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

IN THE MATTER OF:	)	
	)	**CASE NO. 07-045 & 07-084**
Regal Nails	)	
License No. 008986	)	
and	)	**SETTLEMENT AGREEMENT**
Hien Dinh Nguyen	)	**AND FINAL ORDER**
License No. 01034	)	
	)	
RESPONDENT	)	
	)	

COMES NOW the Board of Cosmetology Arts and Sciences of the State of Iowa ("Board") and Hien Nguyen ("Respondent"), and pursuant to Iowa Code 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. The above named Respondent is the owner of Respondent salon, Regal Nails, located inside Walmart at 5101 SE 14th Street, Suite 5A, Des Moines, IA 50315. Respondent was issued Iowa salon license no. 008986 on November 2, 2001. Respondent's salon license lapsed on December 31, 2008. Hien Nguyen was issued nail technology license No. 01034 on May 8, 2001 and expired on March 31, 2009.

2. A Notice of Hearing and Statement of Charges was filed against the Respondent on February 11, 2009. A contested case hearing in this matter was scheduled for July 13, 2009, but was continued in anticipation of this Settlement Agreement.

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 or effect to either party.

7. This agreement shall be part of 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. 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 Chapter 22 and 272C. The Notice of Hearing is also a public record that became available for inspection and copying the date it was filed in accordance with the requirements of Chapters 17A, 22, and 272C.

IT IS THEREFORE ORDERED:

9. Respondent admits to the allegations contained in Counts I-V of the Statement of Charges.

10. Respondent agrees to pay the Board a civil monetary penalty of $1000.00 total. The funds shall be payable to the Board of Cosmetology Arts and Sciences. Respondent shall remit full payment of the civil monetary penalty to the Board within

30 days of the date the Board executes this Agreement.

11. Respondent will complete four (4) hours of continuing education applicable to nail technology sanitation and Iowa laws and rules that include Iowa Code Chapter 157 and Iowa Administrative Code Chapters 59 through 65 within six months from issuance of this order. These hours of continuing education may not be used for future license renewal or in satisfaction of any other settlement agreement obligation. Respondent owner must obtain Board approval before enrolling in any course taken for the purpose of satisfying this obligation.

12. Respondent agrees to cause the manager of Regal Nails, Kieu Nguyen, to complete four (4) hours of continuing education applicable to nail technology sanitation and Iowa laws and rules that include Iowa Code Chapter 157 and Iowa Administrative Code Chapters 59 through 65 within six months from issuance of this order. These hours of continuing education may not be used for future license renewal or in satisfaction of any other settlement agreement obligation. Kieu Nguyen must obtain Board approval before any course taken for the purpose of satisfying this obligation.

13. Respondent's individual license and salon license are placed on probation for a period of two (2) years. During the probationary period, Respondent shall comply with the following terms:

a) Respondent shall file a typewritten corrective action report, detailing specific actions taken to remedy each violation contained in the Statement of Charges within thirty days from the issuance of this order. Respondent shall submit copies of the whirlpool cleaning schedule documenting each cleaning as required by 645 Iowa Administrative Code 63.25 (2)-(5) for each whirlpool foot spa from April 2009 through the day the corrective action report is

submitted. Respondent shall also submit copies of the MSDS sheets for each liquid acrylic nail product used in the salon.

b) Respondent shall file typewritten quarterly reports on January 1, April 1, July 1, and October 1 of each year, throughout the period of probation, listing each liquid acrylic nail product used in the salon. Respondent shall submit with each quarterly report a copy of the whirlpool cleaning schedule documenting each cleaning as required by 645 Iowa Administrative Code 63.25 (2)-(5) for each whirlpool foot spa during the quarter. The failure of the Respondent to provide complete and truthful information in the quarterly report shall constitute a violation of this agreement.

14. The Board or its designee may verify Respondent's compliance with the provisions of this Order through an examination of Board records, by interviewing persons listed as salon employees, or by conducting unannounced inspections and investigations of the Respondent salon.

15. Respondent agrees to comply with all laws and rules regarding nail salons and nail technology and recognizes that any future violation of applicable rules or statutes may subject the Respondent to further disciplinary action by the Board, including suspension or revocation of Respondent's licenses.

16. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further disciplinary action by the Board, including suspension or revocation of Respondent's licenses.

17. The Board's approval of this agreement shall constitute a **FINAL ORDER** of the Board.

This settlement agreement and final order is approved by the board on October 5, 2009.