COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Pretty Nails, through its owner Vuong Thi Mai (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 103509 to operate a salon in the State of Iowa on November 16, 2010. Respondents’ salon license will expire on December 31, 2014. Respondent Mai was issued nail technologist license number 069122 on May 5, 2011. Respondent Mai’s individual license is current and will next expire on March 31, 2015.

2. Board records indicate that Respondents’ salon is located at 302 S. 25th Street, Fort Dodge, Iowa, 50501.

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa
COUNT I - FAILURE TO PROVIDE BIOHAZARD DISPOSAL

4. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to provide for biohazard disposal in violation of 645 IAC § 63.11(3).

COUNT II - INCOMPLETE FIRST AID KIT

5. 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 III - FAILURE TO POST LICENSES

6. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC §§ 63.3(3) and 65.2(13), with failing to post professional licenses in the reception area at eye level in violation of 645 IAC § 61.5(3).

COUNT IV - UNSANITARY PRACTICES

7. 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 §§ 63.13(2), and 63.14.

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(2-5).

FACTUAL CIRCUMSTANCES

10. During an investigation of Pretty Nails on April 6, 2011, investigators documented the following violations:

11. No biohazard bag was on the premises.

12. First aid kit did not contain the minimum supplies such as eye wash, antiseptic or antibiotics.

13. Professional licenses were not posted in the front entrance area at eye level.

14. Spa logs were not current and jets contained debris.

15. The whirlpool spa cleaning record was not up to date. Entries did not indicate the employees' license number.

16. Used sandpaper bands, emery boards, and bits were located at manicure stations.

17. Nail clippers, nippers, and unused sandpaper bands were intermixed with
personal items and the drawers contained nail dust and clippings.

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

18. Respondents Vuong Thi Mai and Pretty Nails 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.

19. Respondent Vuong Thi Mai and all employees of Pretty Nails shall complete four (4) hours of continuing education on Iowa law and sanitation within sixty (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
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)  

X  Vuong Thi Mai  
By:  

Date  

X  6/10/14  

Iowa Board of Cosmetology Arts & Sciences  

By: Chairperson  

Date  

7-7-14  

cc:  Vuong Thi Mai  
Pretty Nails  
302 S. 25th Street  
Fort Dodge, IA 50501  

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