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

IN THE MATTER OF:	)	
	)	NO: 04-002
NAIL SPA,	)	
License No. 002-009057,	)	**STATEMENT OF CHARGES**
	)	
RESPONDENT.	)	

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

1. On or about December 11, 2002, the Iowa Board of Cosmetology Arts and Sciences Examiners ("Board") issued cosmetology salon license number 002-009057 to Respondent. Respondent's license to operate a cosmetology salon is current through December 31, 2004.

2. Board records indicate that Jenny Juynh-Le is the owner of Respondent Nail Spa. Respondent's last known address is 2511 Hamilton Boulevard, Sioux City, Iowa 51104.

3. Licenses issued by the Board are subject to the laws of the state of Iowa and the administrative rules promulgated by the Board.

4. 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.

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

COUNT I

6. Respondent engaged 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.

COUNT II

7. Respondent violated a rule and law of the state of Iowa relating to the practice of cosmetology by operating its nail technology salon in violation of Iowa Code section 157.6 and 645 IAC 63.18.

CIRCUMSTANCES OF COUNTS I AND II

8. 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.

9. Pursuant to Iowa Code sections147.55, 157.9, 272C.3(2) 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.

10. 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.

COUNT III

11. Respondent engaged 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 63.5(4).

COUNT IV

12. Respondent engaged 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 63.22(2).

COUNT V

13. Respondent engaged 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 rules 63.10(3) and (6), and 63.12(1).

COUNT VI

14. Respondent violated a rule and law of the state of Iowa relating to the practice of cosmetology by operating its nail technology salon in violation of Iowa Code section 157.6 and 645 IAC rules 63.5(4), 63.22(1), 63.10(3) and (6), and 63.12(1).

CIRCUMSTANCES OF COUNTS III-VI

15. A sanitation inspection of Respondent salon was conducted on February 23, 2004. The inspection revealed several deficiencies including:

a. unsanitary walls, ceilings, and/or floors;

b. unsanitary seating and cabinetry;

c. unsanitary workstations;

d. improperly and/or not sanitized non-electrical instruments and/or equipment.

16. Pursuant to Iowa Code sections147.55, 157.9, 272C.3(2) 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.

17. 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 May 5, 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 August 4, 2004.