

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

IN THE MATTER OF:)	
)	NO: 01-005
PARIS NAILS)	
License No. 002-A00478)	STATEMENT OF CHARGES
)	
RESPONDENT)	

Paris Nails, Inc.
% Bao Nguyen
1451 Coral Ridge Avenue
Coral Ridge Mall, #200
Coralville, Iowa 52241

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 Bao Nguyen is the owner of Respondent Paris Nails. Respondent's last known address is 1451 Coral Ridge Avenue, Coral Ridge Mall, #200, Coralville, Iowa.

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 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 65.1 (publ. 2/21/01).

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 operating its nail technology salon without a current license in violation of Iowa Code section 157.11 and 645 IAC rules 61.1(6)(f).

CIRCUMSTANCES

6. An inspection of Respondent salon was conducted on June 19, 2003. Board records indicate at the time of the inspection, Respondent's salon license was lapsed.

7. Nail technology is a cosmetology arts and sciences practice pursuant to Iowa Code section 157.1(3). Iowa Code section 157.11 and 645 IAC rule 61.1(6)(f) prohibit the operation of a salon without a current salon license.

COUNT II

Respondent is charged with the failure to display required licensing documentation for Respondent salon in violation of 645 IAC rule 63.2.

CIRCUMSTANCES

8. During an inspection of Respondent salon on June 19, 2003, it was revealed that Respondent salon's salon license was expired and neither the original license nor a current renewal was posted in an area visible to the public.

9. Pursuant to Iowa Code section 147.55 and 645 IAC rule 65.1(2), a license issued by the Board is subject to discipline if a licensee violates a rule promulgated by the Board.

COUNT III

Respondent is charged with employing an individual to practice cosmetology arts and sciences without a license in violation of Iowa Code section 157.13 and 645 IAC rule 65.1(9)(a).

CIRCUMSTANCES

10. During an inspection of Respondent salon on June 19, 2003, two persons in Respondent salon were indicated to the person conducting the inspection to be employees of Respondent salon employed to perform nail technology services.

11. Licenses for the two employees were presented to the person conducting the inspection, however, the licenses of both Employee #1 and #2 were expired.

12. Nail technology is a cosmetology arts and sciences practice pursuant to Iowa Code section 157.1(3). Iowa Code section 157.13 and 645 IAC rule 65.1(9) prohibit the employment of an individual to practice cosmetology arts and sciences unless that individual is licensed.

COUNT IV

13. Respondent is charged with engaging in practices that are harmful or detrimental to the public by failing to maintain its salon in a sanitary condition in violation of Iowa Code section 157.6 and 645 IAC rule 63.4(1).

CIRCUMSTANCES

14. A sanitation inspection of Respondent salon was conducted on June 19, 2003. The inspection revealed several deficiencies including:

- a. Unsanitary carpeting;
- b. Unsanitary cabinets; and

c. Portions of Respondent salon being used as a sleeping area for employees.

15. Pursuant to Iowa Code section 147.55 and 645 IAC rule 65.1(1)(c), a license issued by the Board is subject to discipline if a licensee engages in a practice harmful or detrimental to the public.

16. Pursuant to Iowa Code section 147.55 and 645 IAC rule 65.1(2), a license issued by the Board is also subject to discipline if a licensee violates a rule promulgated by the Board.

COUNT V

17. Respondent is charged with engaging in practices that are harmful or detrimental to the public in its use of nail buffers in violation of Iowa Code section 157.6 and 645 IAC rule 63.5(3).

CIRCUMSTANCES

18. A sanitation inspection of Respondent salon conducted on June 19, 2003, revealed the presence of used nail buffers.

19. Pursuant to Iowa Code section 147.55 and 645 IAC rule 65.1(1)(c), a license issued by the Board is subject to discipline if a licensee engages in a practice harmful or detrimental to the public.

20. Pursuant to Iowa Code section 147.55 and 645 IAC rule 65.1(2), a license issued by the Board is also subject to discipline if a licensee violates a rule promulgated by the Board.

COUNT VI

21. Respondent is charged with violation of the terms of a settlement agreement entered into and issued by the Board in violation of 645 IAC rule 65.1(4).

CIRCUMSTANCES

22. An inspection of Respondent salon on June 19, 2003, revealed violations of the terms of a Settlement Agreement and Consent Order (Order) entered into and issued by the Board on October 17, 2002, attached as Exhibit 1.

23. Pursuant to the Order, Respondent salon was placed on probation for a period of one year beginning October 17, 2002.

24. The inspection revealed that Respondent salon violated the terms of the Order in that it failed to comply with all relevant statutes and administrative rules in the course of the operation of Respondent salon as a nail technology salon as described above.

25. Pursuant to Iowa Code section 147.55 and 645 IAC rule 65.1(4), a license issued by the Board is subject to discipline if a licensee violates the terms of a settlement agreement entered into and issued by the Board.

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.