

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

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|------------------------|---|-----------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Eva's Hair Mechanix |) | CASE NO. 06-055 |
| License No. 002-009317 |) | |
| |) | |
| and |) | COMBINED STATEMENT OF |
| |) | CHARGES, INFORMAL |
| Kelley-Eva Bielenberg, |) | SETTLEMENT AGREEMENT, |
| License No. 843-58229 |) | AND CONSENT ORDER |
| |) | |
| RESPONDENTS. |) | |

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Eva's Hair Mechanix, through its owner Kelley-Eva Bielenberg, individually, (Respondents) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4) (2005), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Respondent Eva's Hair Mechanix presently possesses license number 002-009317 to operate a cosmetology 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 August 23, 2002, and the salon is located at 91 Main Avenue, Clinton, Iowa 52732. Kelley-Eva Bielenberg's cosmetology license number 843-58229, was issued on March 28, 1997, and will expire on March 31, 2007.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 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, 157.13, 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 her cosmetology salon in violation of 645 IAC rules 63.14, 63.18(3)(a) and (b) and 63.25(5).

CIRCUMSTANCES

4. During an inspection of Respondent salon on May 24, 2006 a chamois buffer and used nail buffers that could not be sanitized were observed. Records of the cleaning and disinfecting of the foot bath were not available.

COUNT II

5. Respondents are charged with employing an individual(s) to practice cosmetology arts and sciences with an expired license and without a posted renewal in violation of Iowa Code section 157.13(1) and 645 IAC rules 63.3(4), 63.4(1)(a) and 65.2(28).

CIRCUMSTANCES

6. During an inspection of Respondent salon on May 24, 2006, it was found that Kelley-Eva Bielenberg's renewal card was not posted and Lainni E. Pidde's, license no. 843-62574, license expired on March 31, 2006. The owner is responsibility for allowing employees with expired licenses to practice.

SETTLEMENT AGREEMENT

7. Respondents agree not to contest the above stated charge before the Board.

8. Respondents have a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waive its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.

9. Respondents agree that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

10. This Agreement shall be part of the permanent record of Respondents and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

11. Any failure by Respondents to comply with the terms and conditions of this Agreement shall subject Respondent to further licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

12. This Agreement is subject to approval by the Board:

- (a) If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

13. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).

14. This Agreement shall not be binding as to any new complaints received by the Board.

CONSENT ORDER

IT IS THEREFORE ORDERED:

15. Respondents agree to pay to the Board a civil monetary penalty of \$400 total. Respondent shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

16. Respondents agree to comply with all laws and rules regarding salon sanitation and licensing.

This combined statement of charges, informal settlement agreement, and consent order is approved by the board on November 1, 2006.