

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

IN THE MATTER OF:)	
)	NO: 04-013
NICOLE L. JACKSON)	
License No. 843-58540,)	CONSENT ORDER AND
)	AGREEMENT
RESPONDENT)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Nicole L. Jackson (Respondent) enter into this Consent Order and Agreement (Agreement) pursuant to Iowa Code sections 17A.10(1) (2003) and 272C.3(4) (2003).

1. Respondent currently possesses lapsed license number 843-58540 to practice cosmetology arts and sciences in the state of Iowa. Board records indicate Respondent's license lapsed on March 31, 2001.

2. Information in the Board's possession indicates Respondent practiced cosmetology without a current license for a period in excess of six months and that Respondent represented herself as a licensed individual during a period of time in which her license was lapsed. The Board instituted formal disciplinary proceedings by the filing of a Statement of Charges on August 4, 2004.

3. The Statement of Charges erroneously states that Respondent's cosmetology license was issued on April 1, 1999. Upon execution of this Agreement, the Statement of Charges shall be amended to indicate that Respondent became licensed to practice cosmetology on September 2, 1997.

4. Respondent salon has not filed an answer to the Statement of Charges, but for the purposes of this Agreement admits to practicing cosmetology without a current license for a period of at least six months in violation of Iowa Code sections 157.2 and 157.9 and 645 Iowa Administrative Code rules 60.11, 64.6, and 65.2(13). Respondent further admits for the purpose of this Agreement that she represented herself as currently licensed despite her cosmetology license being lapsed in violation of 645 Iowa Administrative Code rule 65.2(26).

5. The Board has jurisdiction over the licensee disciplinary action pending against the Respondent.

6. Respondent has a right to hearing on the charges but waives its right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Agreement is the final agency order in the contested case.

7. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

8. This Agreement shall be part of the permanent record of Respondent 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.

9. Any failure by Respondent 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.

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

- a. If the Board fails to 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.

11. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4) (2003).

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

IT IS THEREFORE ORDERED:

A. Suspension

Respondent's cosmetology license is suspended for a period of six months from the execution date of this agreement, the execution date being the date on which the chairperson or his designee signs this Agreement. Respondent agrees she shall not practice cosmetology in the state of Iowa in any form during the period of suspension.

B. Civil Monetary Penalty

Respondent agrees to pay to the Board a civil monetary penalty of \$700. Respondent shall remit full payment of the civil monetary penalty to the Board within 30 days of the execution date of this Agreement.

C. Reinstatement

Respondent may not apply for reinstatement of her cosmetology license pursuant to 645 Iowa Administrative Code rule 11.31 until six months after the end of the period of suspension. Respondent shall comply with all relevant statutes and administrative rules regarding reinstatement of a lapsed license including compliance with all license

renewal fees and continuing education requirements pursuant to 645 Iowa Administrative Code rule 60.11(6).

D. Amendment to Statement of Charges

The Statement of Charges shall be amended to indicate that Respondent became licensed to practice cosmetology on September 2, 1997.

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Respondent.

This Consent Order and Agreement is approved by the Board on November 3, 2004.