

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)	
)	
Top Nails)	CONSENT ORDER
550-36 th Avenue, SW, Ste. F)	AND AGREEMENT
Altoona, Iowa)	
)	
APPLICANT)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Top Nails, through its owner Thao D. Huynh (Applicant) enter into this Consent Order and Agreement (Agreement) pursuant to Iowa Code sections 17A.10(1) (2003) and 272C.3(4) (2003).

1. Applicant has made application to operate a nail technology salon in the state of Iowa located at 550-36th Avenue, SW, Ste. F, Altoona, Iowa.

2. An inspection of Respondent salon on or about October 23, 2003, revealed that:
 - a. Respondent salon was being operated without proper Iowa licensure in excess of six months;
 - b. License certificates for the salon and for each licensee employed by the salon were not posted in an area visible to the public; and
 - c. Products containing methyl methacrylate were being used in Respondent salon.

3. Upon approval of this Agreement by the Board, Applicant shall receive a license to operate a nail technology salon at 550-36th Avenue, SW, Ste. F, Altoona, Iowa. The salon license issued pursuant to this Agreement shall be subject to the completion of the terms and conditions imposed against it pursuant to this Agreement.

4. Any failure by Respondent to comply with the terms and conditions of this Agreement shall subject Respondent to 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.

5. This Agreement is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.

6. This Agreement is voluntarily submitted by Applicant to the Board for its consideration.

7. This Agreement is a public record available for inspection and copying in accordance with Iowa Code section 272C.3(4).

8. The Board and Respondent agree that facsimiles of signatures on this Agreement shall be as legally valid as original signatures.

9. This Agreement shall be part of the permanent record of the 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.

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

IT IS THEREFORE ORDERED:

A. PROBATION

Respondent's salon license shall be placed on probation for a period of twelve months from the execution date of this Agreement. The execution date is the date which accompanies the Board Chairperson's signature. During the probationary period, Respondent shall comply with the following terms:

- (1) Respondent shall comply with all relevant statutes and administrative rules in the course of its operations as a nail technology salon.
- (2) Respondent shall not have on its premises any cosmetic products containing substances which have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products, including, but not limited to, any product containing methyl methacrylate monomer and methylene chloride. The presence of any such product in Respondent salon shall be prima facie evidence of its use in Respondent salon.
- (3) Respondent shall only permit nail technology services to be performed by persons who are properly licensed by the State of Iowa.
- (4) Respondent shall ensure that all licenses and other documents are posted in an area visible to the public in accordance with 645 Iowa Administrative Code rule 61.5.
- (5) Respondent shall monitor and ensure its employees' compliance with all applicable health and sanitation standards.
- (6) Upon request of the Board, the owner of Respondent salon shall appear before the Board to report on the status of Respondent's operations as a nail technology salon and to answer any questions or concerns the Board may have regarding Respondent's compliance with this Agreement. The Board shall provide Respondent with reasonable notice of the date, time, and place of any requested appearance. Respondent agrees that any such appearance would be governed by 645 Iowa Administrative Code rule 9.7 and that it waives any and all objections to the members of the Board both

participating in the appearance and later participating as decision makers in a contested case proceeding.

Upon full compliance with the above terms and conditions, Respondent's license to operate a nail technology salon shall be restored to its full privileges free and clear of all probationary restrictions.

B. FUTURE COMPLIANCE

Respondent shall adhere to all relevant statutes and administrative rules in the course of operating a nail technology salon.

WHEREFORE, the terms of this Consent Order and Agreement are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Applicant.

This Consent Order and Agreement was approved by the board on February 4, 2004.