

STATE OF IOWA  
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

---

IN THE MATTER OF:	)	
	)	CASE NO. 08-049
Natural Nails & Tan	)	
License No. 009289	)	
and	)	COMBINED NOTICE OF
Hoa Le Thi Tran aka Jenny Tran	)	HEARING, SETTLEMENT
License No. 00805	)	AGREEMENT, AND
	)	FINAL ORDER
RESPONDENT.	)	
	)	

---

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Natural Nails & Tan, through its owner Jenny Tran (Respondent), 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 009289 to operate a Nail technology salon in the State of Iowa on July 30, 2002. Respondent's salon license is current and will next expire on December 31, 2008. Respondent was issued nail technology license number 00805 on February 19, 1999. Respondent's license is current and will next expire on March 31, 2009. Board records indicate that Respondent salon is located at 1320 N. Hwy 71, Okoboji, IA 51355.

## **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 violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by failing to properly clean and disinfect the whirlpool foot spas and maintain a cleaning record in violation of 645 Iowa Administrative Code 63.25(2) - (5).

### **COUNT II**

5. Respondent is charged with violation a regulation, rule, or law of this state pursuant to 645 IAC 65.2(13) by failing to properly post a copy of the most current sanitation rules in the reception area at eye level in violation of 645 IAC 63.2 and by failing to display salon license and professional licenses in the reception area at eye level in violation of 645 IAC 63.4(1)(c).

### **COUNT III**

6. Respondent is charged with engaging in unsanitary practices in violation of Iowa Code section 157.6 and 645 IAC rules 63.11, 63.12(1), 63.14, 63.17(4), 63.18(3), and 65.2(13).

## **FACTUAL CIRCUMSTANCES**

7. During an investigation of Respondent salon on July 25, 2008, it was discovered that a record of whirlpool foot spa cleaning and disinfecting was not

being maintained for the salon's foot spas, screens were not being removed for cleaning, and foot spas had debris behind both of the screens.

8. During the investigation, Respondent did not have a copy of the most current sanitation rules posted in the salon and professional licenses were not posted in the reception area.

9. During the investigation, disinfectant solution was cloudy and dirty, and used nail buffers and emery boards that could not be sanitized between uses on clients were not being disposed of properly.

#### **SETTLEMENT AGREEMENT**

10. Respondent agrees to pay to the Board a civil monetary penalty of \$500.00 total. The funds shall be payable to the Board. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Agreement is executed.

11. Respondent agrees to complete two (2) hours of continuing education applicable to nail technology sanitation or laws and rules that include Iowa Code Chapter 157 and Iowa Administrative Code Chapters 59 through 65 within six (6) months from the date this Agreement is executed. Continuing education obtained may not be used for future license renewal. Respondent owner must obtain Board approval before enrolling in any course taken for the purpose of satisfying this obligation.

12. Respondent agrees to comply with all laws and rules regarding cosmetology salons.

#### **FINAL ORDER**

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

14. 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.

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

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

17. Respondents agree that counsel for the State may present this Agreement to the Board.

18. 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.

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

20. 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.

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

22. 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 November 24, 2008.**