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

IN THE MATTER OF:	)	
	)	NO: 03-030
CALIFORNIA NAILS	)	
License No. 002-008434,	)	**STATEMENT OF CHARGES**
	)	
RESPONDENT.	)	
	)	

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

1. Respondent presently possesses license number 002-008434 to operate a nail technology salon in the state of Iowa. The license is current and will next expire December 31, 2004. Board records indicate that Respondent salon is owned by Minh Kim McWithey and is located at 3800 Merle Hay Road, Suite 1275, Des Moines, Iowa 50310.

2. The penalties authorized under Iowa law which the Board may impose against any licensed 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 salon license. Iowa Code sections 157.9, 272C.3 (2003) and 645 Iowa Administrative Code (IAC) rules 13.1 and 65.3.

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C (2003). Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

COUNT I

4. 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 IAC rule 65.2(28).

CIRCUMSTANCES

5. During an inspection of Respondent salon on April 1, 2004, two persons working in Respondent salon left the salon upon entry of the inspector.

6. The owner of Respondent salon indicated to the inspector that neither of the employees was licensed to provide nail technology services.

7. 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 65.2(28) prohibit the employment of an individual to practice cosmetology arts and sciences unless that individual is properly licensed.

COUNT II

8. Respondent is charged with violating Iowa Code section 157.6 and 645 Iowa Administrative Code (IAC) rules 63.10(6), and 63.12(1) by engaging in practices that are harmful or detrimental to the public and operating its nail technology salon in violation of sanitation rules promulgated by the Board.

CIRCUMSTANCES

9. During inspections of Respondent salon on June 23, 2003 and April 1, 2004, deficiencies in sanitation measures were discovered including:

a. Metal instruments and/or equipment were not properly sanitized in accordance with 645 IAC rule 63.12(1); and

b. Pedicure stations were not properly sanitized in accordance with 645 IAC rule 63.10(6).

FINDING OF PROBABLE CAUSE

On August 4, 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 is approved by the board on November 22, 2004.