

BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)
)
Tonya Wonio) **CASE NO. 12-013**
License No. 00628)
and) **NOTICE OF HEARING AND**
Jessica Sage) **STATEMENT OF CHARGES**
License No. 066003)
)
)
RESPONDENTS.)

The Iowa Board of Cosmetology Arts and Sciences files this Notice of Hearing pursuant to Iowa Code §§ 17A.12(2), 17A.18(3) (2013), and 645 Iowa Administrative Code (IAC) § 11.6. Respondent-Tonya Wonio, was issued esthetician license number 00628 on January 26, 2007. Respondent Wonio’s license is current and will next expire on March 31, 2016. Respondent Sage was issued esthetician license number 066003 on April 10, 2008. Respondent Sage’s license expired March 31, 2014.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on, **July 7, 2014**, before the Board of Cosmetology Arts and Sciences. The hearing shall begin at **2:00 p.m.** and shall be located in the Lucas State Office Building, Fifth Floor Conference Room 517/518, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC § 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Pleadings shall be filed with the Board at the following address: Board of Cosmetology Arts and Sciences, 5th Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC § 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC § 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State of Iowa) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: David Van Compernelle, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319 or at David.VanCompernelle@iowa.gov.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement

of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 157, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 157, and 272C (2011) and 645 IAC chapter 65.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code § 17A.12(3) (2013) and 645 IAC § 11.21.

C. CHARGES

COUNT I

Respondents are charged with violating a regulation, rule, or law of this state pursuant to Iowa Code § 157.11 by providing cosmetology services from an unlicensed establishment in violation of 645 Iowa Administrative Code § 61.2.

D. FACTUAL CIRCUMSTANCES

On April 11, 2012, the Board requested the Iowa Department of Inspections and Appeals to verify if Skin Transformations was providing cosmetology services without a license.

Upon arriving at Respondents' salon on April 12, 2012, investigator observed a client exiting the business. Investigator spoke to Respondents who admitted they had been providing services since April 9, 2012, and reported they treated a total of 9 clients since the business opened. Board investigator spoke to the Respondents' attorney Alex Wonio by phone who explained that he assumed the license would have been approved prior to April 9th and advised his clients to open the salon.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC Chapter 12. If you are interested in pursuing settlement of this matter, please contact David Van Compernelle, Assistant Attorney General, at 515-281-7262 or at David.VanCompernelle@iowa.gov.

F. PROBABLE CAUSE FINDING

On June 18, 2012, the Iowa Board of Cosmetology Arts & Sciences found probable cause to file this Notice of Hearing and Statement of Charges.



_____, Chairperson
IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES

Copies to:

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