STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF: )
Green Nails & Spa ) CASE NO. CO 13-035
                    )
License No. 104452 )
and )
Phuong Truc Le ) STATEMENT OF CHARGES,
Owner ) SETTLEMENT AGREEMENT AND
Oanh Hoang Tang ) FINAL ORDER
License No. 01850 )
Salon Manager )

RESPONDENTS. )

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Green Nails and Spa, through its owner Phuong Truc Le, and salon manager Oanh Hoang Tang (Respondents), and hereby enter into this combined Statement of Charges, Settlement Agreement, and Final Order (Agreement & Order) pursuant to Iowa Code sections 17A.10, 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

STATEMENT OF CHARGES

1. Green Nails & Spa was issued Iowa salon license number 104452 on December 6, 2012. Green Nails & Spa’s license will expire on December 31, 2014. Respondent Tang was issued nail technologist license number on January 9, 2007. Respondent Tang’s individual license is current and will next expire on March 31, 2015.

2. Phuong Truc Le is the owner of Green Nails & Spa which is located at 4295
"B" Sergeant Road, Sioux City, Iowa, 51106. Phuong Truc Le is not licensed. Phuong Truc Le, Green Nails & Spa, and Oanh Hoang Tang are jointly referred to herein as "Respondents."

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa Code chapters 17A, 157, and 272C.

COUNT I - UNSANITARY PRACTICES

4. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with engaging in unsanitary practices, in violation of Iowa Code § 157.6 (2013) and 645 IAC §§ 63.2, 63.11(8), 63.13(2), 63.14, 63.15, 63.18(1)(2)(4) and 63.25(1-3).

COUNT II - FAILURE TO POST RULES

5. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly post a copy of the most recent sanitation rules in the reception area at eye level, in violation of 645 IAC § 63.2.

COUNT III - FAILURE TO FOLLOW UNIVERSAL PRECAUTIONS AND DISINFECTANT STANDARDS

6. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to provide disinfectant solution at each work station, in
violation of § 63.11(8) and neglecting to store disinfected implements in a covered container, in violation of 645 IAC and § 63.13(2).

COUNT IV – FAILURE TO DISPOSE OF ONE-TIME USE INSTRUMENTS

7. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly dispose of single use instruments (nail files and buffers), in violation of 645 IAC § 63.14.

COUNT V – FAILURE TO PROPERLY STERILIZE INSTRUMENTS

8. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly sterilize instruments, in violation of 645 IAC § 63.15.

COUNT VI – PROHIBITED SUBSTANCE AND PRODUCTS ON PREMISES

9. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with having a product containing liquid methyl methacrylate (MMA) and prohibited equipment (razor-edged instruments and chamois buffers), in violation of 645 IAC §§ 63.18(1)(2) and (4).

COUNT VII – CLEANING AND DISINFECTING SPA TUBS

10. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly disinfectant and record the cleaning of spa
COUNT VIII - EMPLOYMENT OF UNLICENSED INDIVIDUALS

11. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(26), with employing unlicensed individuals to provide services, in violation of 645 IAC § 65.2(28.)

FACTUAL CIRCUMSTANCES

12. During an investigation of Green Nails & Spa on February 18, 2014, investigators documented the following violations:

13. Sanitation rules were posted in the back of the salon.
14. Disinfectant was not located at the manicure stations.
15. Clean instruments were intermixed with unclean supplies.
16. Evidence of single use instruments (nail files and buffers) were present throughout the salon.
17. Investigators found a razor-edged instrument in the back room and chamois buffers.
18. Two samples of nail liquid were taken by investigators and submitted to the University of Iowa Hygienic Laboratory. Testing confirmed high concentration levels of methyl methacrylate acid (MMA) in one sample.
19. Unlicensed employees were providing nail services.
SETTLEMENT AGREEMENT AND FINAL ORDER

20. Respondents Phuong Truc Le, Oanh Hoang Tang and Green Nails & Spa agree to pay to the Board a civil monetary penalty of $850.00 total. The funds shall be payable to the State of Iowa. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Order is executed.

21. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

22. By entering into this Agreement and Order, Respondents voluntarily waive any rights to a contested case hearing on the allegations contained in the Agreement and Order and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.

23. This combined Agreement and Order, is voluntarily submitted by Respondents to the Board for consideration.

24. Respondents acknowledge they have a right to be represented by counsel in this matter.

25. Respondents agree that counsel for the State may present this Agreement and Order ex parte to the Board.

26. This Agreement and Order is subject to approval of the Board. If the Board fails to approve this Agreement and Order it shall be of no force or effect to either party.

27. This Agreement and Order shall be part of the Respondents' 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 violation.
28. In the event Respondents 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 Respondents’ licenses or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

29. This Agreement, and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

30. The Board’s approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts & Sciences and the Respondents.

Respondent(s)  

By: Phuong Le - Owner  

Date: 9/5/2014

Iowa Board of Cosmetology Arts & Sciences  

By: Chairperson  

Date: 10/13/14

By: Oanh Tong - Manager  

Date: 9/5/2014
cc: Phuong Truc Le, Owner  
Oanh Hoang Tang, Salon Manager  
Green Nails & Spa  
4295 “B” Sergeant Road  
Sioux City, IA 51106

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