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

IN THE MATTER OF LOVELY NAILS License No. 002-A00960 RESPONDENT	))))))))	NO: CO 00-004 **STATEMENT OF CHARGES**

Dien T. Nguyen
Owner of Lovely's Nails
107 North Ankeny
No. 1
Ankeny, IA 50021

TO THE ABOVE NAMED RESPONDENT:

1. On or about August 4, 1999, the Iowa Board of Cosmetology Arts and Sciences Examiners (hereafter "Board") issued cosmetology salon license number 002-A00960 to the Respondent. Respondent's license to operate a cosmetology salon is current until December 31, 2002. Board records show that Dien T. Nguyen is the owner of Respondent Lovely's Nails. Respondent's last known address was 107 North Ankeny, No. 1, Ankeny, Iowa 50021.

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 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 IAC 65.1(9)a.

CIRCUMSTANCES

5. During an inspection of the Respondent salon on August 14, 2001, Person #1 was witnessed by the person conducting the inspection to be performing nail technology services at the Respondent salon.

6. During an inspection of the Respondent salon on August 27, 2001, Persons #1 and Person #2 were witnessed by the person conducting the inspection to be performing nail technology services at the Respondent salon.

7. Board records indicate that neither Person #1 nor Person #2 are licensed by the Board to perform nail technology services in the State of Iowa.

8. 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.

9. 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 IAC 65.1(9)a.

10. 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 November 8, 2001, 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 was approved by the Board on January 26, 2002.