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

IN THE MATTER OF	)	
	)	NO: CO 02-009
CALI PRO NAILS	)	
License No. 002-A00812	)	
	)	**SETTLEMENT AGREEMENT**
RESPONDENT	)	**AND CONSENT ORDER**
	)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Cali Pro 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. The Respondent presently possesses license number 002-A00812 to operate a nail technology salon in the State of Iowa. Danny Le is the owner of record for the Respondent salon.

2. The Board has jurisdiction over the licensee disciplinary action pending against the Respondent.

3. After an inspection of the Respondent salon revealed that employees of the Respondent Salon were performing nail technology services without proper Iowa licensure, the Board instituted formal disciplinary proceedings by filing a Statement of Charges dated February 21, 2003.

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.

(b) 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) (2001).

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. PROBATION

Respondent's salon license shall be placed on probation for a period of twelve months from the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson's signature. Upon notification of the Board's approval of this Agreement, the Respondent shall immediately remit its salon license certificate to the Board so that a probationary license may be issued. During the probationary period, the Respondent shall comply with the following terms:

(1) The Respondent shall comply with all relevant statutes and administrative rules in the course of its operations as a nail technology salon. Within its salon, the Respondent shall only permit nail technology services to be performed by persons who are properly licensed by the State of Iowa. The Respondent shall monitor and ensure its employees' compliance with all applicable health and sanitation standards.

(2) The Respondent shall file quarterly reports with the Board listing the salon's nail technicians. The quarterly employee reports shall be typewritten and shall attest to the following information for each and every person who performed nail technology services within the Respondent salon during the three month period immediately preceding the report:

a) The name of the employee who performed nail technology services

b) The license number and expiration date for the employee's Iowa cosmetology and/or nail technology license.

c) The employee's date of hire

d) If applicable, the employee's date of termination.

The failure of the Respondent salon to provide complete and truthful information in the quarterly employee reports shall constitute a violation of this order. The Board or its designee may verify the information provided in the quarterly employee reports through an examination of Board records, by interviewing persons listed as salon employees, or by conducting unannounced inspections of the Respondent salon.

(3) Upon request of the Board, the owner of the Respondent establishment shall appear before the Board to report on the status of the Respondent's operations as a nail technology salon and to answer any questions or concerns the Board may have regarding the Respondent's compliance with this Agreement. The Board shall provide the Respondent with reasonable notice of the date, time, and place for any requested appearance. The Respondent agrees that any such appearance would be governed by 645 Iowa Administrative Code section 9.7 (June 2, 1999) and that it waives any and all objections to the members of the Board both participating in the appearance and later participating as decision makers in a contested case proceeding.

Upon full compliance with all terms and conditions prescribed under Sections A and B of this order, the Respondent's license to operate a nail technology salon shall be restored to its full privileges free and clear of all probationary restrictions.

B. CIVIL MONETARY PENALTY

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.

C. FUTURE COMPLIANCE

The Respondent shall in the future adhere to all relevant statutes and administrative rules in the course of operating a nail technology salon.

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 and the Respondent.

CALI PRO NAILS

IOWA BOARD OF COSMETOLOGY
ARTS AND SCIENCES EXAMINERS

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