

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

IN THE MATTER OF:)	
)	CASE NO. 06-089
Tiffany's Nails)	
License No. 010730)	
and)	COMBINED NOTICE OF
Ngoc Huyen Luong, owner)	HEARING, SETTLEMENT
)	AGREEMENT, AND
)	FINAL ORDER
RESPONDENT)	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Tiffany's Nails, through its owner Ngoc Huyen Luong (Respondents), 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

1. 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.
2. Respondent was issued license number 010730 to operate a salon in the State of Iowa. Board records indicate that Respondent salon is located at 6215 SE 14th Street Des Moines, Iowa 50320.

LEGAL AUTHORITY AND JURISDICTION

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

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

- 4 Respondent is charged with violation of 645 Iowa Administrative Code 65.2(3) for engaging in practices that are harmful or detrimental to the public.

COUNT II

5. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by having a product containing liquid methyl methacrylate monomer on its premises in violation of 645 Iowa Administrative Code section 63.18(1).

STATEMENT OF MATTERS ASSERTED

6. The sanitation inspection on May 8, 2006 and subsequent investigation on March 8, 2007 revealed several deficiencies including:

a) A copy of the most current sanitation rules were not posted in violation of 645 Iowa Administrative Code 63.2.

b) A copy of the most recent inspection report was not posted in violation of 645 Iowa Administrative Code 63.2.

c) Hazardous waste container bags were not available in violation of 645 Iowa Administrative Code 63.17(3).

d) The presence of a razor-edged or other device or tool which is designed to remove skin unless used by licensed nail technicians to remove cuticles in violation of 645 Iowa Administrative Code 63.18(2).

7. During an investigation of Respondent salon on March 8, 2007, three 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 all three samples of liquid taken from Respondent salon contained methyl methacrylate.

SETTLEMENT AGREEMENT

8. Respondent agrees to pay to the Board a civil monetary penalty of \$1,000.00 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.

9. Respondent agrees to comply with all laws and rules regarding nail salons.

FINAL ORDER

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

11. 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.

12. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

13. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

14. Respondent agrees that the State's counsel may present this Agreement to the Board.

15. 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.

16. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

17. 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.

18. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.

19. 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 August 1, 2007.