BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES

IN THE MATTER OF:	)	Case No. CO 09-7
	)	
REGAL NAILS,	)	
License No. 008563,	)	STIPULATION AND
and	)	CONSENT ORDER
HONG CAM PHUNG,	)	
License No. 00491,	)	
	)	
Respondents.	)	

Pursuant to Iowa Code §§ 17A.10(2) and 272C.3(4) (2009), and 645 Iowa Administrative Code § 12.1, the Iowa Board of Cosmetology Arts and Sciences (hereinafter, "Board"), and Regal Nails and Hong Cam Thi Phung (hereinafter, "Respondents"), enter into the following Stipulation and Consent Order settling a disciplinary proceeding pending before the Board.

Allegations specified in a Statement of Charges against Respondents shall be resolved without proceeding to hearing, as the Board and Respondents stipulate as follows:

1. Respondent Hong Cam Thi Phung was issued nail technology license number 00491. Respondent's license will expire on March 31, 2010, unless earlier renewed.

2. Respondent Regal Nails is located at 1001 73rd Street, Windsor Heights, Iowa 50311 (inside a Wal-Mart store), and holds salon license 008563 which will next expire December 31, 2010.

3. A Notice of Hearing and Statement of Charges against Respondents was

adopted by the Board on January 11, 2010.

4. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

5. Respondents have chosen not to contest the allegations set forth in the Notice of Hearing and Statement of Charges and acknowledge that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

6. On the date of the Board's approval of this Stipulation and Consent Order, Respondents' licenses shall be placed on probation on terms which shall include the following:

a. Respondents agree to comply with the terms of probation.

b. The period of probation shall be three (3) years, provided, however, that only those periods during which Respondents have valid licenses issued by the Board shall count toward exhaustion of the probationary period.

c. Within three (3) months after the date of the Board's approval of this Stipulation and Warning, Respondent Hong Cam Thi Phung shall complete not less than three (3) hours of formal, structured continuing education ("CE"), which shall be pre-approved by the Board. The CE shall be focused on compliance with Iowa law and Board rules relating to cosmetology, and maintaining salon and salon equipment cleanliness. This CE shall be in addition to – not in lieu of – of CE required for license

renewal.

d. Respondent Regal Nails shall be assessed a civil penalty in the amount of $500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, and shall be made payable to the Treasurer of Iowa and mailed to the administrator of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

e. Respondent Hong Cam Thi Phung shall be assessed a civil penalty in the amount of $500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, and shall be made payable to the Treasurer of Iowa and mailed to the administrator of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

f. Respondents shall obey all federal and state laws, rules, and regulations related to the practice of cosmetology, ***including rules prohibiting use of methyl methacrylate.***

g. Each Respondent shall report to the Board quarterly, in a typewritten format. The report shall include Respondents' place of business or employment, current address and phone number, *Respondents' most recent efforts to implement the provisions of this Stipulation and Consent Order, by date***,** and any further information deemed necessary by the Board from time to time. Respondent Regal Nails' quarterly reports shall include a copy of

the spa cleaning log.

h. Respondents shall inform the Board, in writing, of any change of home or business address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

i. Respondents shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing their performance during the probationary period. Respondents shall be given reasonable notice of the date, time, and place for the appearances.

j. Such other reasonable terms as the Board may wish to impose during the probationary period.

7. By entering into this Order, Respondents voluntarily waive any right to a contested case hearing on the allegation contained in the Notice of Hearing and Statement of Charges and voluntarily waive any objections to the terms of this Order, including the right to appeal.

8. This Order is voluntarily submitted by Respondents to the Board for consideration. Respondents agree that counsel for the State may present this Order to the Board.

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

10. This Order shall be part of each Respondent's permanent record and shall be considered by the Board in determining the nature and severity of

any discipline to be imposed as a result of future disciplinary proceedings.

11. In the event Respondents violate or fail to comply with any of the terms of this Order, the Board may initiate action to revoke or suspend Respondents' licensees or to impose other licensee discipline in accordance with Iowa Code § 272C.3(2)(a).

12. Upon Board approval, this Order shall become a public record available for inspection and copying.

13. The Board's approval of this Order shall constitute a FINAL ORDER.

This Stipulation and Consent Order is approved by the Board July 12, 2010.