BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES

IN THE MATTER OF: Case No. CO 09-95
REGAL NAILS STIPULATION AND
License No. 008716 CONSENT ORDER
and
PHONG VAN LUU owner
License No. 00666
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 (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a disciplinary proceeding pending before the Board.

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

1. Respondent Regal Nails is located at 1002 SE National Dr., Ankeny, IA 50021 and holds license 008716.

2. A Notice of Hearing and Statement of Charges against Respondent Regal Nails was adopted by the Board on August 24, 2010.

3. The Board has jurisdiction over Regal Nails and jurisdiction over the subject matter of these proceedings.
4. Respondent Regal Nails has chosen not to contest the allegations set forth in the Notice of Hearing and Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

5. On the date of the Board’s approval of this Stipulation and Consent Order, Respondent Regal Nails’ license shall be placed on probation on terms which shall include the following:
   a. Respondent Regal Nails agrees to comply with the terms of probation.
   b. The period of probation shall be 1 (one) year, provided, however, that only those periods during which Regal Nails has a valid license issued by the Board shall count toward exhaustion of the probationary period.
   c. Respondent Regal Nails shall be assessed a civil penalty in the amount of $1000. This civil penalty shall be paid within thirty (30) days 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.
   d. Respondent Regal Nails shall obey all federal and state laws, rules, and regulations related to the practice of cosmetology.
   e. Respondent Regal Nails shall report to the Board quarterly, in a typewritten format. The report shall include Regal Nails’ place of business or employment, current address and phone number, Regal Nails’ 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.

f. Respondent Regal Nails shall inform the Board, in writing, of any change of business address, place of employment, or work telephone number, within ten (10) days of such a change.

g. Respondent Regal Nails shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing its performance during the probationary period. Respondent Regal Nails shall be given reasonable notice of the date, time, and place for the appearances.

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

6. By entering into this Order, Respondent Regal Nails voluntarily waive any right to a contested case hearing on the allegations 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.

7. This Order is voluntarily submitted by Respondent Regal Nails to the Board for consideration. Respondent Regal Nails agrees that counsel for the State may present this Order to the Board.

8. 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.
9. This Order shall be part of Respondent Regal Nail'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.

10. In the event Respondent Regal Nails violates or fails to comply with any of the terms of this Order, the Board may initiate action to revoke or suspend Regal Nails license or to impose other licensee discipline in accordance with Iowa Code 272C.3(2)(a).

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

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

This Stipulation and Consent Order is approved by the board December 16, 2010.