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

IN THE MATTER OF:	)	
	)	NO: 04-008
CLASSIC NAILS & TANNING	)	
Probationary License No. 002-009949,	)	**STATEMENT OF CHARGES**
	)	
RESPONDENT	)	

Binh Q. Phung
Owner of Classic Nails & Tanning
550 South Gear Avenue
West Burlington, Iowa 52655

TO THE ABOVE NAMED RESPONDENT:

1. On or about August 20, 2003, the Iowa Board of Cosmetology Arts and Sciences Examiners ("Board") issued cosmetology salon license number 002-009940 to the Respondent. Respondent's license to operate a cosmetology salon is current until December 31, 2005. Board records indicate that Binh Q. Phung is the owner of Respondent Classic Nails & Tanning. Respondent's last known address is 550 South Gear Avenue, Burlington, Iowa 52655.

2. 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 Iowa law which the Board may impose against any licensed cosmetology salon found to have engaged 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 (2003) and 645 Iowa Administrative Code (IAC) rules 13.1 and 65.3.

4. Pursuant to Iowa Code chapters 17A, 157, and 272C (2003), the Board has jurisdiction of this matter.

COUNT I

5. Respondent is charged with engaging in practices that are harmful or detrimental to the public by operating its nail technology salon in violation of Iowa Code section 157.6 and 645 IAC rule 63.18.

CIRCUMSTANCES

6. During an inspection of Respondent salon on November 18, 2003, 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, in violation of 645 IAC rule 63.18.

7. Pursuant to Iowa Code sections147.55, 157.9, 272C.3(2) (2003) and 645 IAC rule 65.2(3), a license issued by the Board is subject to discipline if the licensee engages in practices that are harmful or detrimental to the public.

8. Pursuant to Iowa Code sections 157.6, 157.9, 157.13, 157.14 and 645 IAC 65.2(13), a license issued by the Board is subject to discipline if a licensee violates a rule promulgated by the Board.

FINDING OF PROBABLE CAUSE

On February 4, 2004, the Board found probable cause to file this Statement of Charges and to order a hearing set in this case.

This Statement of Charges was approved by the board on May 5, 2004.