

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

IN THE MATTER OF:)	
)	
Top Nails)	CASE NO. 04-045
License No. 002-002664)	
)	
and)	
)	STATEMENT OF CHARGES
Rau (Michael) Ta,)	
License No. 840-00615)	
)	
RESPONDENTS.)	

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

1. Respondent Top Nails presently possesses license number 002-002664 to operate a nail technology salon in the state of Iowa. The license is current and will next expire on December 31, 2006. Board records indicate that Respondent's salon license was issued May 8, 1997, and the salon is located at 5015 SE 14th Street, Des Moines, Iowa 50320. Michael Ta's nail technology license number 840 00615, was issued on December 11, 1997, and will expire on March 31, 2007.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 147, 157, and 272C (2005). Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

STATEMENT OF CHARGES

COUNT I

3. Respondents are charged under 147.55, 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 65.2(3) and 65.2(13) by engaging in practices that are harmful or detrimental to the public and operating its nail technology salon in violation of 645 IAC rule 63.18.

CIRCUMSTANCES

4. During an inspection of Respondent salon on September 16, 2004, 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.

5. Dispensers containing cosmetic products were not labeled.

COUNT II

6. Respondents are charged under 147.55(3),(8), 157.6, 157.9, 157.13, 272C.3(2) and 645 IAC rules 65.2(3), 65.2(11) and 65.2(21) by engaging in practices that are harmful or detrimental to the public and operating its nail technology salon in violation of 645 IAC rule 63.10, 63.12 and 63.16.

CIRCUMSTANCES

7. During an inspection of Respondent salon on September 16, 2004, it was found that a bowl used by employees for salon implements was not properly cleaned. The inspection resulted from a complaint that a customer had likely contracted a disease as the result of improper sanitation at the salon.

8. Respondent's settlement of case CO 03-014 required Respondent monitor and ensure its employees' compliance with the applicable health and sanitation standards through November 5, 2003. Respondent did not comply with the terms of the settlement agreement.

9. Material Safety Data Sheets (MSDS) were not on file in the salon as required by OSHA.

On May 4, 2003, 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 May 4, 2005.