case hearing in this matter was scheduled for October 5, 2009.
3. An amended Notice of Hearing and Statement of Charges was filed against the Respondent on August 31, 2009.
4. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
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 her 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 or effect to either party.

8. This agreement shall be part of the permanent record of Respondent 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 Chapter 22 and 272C. The Notice of Hearing is also a public record which became available for inspection and copying the date it was filed in accordance with the requirements of Chapters 17A, 22, and 272C.

IT IS THEREFORE ORDERED:

10. Respondent admits to the allegations contained within the Amended Statement of Charges.

11. Respondent agrees to pay the Board a civil monetary penalty of \$1,000.00 total. The funds shall be payable to the Board of Cosmetology Arts and Sciences. 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.

12. Respondent owner will complete four (4) hours of continuing education that is applicable to cosmetology 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.

13. Respondent's license shall be placed on PROBATION for one year, subject to the following conditions:

a) Respondent shall file a typewritten corrective action report, detailing specific actions taken to remedy each and every violation contained in the Statement of Charges within thirty (30) days from the issuance of this order.

b) Respondent shall file typewritten quarterly reports with the Board listing each salon employee, whether the employee is licensed by the State of Iowa to provide nail technology services, and the number and type of nail technology services performed by each employee. Respondent shall submit with each quarterly report a copy of the whirlpool cleaning schedule documenting each cleaning as required by 645 Iowa Administrative Code 63.25 (2) – (5) for each whirlpool foot spa during the quarter. The failure of the Respondent to provide complete and truthful information in the quarterly report shall constitute a violation of this agreement.

13. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further disciplinary action by the Board.

14. The Board's approval of this agreement shall constitute a **FINAL ORDER** of the Board.

This settlement agreement and final order is approved by the board on October 5, 2009.