

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

_____)	
IN THE MATTER OF)	
)	NO: CO 02-040
CALIFORNIA NAILS)	
License No. 002-008908)	
)	SETTLEMENT AGREEMENT
RESPONDENT)	AND CONSENT ORDER
_____)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and California Nails (Respondent) enter into this Settlement Agreement and Consent Order (Agreement) pursuant to Iowa Code Sections 17A.10(1), 272C.3(4) (2003), and Chapter 645 Iowa Administrative Code Section 12.1.

1. On or about February 14, 2001, the Board issued cosmetology salon license number 002-008908 to owner Jenny Trang Huynh-Le for the Respondent California Nails salon located at 22 Plymouth Street N.W., Lemars, Iowa.

2 After an inspection of the Respondent's place of business revealed that an employee of the Respondent Salon was performing nail technology services without proper Iowa licensure, the Board instituted formal disciplinary proceedings by filing a Statement of Charges dated February 21, 2003.

3. At all times relevant to the conduct alleged in the Statement of Charges, license number 002-008908 was active. Accordingly, the Board has jurisdiction over the licensee disciplinary action pending against the Respondent.

4. Respondent has a right to a hearing on the charges, but waives its right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Consent Order is the final agency order in the contested case.

5. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

6. 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.

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

8. This Agreement is subject to approval by the Board:

- (a) If the Board fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (2) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

9. This Agreement is public record pursuant to Iowa Code Sections 272C.3(4) and 272C.6(4) (2003).

10. This Settlement Agreement and Consent Order shall not be binding as to any new complaints received by the Board.

IT IS THEREFORE ORDERED:

A. VOLUNTARY LICENSE SURRENDER

1. The Respondent agrees, pursuant to 645 Iowa Administrative Code Section 12.1(5), to voluntarily surrender cosmetology salon license number 002-008908 immediately upon the Board's acceptance of this agreement. The Board Chairperson's signature on this Agreement shall signify the Board's acceptance of the Respondent's surrender of its Iowa cosmetology salon license.

2. By voluntarily surrendering its cosmetology salon license, the Respondent agrees to cease its operation of the cosmetology salon at 22 Plymouth Street N.W., Lemars, Iowa.

3. The owner of record of the Respondent salon, Jenny Trang Huynh-Le, agrees that should she apply for a new cosmetology salon license in the State of Iowa at some future date, such application will be subject to the provisions of 645 Iowa Administrative Code Section 11.31 (June 2, 1999). Furthermore, Jenny Trang Huynh-Le acknowledges

that she is ineligible to apply for a cosmetology salon license in the State of Iowa until one year has elapsed from the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson's signature.

4. The Board reserves the right to conditionally approve any application by the Respondent or its owner of record, Jenny Trang Huynh-Le, for a new cosmetology salon license in the State of Iowa.

B. CIVIL MONETARY PENALTY

The Respondent agrees to pay to the Board a civil monetary penalty of \$200.00. The Respondent shall remit full payment of the civil monetary penalty to the Board within 60 days of the execution date of this Agreement.

WHEREFORE, the terms of this Settlement Agreement and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences Examiners, the Respondent, and Jenny Trang Huynh-Le.

This Settlement Agreement and Consent Order is approved by the board on May 14, 2003.