STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF: )
) CASE NO. CO 14-0229
Victoria’s Style )
License No. 072518 )
) STATEMENT OF CHARGES,
and ) SETTLEMENT AGREEMENT AND
Marcia Beth Sabell Mendoza ) FINAL ORDER
License No. 070199 )
RESPONDENTS.
)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and
Victoria’s Style, through its owner Marcia Beth Sabell Mendoza (Respondents), and
hereby enter into this combined Statement of Charges, Settlement Agreement, and Final
Order (Agreement & Order) pursuant to Iowa Code sections 17A.10, 272C.3(4), and
chapter 645 Iowa Administrative Code (IAC) rule 12.1.

STATEMENT OF CHARGES

1. Respondents were issued license number 072518 to operate a salon in the
State of Iowa on February 25, 2014. Respondents’ salon license will expire on December
31, 2014. Respondent Mendoza was issued cosmetology license number 070199 on
February 25, 2014. Respondent Mendoza’s individual licenses are current and will next
expire on March 31, 2016.

2. Board records indicate that Respondents’ salon is located at 111 S. Main
Street, Denison, Iowa, 51442.

3. The Board has jurisdiction over the parties and the matter pursuant to Iowa
Code chapters 17A, 157, and 272C.

COUNT I - EMPLOYMENT OF UNLICENSED INDIVIDUALS

4. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(26), with employing an unlicensed individual to provide services, in violation of 645 IAC § 65.2(28.)

COUNT II - FAILURE TO PROVIDE BIOHAZARD DISPOSAL

5. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to provide for biohazard disposal in violation of 645 IAC § 63.11(3).

COUNT III - INCOMPLETE FIRST AID KIT

6. Respondents are charged under Iowa Code §147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to maintain a complete first aid kit in violation of 645 IAC § 63.6(9).

COUNT IV - FAILURE TO POST RULES

7. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly post a copy of the most recent sanitation rules in the reception area at eye level in violation of 645 IAC § 63.2.
COUNT V - CLEANING AND DISINFECTING SPA TUBS

8. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with failing to properly disinfectant and record the cleaning of spa tubs in violation of 645 IAC § 63.25(2-5).

COUNT VI - UNSANITARY PRACTICES

9. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with engaging in unsanitary practices, in violation of Iowa Code § 157.6 (2013) and 645 IAC §§ 63.13(1), 63.13(2), and 63.14.

COUNT VII - PROHIBITED EQUIPMENT

10. Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2013), and 645 IAC § 65.2(13), with having prohibited equipment (razor-edged instruments) on its premises in violation of 645 IAC § 63.18(2).

FACTUAL CIRCUMSTANCES

11. During an investigation of Victoria’s Style on August 14, 2014, investigators documented the following violations:

12. Miquel Mendoza was providing services to a male customer.

13. No biohazard bag was on the premises.
14. First aid kit did not contained the required items.

15. Sanitation rules were not posted in the front entrance area.

16. Nail instruments were not fully immersed in disinfectant. Disinfectant was cloudy and contained floating debris.

17. Straight-edged razors were found in a closet.

18. There was no spa log located at the non-circulating footbath.

19. Evidence of single-use items such as nail buffers disposable files and foam slippers were found on the premises.

20. Nail supplies were intermixed with pens, papers, nail polish and other personal items.

SETTLEMENT AGREEMENT AND FINAL ORDER

21. Respondents Marcia Beth Sabell Mendoza and Victoria’s Style agree to pay to the Board a civil monetary penalty of $500.00 total. The funds shall be payable to the State of Iowa. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Order is executed.

22. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

23. By entering into this Agreement and Order, Respondents voluntarily waive any rights to a contested case hearing on the allegations contained in the Agreement and Order and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.
24. This combined Agreement and Order, is voluntarily submitted by Respondents to the Board for consideration.

25. Respondents acknowledge they have a right to be represented by counsel in this matter.

26. Respondents agree that counsel for the State may present this Agreement and Order ex parte to the Board.

27. This Agreement and Order is subject to approval of the Board. If the Board fails to approve this Agreement and Order it shall be of no force or effect to either party.

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

29. In the event Respondents violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondents’ licenses or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

30. This Agreement, and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

31. The Board’s approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of
Cosmetology Arts & Sciences and the Respondents.

Respondent(s)                                      Iowa Board of Cosmetology Arts & Sciences

By:                                                 By: Chairperson

Date: 12/12/14                                      Date: 1-12-15

cc:  Ms. Marcia Beth Sabell Mendoza
     Victoria’s Style
     111 S. Main Street
     Denison, IA  51442

     David VanCompernolle
     Assistant Attorney General
     Office of the Attorney General
     Hoover State Office Building
     Des Moines, IA  50319