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

IN THE MATTER OF:	) ) CASE NO. 07-024
Happy Nails	
License No. 009925	)
and	) COMBINED NOTICE OF
Binh Quang Phung, owner	) HEARING, SETTLEMENT
License No. 00747	) AGREEMENT, AND
	) FINAL ORDER
RESPONDENT	)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Happy Nails, through its owner Binh Quang Phung (Respondent), 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

- 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.
- Respondent was issued license number 009925 to operate a salon in the State of Iowa and a nail technology license number 00747. Board records indicate that Respondent salon is located at 2801 Grand Avenue, #1205, Ames, IA 50010.

## LEGAL AUTHORITY AND JURISDICTION

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

## SECTIONS OF STATUTES AND RULES INVOLVED

### COUNTI

Respondent is charged with violating 645 lowa Administrative Code
 65.2(13) by having a product containing liquid methyl methacrylate monomer on
 its premises in violation of 645 lowa Administrative Code section 63.18(1).

## FACTUAL CIRCUMSTANCES

5. During an investigation of Respondent salon on February 14, 2008, two samples of liquid were obtained. The samples were tested for the presence of methyl methacrylate at the University of Iowa Hygienic Laboratory. Test results revealed that both samples of liquid taken from Respondent salon contained methyl methacrylate.

#### SETTLEMENT AGREEMENT

- 6. Respondent agrees to pay to the Board a civil monetary penalty of \$800.00 total. The funds shall be payable to the Board. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Agreement is executed.
- Respondent agrees to comply with all laws and rules regarding nail salons.

### FINAL ORDER

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

- This combined Notice of Hearing, Settlement Agreement and Final
   Order, is voluntarily submitted by Respondent to the Board for consideration.
- Respondent acknowledges that he/she has a right to be represented by counsel in this matter.
- Respondents agree that counsel for the State may present this
   Agreement to the Board.
- 13. 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.
- 14. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
- 15. 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.
- 16. Any failure by Respondents to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.
- 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 May 28, 2008.