STATE OF IOWA BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)	
)	CASE NO. 06-111
Mayra's Salon De Belleza)	
License No. 010128)	
and)	COMBINED NOTICE OF
Mayra Jarquin, owner)	HEARING, SETTLEMENT
License No. 62070)	AGREEMENT, AND
)	FINAL ORDER
RESPONDENTS)	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Mayra's Salon De Belleza, through its owner Mayra Jarquin (Respondents), enter into this Combined Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

NOTICE OF HEARING

- A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
- Respondent was issued license number 010128 to operate a salon in the State of Iowa and a cosmetology license number 62070. Board records indicate that Respondent salon is located at 3136 W. Broadway, Council Bluffs, Iowa 51501.

LEGAL AUTHORITY AND JURISDICTION

The Board has jurisdiction of this matter pursuant to Iowa Code chapters
 17A, 157, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNTI

 Respondent is charged with employing an individual to practice cosmetology arts and sciences without a license in violation of Iowa code section 157.13(1) and 645 IAC rule 65.2(28).

COUNT II

 Respondent is charged with engaging in unsanitary practices in violation of lowa Code section 157.6 and 645 IAC rules 63.10(6), 63.11, 63.12, 63.15, 63.18(3) and 65.2(13).

D. FACTUAL CIRCUMSTANCES

- During an investigation of Respondent Salon on September 20,
 2007, an unlicensed individual was engaged in activities requiring a license at
 Respondent salon. The owner is responsible for allowing unlicensed persons to
 practice pursuant to 645 IAC 63.4(1).
- 7. During the investigation, the salon did not have a covered waste receptacle for the disposal of all waste including hair, instruments were not properly disinfected by an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity as required, instruments were not stored in a clean, covered container as required, and used nail buffers that could not be sanitized were present in the salon.

SETTLEMENT AGREEMENT

Respondent agrees to pay to the Board a civil monetary penalty of
 \$800.00 total. The funds shall be payable to the State of Iowa. Respondents

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.

- 9. Respondent agrees to complete an additional four (4) hours of board-approved continuing education in the content areas of lowa cosmetology law and rules and sanitation within 60 days of the date this Agreement is executed by the Board. All hours of continuing education completed under this agreement shall be in addition to the continuing education requirement for renewal of Respondent's cosmetology license.
- Respondent agrees to comply with all laws and rules regarding cosmetology salons.

FINAL ORDER

- This combined Notice of Hearing, Settlement Agreement and Final
 Order constitutes the resolution of a contested case proceeding.
- 12. By entering into this combined Notice of Hearing, Settlement
 Agreement and Final Order, Respondent voluntarily waives any rights to a
 contested case hearing on the allegations contained in the Statement of Matters
 Asserted, and waives any objections to the terms of the Settlement Agreement.
- This combined Notice of Hearing, Settlement Agreement and Final
 Order, is voluntarily submitted by Respondent to the Board for consideration.
- Respondent acknowledges that he/she has a right to be represented by counsel in this matter.
- Respondent agrees that the State's counsel may present this
 Agreement to the Board.

- 16. This combined Notice of Hearing, Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order it shall be of no force or effect to either party.
- 17. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
- 18. This 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 future violations.
- 19. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.
- 20. The Board's approval of this combined Notice of Hearing,
 Settlement Agreement and Final Order shall constitute a FINAL ORDER of the
 Board.

This combined notice of hearing, settlement agreement, and final order is approved by the board on April 14, 2008.