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

IN THE MATTER OF:)
Top Nails, Des Moines License No. 010947) CASE NO. 06-022; 06-082
and)
Tam Ta, Owner) SETTLEMENT AGREEMENT
License No. 01428) AND FINAL ORDER
)
Respondents.)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board), and Tam Ta (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 Tam Ta holds practitioner license no. 01428. The Respondent is the owner of Respondent salon, Top Nails, and hold a license to operate a salon no. 010947. All licenses are now current.
- 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. 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.

- 5. 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.
- 6. 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.
- 7. 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.
- 8. In the event the Respondent 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 Respondent's licenses or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).
- 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. Respondent agrees to pay to the Board a civil monetary penalty of \$800.00 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 30 days of the date this Agreement is executed by the Board.

- 12. Respondent owner will 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.
- 13. Respondent agrees to comply with all laws and rules regarding nail salons.

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