

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

IN THE MATTER OF THANH TUYEN THI NGUYEN License No. 066336 RESPONDENT	CASE NO.: 22-0395 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Barbering and Cosmetology Arts and Sciences Board (“Board”) and Thanh Tuyen Thi Nguyen (“Respondent”), and enter into this combined Statement of Charges and Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 481 Iowa Administrative Code rule 506.5.

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa Nail Technologist license 066336 on July 22, 2008. Respondent’s Iowa Nail Technologist license is active and will next expire on March 31, 2026. Respondent was issued Iowa Establishment license 014648 on April 9, 2013. Respondent’s Iowa Establishment license is active and will next expire on December 31, 2024.
2. **Practice Setting.** Respondent is an Iowa licensed nail technician who practiced in Fort Dodge, Iowa, during the time period relevant to these allegations. Respondent currently lives in the State of Iowa.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 157, and 272C and 481 Iowa Administrative Code rule 945.
4. **Allegations.** On December 19, 2022, the Board received a complaint alleging Respondent gave a pedicure to a salon patron which resulted in the patron contracting a Staph infection. On December 14, 2023, Board investigator Michael Nairn conducted an unannounced inspection and

found two individuals providing services to two patrons. One of the individuals, Respondent, had an active license, but the other individual was not licensed. Respondent's facilities contained cluttered and dirty workstations with open containers on them, a cluttered storage area with a bad odor, unlabeled containers at workstations, and an uncovered eye brow wax with used sticks sitting in it. Additionally, two fire extinguishers in the salon had not been inspected since 2018. Five months after Nairn conducted his initial visit, the Board received another complaint that an unlicensed individual was providing services at Respondent's establishment.

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under 645 Iowa Administrative Code rule 63.14 (2023) for failing to dispose of single-use items immediately after use.

COUNT II

6. Respondent is charged under 645 Iowa Administrative Code rule 63.16(1) (2023) for failing to keep products used for clients in closed, labeled containers.

COUNT III

7. Respondent is charged under 645 Iowa Administrative Code rule 63.16(2)"b" (2023) for failing to discard wood applicators after one use.

COUNT IV

8. Respondent is charged under 645 Iowa Administrative Code rule 63.22 (2023) for failing to keep all areas of the salon clean.

COUNT V

9. Respondent is charged under 645 Iowa Administrative Code rule 63.26(4) (2023) for

failing to keep wax free of debris and covered when not in use.

COUNT VI

10. Respondent is charged under 645 Iowa Administrative Code rule 65.2(2) (2023) with engaging in professional incompetency.

COUNT VII

11. Respondent is charged under 645 Iowa Administrative Code rule 65.2(11) (2023) with negligence in the practice of the profession.

COUNT VIII

12. Respondent is charged under 645 Iowa Administrative Code rule 65.2(13) (2023) with violation of a regulation, rule or law of this state, another state, or the United States, which relates to the practice of the profession.

COUNT IX

13. Respondent is charged under 645 Iowa Administrative Code rule 65.2(28) (2023) for permitting an unlicensed employee or person under the licensee's control to perform activities that require a license.

C. SETTLEMENT AGREEMENT

14. 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.

15. To resolve this matter without proceeding to hearing, Respondent agrees to come into compliance with the requirements of 481 Iowa Administrative Code chapter 943 regarding infection control for establishments of barbering and cosmetology arts and sciences.

16. In entering this Order, Respondent acknowledges the following:

- a. This Order 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 Order 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 Order 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 Order.
- h. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
- i. I understand the Board will report this Order to the National Practitioner Databank. The report to the database will reflect the language included in this Order.
- j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.

12. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Board approval of this Order.

13. This Order constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

14. This Order shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

15. This 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.

16. The Board's approval of this Order shall constitute a Final Order of the Board.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. **CITATION AND WARNING:** Respondent is hereby **CITED** for violations of 645 Iowa Administrative Code rules 63.14 (2023), 63.14(1) (2023), 63.16(2)"b" (2023), 63.22 (2023), 63.26(4) (2023), 65.2(2) (2023), 65.2 (11) (2023), 65.2(13) (2023), and 65.2(28) (2023). Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action against Respondent's Iowa Nail Technologist license.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Thanh Tuyen Thi Nguyen on this Wednesday of 11/6/2024, 2024.


By: Thanh Tuyen Thi Nguyen, Respondent

FOR THE IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES:

Voluntarily agreed to and accepted by the **IOWA BOARD OF BARBERING AND**

COSMETOLOGY ARTS AND SCIENCES on this 18 day of November,
2024.

/s/ Cynthia Hummel

Cynthia Hummel, Chair
Iowa Board of Barbering and
Cosmetology Arts and Sciences