STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:	)	
	)	**CASE NO. 06-177**
Nail Lovers, Cedar Rapids	)	
License No. 010790	)	
and	)	**COMBINED NOTICE OF**
Victor Phan, owner	)	**HEARING, SETTLEMENT**
License No. 00650	)	**AGREEMENT, AND**
	)	**FINAL ORDER**
RESPONDENT	)	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Nail Lovers, through its owner Victor Phan (Respondents), enter into this Combined Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.

2. Respondent was issued license number 010790 to operate a salon in the State of Iowa and a nail technician license number 00650. Board records indicate that Respondent salon is located at 4444 1st Avenue NE Ste 240 Cedar Rapids, Iowa 52402.

LEGAL AUTHORITY AND JURISDICTION

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4 Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by having a product containing liquid

methyl methacrylate monomer on its premises in violation of 645 Iowa Administrative Code section 63.18(1).

COUNT II

5. Respondent is charged with employing an individual(s) to practice cosmetology arts and sciences without a license in violation of Iowa code section 157.13(1) and 645 IAC rules 65.2(28).

D. FACTUAL CIRCUMSTANCES

6. Samples of liquid taken from Respondent salon on June 12, 2007 contained methyl methacrylate.

7. One unlicensed person was engaged in activities requiring a license at Respondent salon. The owner is responsible for allowing unlicensed persons to practice pursuant to 645 IAC 63.4(1).

SETTLEMENT AGREEMENT

8. 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. Respondents shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

9. Respondent agrees to comply with all laws and rules regarding nail salons.

FINAL ORDER

10. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

11.. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the

terms of the Settlement Agreement.

12. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

13. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

14. Respondent agrees that the State's counsel may present this Agreement to the Board.

15. This combined Notice of Hearing, Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order it shall be of no force or effect to either party.

16. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

17. This Order 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 future violations.

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

19. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

This combined notice of hearing, settlement agreement, and final order is approved by the board on October 22, 2007.