Top Nails
% Tommy Nguyen, Owner
11111 Plum Drive
Urbandale, Iowa 50322

TO THE ABOVE NAMED RESPONDENT:

1. On or about December 13, 2003, the Iowa Board of Cosmetology Arts and Science Examiners (Board) issued cosmetology salon license number 002-009007 to Respondent. Board records show that Tommy Nguyen is the owner of Respondent Top Nails. Respondent’s last known address is 11111 Plum Drive, Urbandale, Iowa 50322.

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 65.3.

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 the failure to display required licensing documentation for a licensee in violation of 645 IAC rules 63.3(2).

CIRCUMSTANCES

6. During an inspection of Respondent salon on or about December 22, 2003, four persons in Respondent salon were indicated to the person conducting the inspection to be employed by Respondent salon to perform nail technology services.

7. During the inspection, it was discovered that Respondent salon failed to visibly display a certificate of licensure certifying that Employee #4 was licensed to provide nail technology services.

8. Pursuant to Iowa Code sections 147.55 and 157.9 and 645 IAC rule 65.2(13), a license issued by the Board is subject to discipline if a licensee violates a rule promulgated by the Board.

COUNT II

9. 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

10. Sanitation inspections of Respondent salon conducted on August 5, 2003 and December 22, 2003, revealed the presence of used nail buffers.

11. 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.
12. Pursuant to Iowa Code sections 147.55 and 157.9 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.

**FINDING OF PROBABLE CAUSE**

On February 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 was approved by the board on May 5, 2004.**