

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

IN THE MATTER OF

**AN DUC PHAM
License No. 002054**

RESPONDENT

CASE NO.: 23-0344

**COMBINED STATEMENT OF
CHARGES, SETTLEMENT
AGREEMENT, AND FINAL ORDER**

COME NOW the Iowa Barbering and Cosmetology Arts and Sciences Board (“Board”) and An Duc Pham (“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 002054 on December 21, 2009. Respondent’s Iowa nail technologist license is active and will next expire March 31, 2026.
2. **Practice Setting.** Respondent is an Iowa licensed nail technologist who practiced in Cedar Rapids, 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, 272C and 481 Iowa Administrative Code rule 945.
4. **Allegations.** On September 15, 2023, the Board received a complaint alleging two employees at Respondent’s salon injured the nails of two different clients. On or about March 29, 2024, Board investigator Maureen Barton conducted an unannounced visit of Respondent’s salon. During the visit Barton noted unlabeled bottles described as disinfectant, the lack of a sharps

container, improperly kept wax, and the lack of a cleaning log for the pedicure bowls.

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under 645 Iowa Administrative Code 65.2(2) (2023) for engaging in professional incompetency.

COUNT II

6. Respondent is charged under 645 Iowa Administrative Code 63.11(2) (2023) for failing to have a biohazard sharps container on the premises.

COUNT III

7. Respondent is charged under 645 Iowa Administrative Code rules 63.16(1) (2023) and 63.26 (2023) for improperly keeping wax.

COUNT IV

8. Respondent is charged under 645 Iowa Administrative Code 63.25(3) (2023) for failing to maintain a record of daily cleaning and disinfecting of pedicure stations.

C. SETTLEMENT AGREEMENT

9. 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.

10. To resolve this matter without proceeding to hearing, Respondent agrees to pay a civil penalty in the amount of \$1,000.

11. 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. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of \$1,000.00 dollars. Respondent shall make his check payable to the "State of Iowa" and mail the check to:

Iowa Board of Barbering and Cosmetology Arts and Sciences
C/O Mary Collins, Executive Officer
6200 Park Avenue
Des Moines, Iowa 50321

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by An Duc Pham on this 27 day of

1-27-2025


By: An Duc Pham, 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 SCEINCES** on this 17 day of February, 2024.



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