

**BEFORE THE IOWA BOARD OF BARBERING**

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<b>IN THE MATTER OF</b>	)	<b>NO. BA 12-001</b>
	)	
<b>DALE O. JONES,</b>	)	<b>NOTICE OF HEARING</b>
<b>License No. 14276</b>	)	<b>AND STATEMENT OF CHARGES</b>
	)	
<b>CLIFTON SALLIS</b>	)	
<b>License No. 14712</b>	)	
	)	
<b>WENDELL L. REDMOND</b>	)	
<b>License No. 14402</b>	)	
	)	
<b>and</b>	)	
	)	
<b>ROBERT BYRD</b>	)	
<b>License No. 14365</b>	)	
	)	
<b>RESPONDENTS</b>	)	

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The Iowa Board of Barbering (Board) files this Notice of Hearing and Statement of Charges pursuant to Iowa Code §§ 17A.12(2) and 17A.18(3) (2011), and 645 Iowa Administrative Code (IAC) § 11.6. Respondent Dale O. Jones' Iowa license No. 14267 expired June 30, 2002. Respondent Clifton Sallis' license No. 14712 expired June 30, 2012. Respondent Wendell L. Redmond's license No. 14402 expired June 30, 2002. Respondent Robert Byrd's license No. 14365 expired June 30, 2002.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on **October 23, 2012**, before the Board of Barbering. The hearing shall begin at **9:00 a.m.** and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, 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 Barbering, 5<sup>th</sup> 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, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

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, 158, 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, 158 and 272C (2011), and 645 IAC chapter 25.

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) (2011) and 645 IAC § 11.21.

## **C. CHARGES**

### **Count I**

Respondents are charged under Iowa Code §§ 147.55(9), 158.12 and 272C.3 (2011), and 645 IAC §§ 22.2 and 25.2(12), with failing to post a copy of the most current sanitation rules in a conspicuous place in the barbershop.

### **Count II**

Respondent is charged under Iowa Code §§147.55, 158.12 and 272C.3 (2011), and 645 IAC §§ 22.15(5) and 25.2(12), with utilization of neck dusters and brushes.

### **Count III**

Respondent is charged under Iowa Code §§147.55, 158.12 and 272C.3 (2011), and 645 IAC §§ 22.10, 22.12, 22.13 and 25.2(12), with failing to disinfect electrical instruments and maintain clean barbering supplies.

### **Count IV**

Respondents are charged under Iowa Code §§ 147.55(9), 158.12 and 272C.3 (2011), and 645 IAC §§ 22.16(3) and 25.2(12), with failing to have a hazardous waste container available for use at all times when services are being performed.

### **Count V**

Respondents are charged under Iowa Code §§ 147.55(9), 158.5, 158.12 and 272C.3 (2011), and 645 IAC §§ 22.2, 22.10(6), 22.11(1), 22.12 and 25.2(12), with engaging in unsanitary practices.

### **Count VI**

Respondents are charged under Iowa Code §§ 147.55(9), 158.12 and 272C.3 (2011), and 645 IAC §§ 25.2(12) and 25.2(24), with knowingly aiding, assisting or advising a person to unlawfully practice as a barber.

### **Count VII**

Respondents Jones, Redmond and Byrd are charged under Iowa Code §§ 147.55(9), 158.2, 158.12 and 272C.3 (2011), and 645 IAC §§ 25.2(12) and 25.2(26) with representing themselves to be authorized to practice barbering.

### **Count VIII**

Respondent Jones is charged under Iowa Code §§ 147.55(9), 158.9, 158.12 and 272C.3 (2011), and 645 IAC §§ 21.22(1) and 25.2(12) with failing to obtain a barber shop license.

### **Count IX**

Respondents are charged under Iowa Code §§ 147.55(9), 158.12, 158.13(1) and 272C.3 (2011), and 645 IAC §§ 25.2(12) and 25.2(24), with practicing barbering in an unlicensed barber shop.

### **Count X**

Respondent is charged under Iowa Code §§ 147.55, 158.12 and 272C.3 (2011), and 645 IAC §§ 25.2(12) and 22.5, with failing to meet building standards such as having a supply of hot and cold running water in a functioning sink.

## **D. FACTUAL CIRCUMSTANCES**

1. An inspection of the Brothaz Barbershop, 204 East 4<sup>th</sup> Street, Waterloo, Iowa 50703, occurred on March 30, 2012.
2. Brothaz Barbershop is unlicensed. Respondent Jones claimed to be the shop owner.
3. At the time of the inspection, all Respondents were present at the Brothaz Barbershop. The shop had no washbasins, no hazardous waste bag or container. Neck dusters and brushes were in use.
4. The floor of the barbershop was covered with unswept hair and the barber station drawers were unsanitary, the supplies being covered with dust, cut hair and


debris. Disinfectant jars were unclean.

### **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.

### **F. PROBABLE CAUSE FINDING**

On this 24<sup>th</sup> day of April 2012, the Iowa Board of Barbering found probable cause to file this Notice of Hearing and Statement of Charges.



\_\_\_\_\_, Chairperson  
CHARLES (CHUCK) WUBBENA  
Iowa Board of Barbering

Date: July 18, 2012

Copies to:

David Van Compernelle  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor Hoover Bldg.  
Des Moines, IA 50319

Mr. Dale O. Jones  
609 Baltimore Street  
Waterloo, IA 50702

Mr. Clifton Sallis  
Brothaz Barber Shop  
204 E. 4<sup>th</sup> Street  
Waterloo, IA 50703

Mr. Wendell L. Redmond  
Brothaz Barber Shop  
204 E. 4<sup>th</sup> Street  
Waterloo, IA 50703

Mr. Robert Byrd  
Brothaz Barber Shop  
204 E. 4<sup>th</sup> Street  
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