

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

_____	)	
IN THE MATTER OF	)	
	)	NO: CO 03-014
TOP NAILS	)	
License No. 002-009142	)	
	)	<b>STATEMENT OF CHARGES</b>
RESPONDENT	)	
_____	)	

Michael Ta  
Owner of Top Nails  
1551 Valley West Mall  
Suite 101  
West Des Moines, IA 50266

TO THE ABOVE NAMED RESPONDENT:

1. On or about March 28, 2002, the Iowa Board of Cosmetology Arts and Sciences Examiners (hereafter "Board") issued cosmetology salon license number 002-009142 to the Respondent. Board records show that Michael Ta is the owner of Respondent Top Nails. Respondent's last known address was 1551 Valley West Mall, Suite 101, West Des Moines, IA 50266.

2. Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board. At all times relevant to the conduct alleged in this Statement of Charges, Respondent's salon license was active and current.

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 (2003), 645 Iowa Admin. Code §§ 13.1, 65.1.

4. Pursuant to Iowa Code Chapters 17A, 157, and 272C (2003) 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 (2003); 645 Iowa Admin. Code § 65.1(9)a.

### **CIRCUMSTANCES**

5. During an inspection of the Respondent salon on March 14, 2003, Person #1, Person #2, Person #3, and Person #4 were witnessed by the person conducting the inspection to be performing nail technology services at the Respondent salon.

6. Board records indicate that at the time of the March 14, 2003 inspection, Person #1, Person #2, Person #3, and Person #4 were not licensed by the Board to perform nail technology services in the State of Iowa.

7. Nail technology is a cosmetology arts and sciences practice. See Iowa Code § 157.1(3) (2003). 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. It is the responsibility of a salon owner to ensure that

persons performing cosmetology services in the salon hold a current and valid license. 645 Iowa Admin. Code § 63.4(1).

8. 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 (2003); 645 Iowa Admin. Code § 65.1(9)a.

### **FINDING OF PROBABLE CAUSE**

On May 7, 2003, 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 is approved by the board on August 26, 2003.**