

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

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<b>IN THE MATTER OF:</b>	)	
	)	<b>CASE NO. 09-030</b>
<b>Carmelita Halligan</b>	)	
<b>License No. 49138</b>	)	
	)	<b>STATEMENT OF CHARGES,</b>
	)	<b>SETTLEMENT AGREEMENT</b>
<b>RESPONDENT.</b>	)	<b>AND FINAL ORDER</b>
	)	

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COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Carmelita Halligan (Respondent), and hereby enters into this Combined Statement of Charges, Settlement Agreement, and Final Order (Agreement and Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

**STATEMENT OF CHARGES**

1. Respondent was issued a cosmetologist license number 49138 in the State of Iowa and the license will next expire on March 31, 2010. Board records indicate that Respondent's address is 1818 Elmhurst Ave., Fort Dodge, Iowa 50501.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C.

**COUNT I**

3. Respondent is charged with violation a regulation, rule, or law of this state pursuant to 645 IAC 65.2(13) by failing to post the licenses for each of the licensees working in the salon in the reception area at eye level in violation of 645 IAC 61.5(3) and by failing to post a copy of the most current sanitation rules in the reception area at eye level in violation of 645 IAC 63.2.

## **COUNT II**

4. Respondent is charged with engaging in unsanitary practices in violation of Iowa Code section 157.6 and 645 IAC rules 63.4(2), 63.12(1), 63.13(2), 63.14, 63.17(3) and (4), 63.18(3), 63.22(2) and 65.2(13).

### **FACTUAL CIRCUMSTANCES**

5. During an investigation of Respondent salon on March 6, 2009, the investigator found the sanitation rules but the rules were not posted in the reception area. The individual licenses were not posted in the reception area at eye level.

6. During the investigation, the investigator found dirty instruments were not being placed in a receptacle, and barbicide was cloudy and dirty and had not been changed for two weeks.

### **SETTLEMENT AGREEMENT AND FINAL ORDER**

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

8. By entering into this Agreement and Order, Respondent voluntarily waives 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.

9. This combined Agreement and Order, is voluntarily submitted by Respondent to the Board for consideration.

10. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

11. Respondent agrees that counsel for the State may present this Agreement and Order to the Board.

12. 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.

13. This Agreement and Order shall be part of the Respondent's 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.

14. In the event Respondent 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 Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

15. 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.

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

**IT IS THEREFORE ORDERED**

17. Respondent agrees to pay to the Board a civil monetary penalty of \$300.00 total. The funds shall be payable to the Board. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Agreement is executed.

**This statement of charges, settlement agreement and final order is approved by the board on October 5, 2009.**