ORIGINAL

BEFORE THE BOARD OF COSMETOLOGY

STATE OF IDAHO

In the Matter of the Licenses of:	)	
	)	
HIEN DUC PHAM,	)	Case Nos. COS-2009-25
License No. NT-1870, and	)	COS-2010-110
	)	
HAPPY NAILS,	)	**NOTICE OF VIOLATION AND**
License No. CS-233939,	)	**SETTLEMENT ORDER**
	)	
Respondents.	)	
	)	

NOTICE OF VIOLATION:

You are hereby notified that, based upon an inspection by the Idaho Bureau of Occupational Licenses on behalf of the Idaho Board of Cosmetology ("Board"), the following violations of the Cosmetology Act, title 54, chapter 8, Idaho Code, were found:

Date of Inspection: June 12, 2009
Name of Facility: Happy Nails
Location of Facility: 3904 W. Mullan Avenue, Suite F
Post Falls, ID 83854

☒ You were found to be allowing an unlicensed individual, Jessica Nguyen, to practicing cosmetology in violation of Idaho Code §§ 54-816(8) (violation of the Cosmetology Act), 54-803(2) (unlawful to employ or to allow to be employed an unlicensed individual), and 54-819(2) (unlawful to permit any unlicensed person in one's employ, supervision or control to practice cosmetology).

If you accept the allegations of this Notice of Violation and wish to settle this matter under the terms below, please sign and return this document on or before **June 21, 2010**, to:

Idaho Bureau of Occupational Licenses
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702-5642

TERMS OF SETTLEMENT:

1. This settlement is a disciplinary action. I have read, understand and admit the violation(s) set forth above. I understand and agree that the Board regulates the practice of cosmetology and the operation of cosmetology establishments in the State of Idaho in accordance with title 54, chapter 8, Idaho Code. I further understand and agree that the allegations stated above constitute cause for disciplinary action upon my license(s) to practice cosmetology and/or to operate a cosmetology establishment in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of cosmetology and the operation of a cosmetology establishments in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this settlement as a resolution of the pending allegations.

3. I understand that in signing this Notice of Violation and Settlement Order I am enabling the Board to impose disciplinary action upon my license(s) without further process.

4. I agree to pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars ($1,000.00) within ninety ~~(90)~~ 180 HP days of entry of the Board's Order accepting this settlement.

5. I agree to pay to the Board its costs in bringing this matter in the amount of One Hundred and No/100 Dollars ($100.00) within ninety ~~(90)~~ 180 HP days of entry of the Board's Order accepting this settlement.

6. I agree to be placed on probation for two (2) years from the date of entry of the Board's Order. As conditions of probation, I agree to comply with the following terms:

a. I agree to comply with all state, federal and local laws, rules and regulations governing the practice of cosmetology and the operation of a cosmetology establishment in the State of Idaho, including all provisions of the Cosmetology Act, title 54, chapter 8, Idaho Code.

b. I agree to fully cooperate with the Board and its agents, and submit all requested documentation within a reasonable time after a request is made concerning my compliance with this Notice of Violation and Settlement Order.

c. I understand that any evidence of unlicensed practice by me or anyone employed by, supervised by, or under the control of me during the period of probation may result in further discipline, including revocation of licensure.

7. At the conclusion of the two-year probationary period and provided I have complied with all other terms of this Notice of Violation and Settlement Order, I may request termination of probation from the Board. Any request for termination of probation must be accompanied by written proof of compliance with the terms of this Notice of Violation and Settlement Order.

8. I understand that all costs associated with my compliance with the terms of this Notice of Violation and Settlement Order are my sole responsibility.

9. My violation of any of these terms may warrant further Board action. The Board retains jurisdiction over this matter until it is finally resolved.

10. The Bureau of Occupational Licenses will present this signed settlement to the Board. I understand that the Board may accept, modify with my approval, or reject this settlement, and that if the Board rejects this settlement, an administrative Complaint may be filed against me with the Board. I waive any right I may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has

considered and rejected this settlement. I do not waive any other rights regarding challenges to Board members.

11. If the Board rejects this settlement then, except for my waiver set forth in Paragraph 10, this settlement will be null and void, and admissions in this settlement will not be admissible at any subsequent disciplinary hearing.

DATED this 27th day of MAY, 2010.

Respondent

ORDER:

It is so ordered that this settlement be approved this 7 day of June, 2010.

IDAHO BOARD OF COSMETOLOGY

By Mary L. Lambert
Board Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Hien Duc Pham
Happy Nails
3904 E. Mullan Avenue, Suite F
Post Falls, ID 83854

- [x] U.S. Mail
- [ ] Hand Delivery
- [x] Certified Mail, Return Receipt Requested
- [ ] Overnight Mail
- [ ] Facsimile: _____

Tana Cory
Tana Cory, Chief
Bureau of Occupational Licenses