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

IN THE MATTER OF:	)	
	)	NO: 03-051
ANDY'S NAILS	)	
License No. 002-009496,	)	**STATEMENT OF CHARGES**
	)	
RESPONDENT	)	

Diep N. Vo
Owner, Andy's Nails
5130 SE 14th
Des Moines, Iowa 50320

TO THE ABOVE NAMED RESPONDENT:

1. On or about December 9, 2002, the Iowa Board of Cosmetology Arts and Science Examiners (Board) issued cosmetology salon license number 002-009496 to Respondent. Board records show that Diep N. Vo (a/k/a Andy Vo) is the owner of Respondent Andy's Nails. Respondent's last known address is 5130 SE 14th, Des Moines, Iowa 50320.

2. Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board. At all times relevant to the conduct alleged in this Statement of Charges, Respondent's salon license was active and current.

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 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, 65.2, 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 Iowa Administrative Code (IAC) rules 63.12(1) and 63.18.

CIRCUMSTANCES

6. During an inspection of Respondent salon on October 13, 2003, deficiencies in sanitation measures were discovered including:

a. Metal instruments and/or equipment were improperly sanitized in violation of 645 IAC rule 63.12(1); and

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

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

FINDING OF PROBABLE CAUSE

On November 5, 2003, 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 February 4, 2004.