IN THE MATTER OF: )
Vyda’s Nail & Spa ) CASE NO. CO 12-030
License No. 102611 )
and )
Sang Hung Tran ) STATEMENT OF CHARGES,
License No. 001911 ) SETTLEMENT AGREEMENT AND
) FINAL ORDER
)
RESPONDENTS.
)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and
Vyda’s Nail and Spa, through its owner Sang Hung Tran (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. Respondents were issued license number 102611 to operate a salon in the
State of Iowa on December 3, 2008. Respondents’ salon license will expire on December
31, 2014. Respondent Tran was issued nail technologist license number 001911 on June
14, 2007. Respondent Tran’s individual license will expire March 31, 2015.

2. Board records indicate that Respondents’ salon is located at 800 2nd Avenue,
Coralville, Iowa, 52241.

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

4. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and IAC § 65.2(13), with having a razor-edged device or tool on its premises in violation of 645 IAC § 63.18(2).

COUNT II - EMPLOYMENT OF UNLICENSED INDIVIDUALS

5. 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

6. During an investigation of Vyda’s Nail and Spa on September 17, 2014, investigator documented the following violations:

7. A razor heel scraper was found in the salon.

8. The owner’s sister left the salon when the investigator requested to see her identification.

9. The salon owner acknowledged injuring the complainant.
SETTLEMENT AGREEMENT AND FINAL ORDER

10. Respondents Sang Hung Tran and Vyda’s Nail and Spa agree to pay to the Board a civil monetary penalty of $500.00 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.

11. Respondent Sang Hung Tran and all employees of Vyda’s Nail and Spa shall complete two (2) hours of continuing education on Iowa law and sanitation within sixty (60) days of the date this Order is executed.

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

13. 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.

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

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

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

17. 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.

18. 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.

19. 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).

20. 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.

21. 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)  Iowa Board of Cosmetology Arts & Sciences

[Signature]   [Signature]
By:           By: Chairperson

1/21/15   4-6-15
Date       Date
cc: Mr. Sang Hung Tran
Vyda’s Nail and Spa
800 2nd Avenue
Coralville, IA 52241

David VanCompernolle
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319