

**THE IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES**

**IN THE MATTER OF**

Thanh T. Ho  
License No. 081747,

And

Lavish Nail Bar  
License No. 110317

**RESPONDENTS.**

**CASE NO.: 23IDPHBCAS0003  
[CO 21-0019]**

**SETTLEMENT AGREEMENT AND  
FINAL ORDER**

**COMES NOW** the Iowa Board of Barbering and Cosmetology Arts and Sciences (“Board”) and Thanh T. Ho and Lavish Nail Bar (“Respondents”), pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement and Final Order.

1. **Iowa License.** Respondent Thanh T. Ho holds Iowa license number 081747 and Lavish Nail Bar holds license number 110317.

2. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapter 17A, 157, and 272C and Administrative Code chapter 645.

**A. STIPULATIONS**

3. **Statement of Charges:** On November 9, 2022, the Board filed a Statement of Charges charging Respondents under Iowa Administrative Code rule 645—65.2(28) with two counts of permitting unlicensed employees or persons under the Respondents’ control to perform activities that require a nail technology or cosmetology license per Iowa Code §§ 157.1(6), 157.1(24), and 157.2(1).

4. **Allegations:** The Board received a complaint alleging Respondents violated the Board's rules. Board investigator Maureen Barton made an unannounced visit and found two individuals without licenses were providing nail and services to clients.

**B. SETTLEMENT AGREEMENT**

5. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

6. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondents will be issued a citation and warning for Counts I and II in the Statement of Charges.

b. Respondents will pay a civil penalty of \$7,500. Payment of the civil penalty will be due within six (6) months of the date of this Order. Respondents may contact the Board to request a payment plan and make any necessary arrangement to ensure timely payment of the civil penalty.

7. In accepting this Settlement Agreement, Respondents acknowledge the following:

a. This Settlement Agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

b. Counsel for the State will present this Settlement Agreement to the Board *ex parte*.

c. I have the right to be represented by counsel in this matter.

d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive

my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.

e. I waive my ability to review the investigative file in this case.

f. I understand this Settlement Agreement will be part of my permanent licensure file and may be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

g. I am voluntarily entering into this Settlement Agreement.

h. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

8. This Settlement Agreement constitutes discipline in accordance with Administrative Code rule 645—12.1 and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

9. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a).

10. This Settlement Agreement shall not preclude the Board from taking additional action against Respondents should Respondents violate laws, rules, or standards of practice administered by the Board in the future.

11. This Settlement Agreement and Final Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

12. This Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

### C. FINAL ORDER

**WHEREFORE**, the Respondents and the Board agree to be bound by the terms of this agreement and order. **IT IS THEREFORE ORDERED** Respondents will be issued a citation and warning for Counts I and II in the Statement of Charges. Respondents will pay a civil penalty of \$7,500. Payment of the civil penalty will be due within six (6) months of the date of this Order. Respondents may contact the Board to request a payment plan and make any necessary arrangement to ensure timely payment of the civil penalty.

#### FOR THE RESPONDENTS:

Voluntarily agreed to and accepted by Respondents on this 5th day of August, 2024.



By: Than T. Ho, Respondent, individually and on behalf of Lavish Nail Salon

RESPONDENTS

#### FOR THE BOARD:

Voluntarily agreed to and accepted by the **IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES** on this 19th day of August, 2024.