

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

IN THE MATTER OF)	
)	
CLASSIC NAILS & TANNING)	NO: CO 00-044
License No. 002-008500)	
)	
RESPONDENT)	STATEMENT OF CHARGES
)	

Thao Da Nguyen
Owner of Classic Nails & Tanning
550 South Gear Avenue
Burlington, IA 52655

TO THE ABOVE NAMED RESPONDENT:

1. On or about September 25, 2000, the Iowa Board of Cosmetology Arts and Sciences Examiners (hereafter "Board") issued cosmetology salon license number 002-008500 to the Respondent. Respondent's license to operate a cosmetology salon is current until December 31, 2002. Board records show that Thao Da Nguyen is the owner of Respondent Classic Nails & Tanning.

Respondent's last known address was 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 imposition of a civil money penalty up to \$1,000 and/or revocation of the licensee's cosmetology salon license. See Iowa Code §§ 157.9, 272C.3 (2001), 645 Iowa Admin. Code §§ 13.1, 65.1(1).

4. Pursuant to Iowa Code Chapters 17A, 157, and 272C (2001) the Iowa Board of Cosmetologist Arts and Sciences (Board) has jurisdiction of this matter.

COUNT I

Respondent salon is charged with engaging in practices that are harmful or detrimental to the public by permitting the use of a recognized dangerous substance (Methyl Methacrylate) on consumers receiving nail technology services. See Iowa Code § 157.9 (2001); 645 Iowa Admin. Code § 65.12(1)(c).

CIRCUMSTANCES

5. During an inspection of the Respondent salon on October 31, 2001, an employee of the Respondent identified the liquid product used in the Respondent salon to seal and fill artificial nails applied to the salon's consumers of nail technology services. The person conducting the inspection obtained a sample of the liquid identified as the product used to seal and fill artificial nails in the Respondent salon.

6. The samples of the liquid were tested by the University of Iowa Hygienic Laboratory in Iowa City, Iowa. The U. of I. Hygienic Lab determined that the test samples contained a detectable level of Methyl Methacrylate (MMA).

7. The Food and Drug Administration (FDA) has determined that Methyl Methacrylate is a "poisonous and deleterious" ingredient when used in liquid

monomer. It is widely known within the nail technology industry that the use of nail sealer or filler products containing Methyl Methacrylate possess a potential health and safety hazzard to the consumers of nail technology services.

8. Licenses issued by the Board are subject to discipline if licensees engage in practices that are harmful or detrimental to the public. See Iowa Code §§ 147.55 (1999), 157.9; 272C.3(2) (2001); 645 Iowa Admin. Code § 65.12(1)(c).

9. The respondent has engaged in conduct that violates the laws and rules governing the practice of cosmetology arts and sciences in the State of Iowa and the Board has jurisdiction to initiate a disciplinary proceeding in this case.

COUNT II

Respondent is charged with permitting an unlicensed employee or person under the licensee's control to perform activities requiring a license. See Iowa Code §§ 157.2, 157.3, 157.13 (2001); 645 Iowa Admin Code § 65.1(9)a.

CIRCUMSTANCES

10. During an inspection of the Respondent salon on October 31, 2001, Person #1 was witnessed by the person conducting the inspection to be performing nail technology services at the Respondent salon.

11. At the time of the inspection, Person #1 was not licensed by the Board to perform nail technology services in the State of Iowa.

12. Nail technology is a cosmetology arts and sciences practice. See Iowa Code § 157.1(3) (2001). Iowa law provides that practitioners of cosmetology arts

and sciences must possess a license issued pursuant to Iowa Code Section 157.3.

See Iowa Code § 157.2.

13. By employing or permitting persons without an Iowa license to perform cosmetology arts and sciences, the Respondent's salon license is subject to discipline. See Iowa Code § 157.9; 645 Iowa Admin. Code § 65.1(9)a.

14. The respondent has engaged in conduct that violates the laws and rules governing the practice of cosmetology arts and sciences in the State of Iowa and the Board has jurisdiction to initiate a disciplinary proceeding in this case.

FINDING OF PROBABLE CAUSE

On February 5, 2002, the Iowa Board of Cosmetology Arts and Sciences Examiners 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 April 16th, 2002.