

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

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|--------------------|---|---------------------|
| IN THE MATTER OF: |) | |
| |) | NO. 07-038 |
| Nails Envy |) | DIA NO. 09DPHCE017 |
| License No. 011289 |) | |
| |) | BOARD ORDER DENYING |
| Aaron Le |) | APPLICATION FOR |
| License No. 01676 |) | REHEARING |
| |) | |

RESPONDENTS

On August 31, 2009, the Iowa Board of Cosmetology Arts & Sciences (Board) issued a Notice of Hearing and Statement of Charges charging Respondent Nails Envy, a licensed salon in the state of Iowa, and its owner, Aaron Le, a licensed nail technician, with seven counts, including failure to comply with a previous settlement agreement entered into with the Board on February 26, 2008. Hearing was scheduled for October 5, 2009 at 9:30 a.m. Respondents failed to appear for hearing. On November 2, 2009, the Board issued Findings of Fact, Conclusions of Law, Decision and Order revoking Respondents' licenses.

On November 9, 2009, Respondents filed an Application for Rehearing, pursuant to Iowa Code section 17A.16(2)(2009). Respondents admitted receipt of the notice of hearing, but asserted that Respondent Aaron Le, a Vietnamese immigrant, has difficulty understanding and complying with governmental regulations, requirements, notices and other governmental and business communications and practices. Respondents further asserted that Respondent Aaron Le expected to be offered a proposed settlement agreement.

On November 16, 2009, the Board met by telephone conference call to consider the Application for Rehearing and voted in open session to deny it. As licensees, Respondents are legally responsible for learning and complying with the laws and regulations governing their business operations. Respondents had more than adequate notice of hearing and were aware of Board disciplinary procedures through the Board's prior disciplinary action against them. The circumstances do not justify granting the rehearing.

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IT IS THEREFORE ORDERED that the Application for Rehearing, filed by Respondents Nails Envy and Aaron Le on November 9, 2009, is hereby DENIED.

This board order denying application for rehearing is approved by the board on November 16, 2009.

Pursuant to Iowa Code section 17A.19(2009) and 645 IAC 11.29, any appeal to the district court from a decision in a contested case shall be taken within 30 days from the issuance of the decision by the board. The appealing party shall pay the full costs for the transcript of the hearing. 645 IAC 11.23.