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

IN THE MATTER OF:	)	
	)	
Secret Nails,	)	**CASE NO. 06-117; 06-118; 06-134**
License No. A00509	)	
and	)	
Thanh Vu Nguyen	)	**NOTICE OF HEARING**
License No. 840 00740	)	**AND STATEMENT OF CHARGES**
and	)	
Thanh Hoang Nguyen	)	
License No. 840 00756	)	
	)	
Respondents.	)	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences and files this Notice of Hearing pursuant to Iowa Code Sections 17A.12(2) and 17A.18(3). Respondent Thanh Vu Nguyen holds practitioner license no. 840 00740. Respondent Thanh Hoang Nguyen holds practitioner license no. 840 00756. The above named Respondents are co-owners of Respondent salon, Secret Nails, and hold a license to operate a salon no. A00509. All licenses are now current.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A disciplinary contested case hearing shall be held before the Board of Cosmetology Arts and Sciences on the 1st day of August 2007, at 9:00 a.m. at the Lucas State Office Building, 5th Floor Board Conference Room #526, Des Moines, Iowa.

2. **Answer**. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 645 Iowa Administrative Code 11.12 to file an Answer. In that Answer you should state whether you will require an adjustment of the date and time of the hearing.

3. **Presiding Officer.** The Board shall serve as presiding officer at the hearing, pursuant to Iowa Code section 272C.6(1) and 645 Iowa Administrative Code 11.8. The Board may request an Administrative Law Judge make initial rulings on prehearing matters and be present to assist and advise the Board at hearing as described in 645 Iowa Administrative Code (IAC) 11.8.

4. **Hearing Procedures.** At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you. The procedural rules governing the conduct of the hearing are found at 645 Iowa Administrative Code Chapter 11.

5. **Prosecution**. The officer of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Emily Kimes-Schwiesow, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa.

B. LEGAL AUTHORITY AND JURISDICTION

6. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 157, and 272C (2007).

7. **Legal Authority.** If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 157 and 272C (2007) and 645 Iowa Administrative Code Chapter 65.

8. **Default.** If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 645 Iowa Administrative Code section 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

9. Respondent is charged with employing an individual(s) to practice cosmetology arts and sciences without a license in violation of Iowa code section 157.13(1) and 645 Iowa Administrative Code 65.2(28).

COUNT II

10. Respondent is charged with violation of Iowa Code section 147.55(3) and 645 Iowa Administrative Code 65.2(3) for engaging in practices that are harmful or detrimental to the public in violation of 645 Iowa Administrative Code 63.10(2) and 63.18(3).

COUNT III

11. Respondent is charged with violation of Iowa Code section 147.55(3), 157.6 and 645 Iowa Administrative Code (IAC) rule 65.2(13) for engaging in an unsanitary practices in violation of 645 Iowa Administrative Code 63.25(2).

D. FACTUAL CIRCUMSTANCES

12. During an investigation of Respondent salon on August 1, 2006, it was found that three unlicensed persons were employed to perform activities requiring a license. Respondent, Thanh Hoang Nguyen, admitted employing unlicensed individuals to work in the salon

13. In June 2006, two clients (Client A and Client B) were physically injured while receiving pedicures in Respondent salon. In both cases, the employee performing the pedicure did not wear disposable gloves or otherwise practice universal precautions. Respondent, Thanh Hoang Nguyen, admitted that employees in the salon do not wear gloves, even if a customer bleeds. Both clients witnessed the employee use only a scrub brush and water to clean the whirlpool foot spa after the pedicure was completed.

14. Client B's injury was caused when an employee used a razor-edged device on her foot during a pedicure. Respondent, Thanh Hoang Nguyen, admitted the injury occurred and that a razor was used on the client's foot.

15. An inspection of Respondent salon was conducted on June 12, 2006. The inspection revealed several deficiencies including:

a) A copy of the most current sanitation rules was not posted.
b) Non-electrical and electrical equipment was not being properly disinfected.
c) Whirlpool foot spas were not being properly cleaned and disinfected.

16. On November 2, 2005, the Respondents entered into a Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Order) with the Board. The Order required the Respondents to pay a civil penalty of $400.00. The charges filed against the Respondents included engaging in practices harmful or detrimental to the public by posting an invalid employee license, and sanitation deficiencies.

E. SETTLEMENT

17. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code Chapter 12. If you are interested in pursuing settlement of this matter, please contact Emily Kimes-Schwiesow, Assistant Attorney General, at 515-281-5637.

F. PROBABLE CAUSE FINDING

18. On this _14th_ day of __May_____, 2007, the Iowa Board of Cosmetology Arts and Sciences found probable cause to file this Notice of Hearing.

This notice of hearing and statement of charges is approved by the board on May 14, 2007.