STATE OF IOWA BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES EXAMINERS

IN THE MATTER OF: Helen's Nails License No. 002-010354)) CASE NO. 05-012) 05-018)
and))
Hang Baccam Ho, Owner License No. 840-01243) STATEMENT OF CHARGES)
RESPONDENTS.)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and states:

- 1. Respondent Helen's Nails presently possesses license number 002-010354 to operate a nail technology salon in the state of lowa. The license is current and will next expire on December 31, 2006. Board records indicate that Respondent's salon license was issued June 22, 2004, to Respondent Hang Baccam Ho, and the salon is located at 7450 Bridgewood Blvd., Suite 220, West Des Moines, Iowa 50266. Hang Baccam Ho's nail technology license number 840-01243, was issued on March 3, 2003, and will expire on March 31, 2007.
- The Board has jurisdiction of this matter pursuant to Iowa Code chapters
 17A, 157, and 272C (2005). Licenses issued by the Board are subject to the laws of the
 State of Iowa and the administrative rules promulgated by the Board.
 - 3. The penalties authorized under lowa law which the Board may impose for

engaging in prohibited conduct include but are not limited to imposition of a civil monetary penalty up to \$1,000 and/or revocation of the licensee's cosmetology salon license. See Iowa Code sections 157.9, 272C.3 (2005) and 645 Iowa Administrative Code (IAC) rules 13.1 and 65.3.

STATEMENT OF CHARGES

COUNT I

4. Respondent salon is charged under 147.55, 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 65.2(3) and 65.2(13) by engaging in practices that are harmful or detrimental to the public and operating its nail technology salon in violation of 645 IAC rule 63.18 and 63.16(1).

CIRCUMSTANCES

- 5. During an inspection of Respondent salon on April 12, 2005, cosmetic products were found containing substances which have been banned or otherwise deemed hazardous or deleterious by the FDA for use in cosmetic products, including products containing methyl methacrylate.
 - 6. Dispensers containing cosmetic products were not properly labeled.

COUNT II

7. Respondent salon is charged under 147.55(3),(8), 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 65.2(3) and 65.2(11) by engaging in practices that are harmful or detrimental to the public and operating its nail technology salon in violation of 645 IAC rule 63.10(6), 63.12(1), 63.16(3) and 63.17(4).

CIRCUMSTANCES

8. During an inspection of Respondent salon on April 12, 2005, it was found

that pedicure bowls used by employees for salon implements were not properly cleaned. A nail buffer that cannot be sanitized was reused. Emery boards were reused rather than being given to the client or discarded. The inspection resulted from complaints by customers that they had likely contracted nail fungus diseases as the result of improper sanitation at the salon.

9. Material Safety Data Sheets (MSDS) were not on file in the salon as required by OSHA.

COUNT III

10. Respondent salon is charged with failing to post employees' licenses and posting its salon's license in violation of Iowa Code section 147.7 and 157.13 and 645 IAC rules 61.5 and 63.3.

CIRCUMSTANCES

- 11. An investigation of the salon on April 12, 2005 revealed three employees present providing nail technology services. One was unlicensed and another had a lapsed license. No practitioner licenses were posted.
- 12. The salon license itself was not posted where it was visible to the public on April 12, 2005. Licenses of employees and the salon were still not visibly posted as of June 30, 2005.

COUNT IV

13. Respondent Hang Baccam Ho, is charged with failing to ensure that the salon's employees held a current and valid lowa license in violation of Iowa Code section 157.13 and 645 IAC rule 63.4(1).

CIRCUMSTANCES

14. An investigation of the salon on April 12, 2005 revealed three employees present and performing services. One of the employees serving clients at the time of the inspection was unlicensed and a second had a lapsed license.

On August 3, 2005, the Board found probable cause to file this Statement of Charges and to order a hearing set in this case.

This statement of charges is approved by the board on August 3, 2005.