

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

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|---------------------------|---|-----------------------|
| IN THE MATTER OF:         | ) |                       |
|                           | ) |                       |
| Phuong T. Tran            | ) | CASE NO. 05-015       |
| License No. 840-01131     | ) |                       |
|                           | ) |                       |
| doing business as #1 Nail | ) | COMBINED STATEMENT OF |
| License No. 002-010039    | ) | CHARGES, INFORMAL     |
|                           | ) | SETTLEMENT AGREEMENT, |
| RESPONDENT.               | ) | AND CONSENT ORDER     |

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The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Phuong T. Tran dba #1 Nail (Respondent) enters into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4)(2005), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. #1 Nail presently possesses license number 002-010039 to operate a nail technology salon in the state of Iowa. The license is current and will next expire on December 31, 2006. Board records indicate that the salon license was issued to Phuong T. Tran October 24, 2003, and the salon is located at 928 LaPorte Road, Waterloo, Iowa 50702. Phuong T. Tran's nail technology license number 840-01131, was issued on April 19, 2002, and will expire on March 31, 2006.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C (2005). Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

## **STATEMENT OF CHARGES**

### **COUNT I**

3. Respondents are charged under Iowa Code sections 147.55, 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 63.10(6), 63.12, 63.14, 63.16(1) and 63.17(4), by engaging in practices that are harmful or detrimental to the public and operating its nail technology salon in violation of those statutes and administrative rules.

### **CIRCUMSTANCES**

4. During an inspection of Respondent salon on May 24, 2005, it was found:
- a. nail buffers that cannot be sanitized were present;
  - b. equipment that was not sterilized was reused;
  - c. many used, dirty emery boards were at the stations;
  - d. containers containing cremes and cosmetics used in providing services to clients were not labeled.

### **SETTLEMENT AGREEMENT**

5. Respondent, without admission of wrongdoing or guilt, agrees not to contest the above stated charge before the Board.

6. Respondent has a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waive its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.

7. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

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 future violations.

9. Any failure by Respondent to comply with the terms and conditions of this Agreement shall subject Respondent to further licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

10. This Agreement is subject to approval by the Board:

(a) If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

11. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).

12. This Agreement shall not be binding as to any new complaints received by the Board.

### **CONSENT ORDER**

#### **IT IS THEREFORE ORDERED:**

13. Respondent shall comply with all sanitary rules in the operation of her salon.

14. Respondent agrees to pay to the Board a civil monetary penalty of \$600.00. Respondent 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.

**WHEREFORE**, the terms of this Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Respondent.

**This Combined Statement of Charges, Informal Settlement Agreement and Consent Order is approved by the board on November 2, 2005.**