



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 22 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

VIP Nail Solutions, Inc.
C/O: Due H. Tran, Esq.
DHT LAW, P.L.L.C.
6521 Arlington Boulevard, Suite 401
Falls Church, Virginia 22042-3009

Re: Docket No.: FIFRA-04-2011-3001
VIP Nail Solutions, Inc.

2010-3024 SW

Dear Mr. Tran:

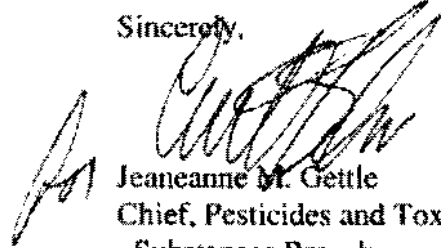
Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

As stated in Section V of the CAFO, the assessed penalty of \$250 is due within 30 days from the effective date. Please ensure that the face of the cashier's or certified check includes the name of the company and the docket number of this case.

Penalty payment questions should be directed to Ms. Jennifer Keene either by telephone at (513) 487-2103 or by written correspondence to her attention at the U.S. Environmental Protection Agency, Cincinnati Accounting Operations address identified in the CAFO. Should you have any questions about this matter or your compliance status in the future, please call me at (404) 562-8979 or Ms. Patricia Livingston at (404) 562-9171.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts your client on notice of its potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by EPA.

Sincerely,



Jeaneanne M. Gettle
Chief, Pesticides and Toxic
Substances Branch

Enclosures

cc: Mr. Tommy Gray
GA Dept. of Agriculture

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

IN THE MATTER OF:)
)
VIP Nail Solutions, Inc.)
)
)
Respondent.)
_____)

Docket No.: FIFRA-04-2011-3001

2010-3024
2011-03-27

CONSENT AGREEMENT AND FINAL ORDER

I. Procedural Background

1. This administrative proceeding for the assessment of a civil penalty was initiated pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (hereinafter "FIFRA"), 7 U.S.C. § 136l(a). Complainant, United States Environmental Protection Agency, (EPA) filed a Civil Complaint and Notice of Opportunity for Hearing (hereinafter "Complaint"), against Respondent, VIP Nail Solutions, on June 21, 2010, which alleges that the Respondent violated FIFRA. On July 19, 2010, Respondent filed an Answer to the Complaint. Pursuant to 40 C.F.R. § 22.18(b), Complainant and Respondent have entered into a settlement agreement to resolve these allegations. This Consent Agreement and Final Order (hereinafter "CAFO") embodies this settlement.

II. Factual Background and Allegations of Violation

2. On or about March 6, 2007, an inspector with the Georgia Department of Agriculture, duly authorized by EPA, conducted an inspection at Respondent's facility located at 4443 Washington Road, Evans, Georgia 30809.

3. At the time of the inspection, Respondent was making claims on its website that its product, "Sani-Soak Effervescent Sanitizing Pedicure Tablet" would "kill 99.9 percent of bacteria, fungus, and viruses." Additionally, Respondent's website claimed that "Chemical ingredients of this product have been approved by EPA since 1969 . . ." The inspector obtained four documentary samples of the Sani-Soak Effervescent Sanitizing Pedicure Tablet label during the inspection.
4. The "Sani-Soak Effervescent Sanitizing Pedicure Tablet" that was produced and offered for sale by Respondent on Respondent's website and at its retail facility, is a pesticide.
5. The product is a pesticide according to Section 2(u) of FIFRA, 7 U.S.C. § 136(u), which defines "pesticide" to include any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.
6. A pest is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).
7. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, unless otherwise authorized by EPA.
8. Respondent did not register with EPA its pesticide, "Sani-Soak Effervescent Sanitizing Pedicure Tablet," as required by FIFRA Section 3. Therefore, by distributing and selling an unregistered pesticide, Respondent violated section 12(a)(1)(A) of FIFRA, 42 U.S.C. § 136j(a)(1)(A).

2010-3004
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III. Consent Agreement

9. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth in the Complaint and neither admits nor denies the factual allegations set forth above.
10. Respondent waives its right to a hearing on the allegations contained in the Complaint and its right to appeal the proposed final order accompanying the consent agreement.
11. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.
12. Compliance with this CAFO shall resolve the allegations of the violations contained in this CAFO and in the Complaint. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
13. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.
14. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation. After consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), and the financial documentation submitted by Respondent, EPA has determined that the appropriate penalty amount that Respondent can pay to conclude this matter is \$250.

IV. Final Order

15. Respondent is assessed a civil penalty of **TWO HUNDRED FIFTY DOLLARS (\$250)** which shall be paid within 30 days from the effective date of this CAFO. Respondent shall remit the penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the check via U.S. mail to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000.

The check shall reference on its face the name of the Respondent and Docket Number of this CAFO.

16. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960;

Patricia Livingston
Pesticides Section
U.S. EPA – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960;

and

Saundi Wilson
Office of Environmental Accountability
U.S. EPA – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

17. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
18. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.
19. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
20. This CAFO shall be binding upon the Respondent, its successors and assigns.
21. The undersigned representative of each party to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

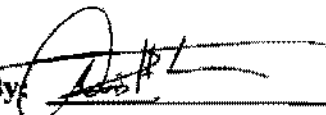
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V. Effective Date

22. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:


Respondent: VIP Nail Solutions, Inc.
Docket No.: FIFRA-04-2011-3001 ²⁰¹⁰⁻³⁰²⁴ *SN*

By:  (Signature) Date: 11/30/2010

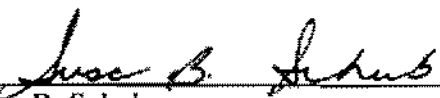
Name: Dae H. Tran (Typed or Printed)

Title: Attorney for Respondent (Typed or Printed)

Complainant: U.S. ENVIRONMENTAL PROTECTION AGENCY

By:  Date: 12/17/2010
Beverly H. Hanister, Director
Air, Pesticides and Toxics
Management Division
U.S. EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960

APPROVED AND SO ORDERED this 22nd day of Dec 2010.


Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of VIP Nail Solutions, Inc.,

Docket Number: FIFRA-04-~~2011-3001~~²⁰¹⁰⁻³⁰²⁴, to the addressees listed below.

Vinh Tran, Registered Agent
VIP Nail Solutions, Inc.
c/o Due H. Tran, Esquire
DHT Law, P.L.L.C.
6521 Arlington Blvd, STE 401
Falls Church, Virginia 22042-3009

(via Certified Mail, Return Receipt Requested)

Patricia Livingston
Pesticides Section
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303

(via EPA's internal mail)

Lucia Mendez
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, GA 30303

(via EPA's internal mail)

Date: 12-22-10



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St., SW
Atlanta, GA 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 12/23/10
(Name) (Date)

in the Region 4, ORC, OEA at (404) 562-9504
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required
Sent with bill

Other Receivable

Not sent with bill

This is an original debt

Oversight Billing - Cost Package not required

This is a modification

PAYEE: VIP Nail Solutions Inc
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 250
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: FIFRA 04 2010 3024

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: _____

The IFMS Accounts Receivable Control Number is: _____ Date: _____

If you have any questions, please call: _____ of the Financial Management Section at: _____

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:

- | | |
|--|---|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD)
3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD) |