

STATE OF IOWA  
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

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|-------------------------|---|--------------------------|
| IN THE MATTER OF:       | ) |                          |
|                         | ) |                          |
| Michelle Brown          | ) | <b>CONSENT AGREEMENT</b> |
| 712 E. Railroad Avenue  | ) | <b>AND ORDER</b>         |
| Des Moines, Iowa 50309, | ) |                          |
|                         | ) |                          |
| APPLICANT               | ) |                          |

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

1. On August 30, 1993, Applicant was issued license number 56018 to practice cosmetology. On March 31, 2003, Applicant's license lapsed. Applicant has made application to reinstate her license.

2. On her Application for Reinstatement, Applicant indicates she has been convicted of felony. Court documents indicate that on May 31, 2002, in the Iowa District Court for Dallas County, case number FECR025342, Applicant plead guilty to the felony offense of Possession of a Controlled Substance in violation of Iowa Code section 124.401(1)(d). Applicant was sentenced to a term of imprisonment of ten years. Applicant's sentence was suspended and she was ordered to a term of probation of three years to expire on May 31, 2005.

3. Upon approval of this Agreement by the Board, Applicant's cosmetology license shall be subject to a two year period of probation. The probationary period shall commence on the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson or designee's signature. During the probationary period, Applicant shall comply with the following terms:

a. Applicant shall fully comply with all relevant statutes and administrative rules in the course of her practice as a licensed cosmetologist including compliance with all license renewal and continuing education requirements;

b. Applicant shall work under the supervision of a licensed cosmetologist not subject to disciplinary action by and in good standing with the Board. The Board shall have full and final authority to accept or reject for any reason a licensed cosmetologist chosen by Applicant to provide supervision.

c. Within 15 days of the execution of this Agreement and on a quarterly basis thereafter, Applicant shall notify the Board in writing as to the status of

her employment as a cosmetologist in the state of Iowa. All written notifications required by this provision shall include:

1. The period of time covered by the report;
2. The name and address of Applicant's places of employment as a cosmetologist including any business or establishment owned or operated by Applicant;
3. The name and title of Applicant's work site supervisor at each place of employment;
4. A narrative written by Applicant's supervisor(s) describing Applicant's work habits as observed by the supervisor as well as any complaints regarding Applicant's conduct as a cosmetologist received by the supervisor, if applicable;
5. The salon license number of each salon at which Applicant is employed and/or works;
6. Applicant's date of hire as a cosmetologist, and, if applicable, the date her employment terminated; and

d. Applicant shall notify the Board within 15 days of the termination, either voluntarily or involuntarily, of her employment as a cosmetologist in the state of Iowa. Failure by Applicant to timely and truthfully notify the Board of her current employment status shall constitute a violation of this Agreement.

e. Not less than twice per year during Applicant's probationary period, Applicant shall participate in a chemical screening program approved by the Board. The timing of the screenings shall be determined by the Board. It is Applicant's responsibility to ensure that authorized personnel witness the collection of her UA samples. UA samples which are not witnessed shall be considered invalid. All confirmed, positive tests shall be presumed valid. Applicant agrees that she has the burden of proof to establish that any positive report is erroneous. Applicant agrees not to consume any food containing poppy seeds. Applicant shall be responsible for all costs of participation in the program.

f. Upon request of the Board, Applicant shall appear before the Board to report on the status of her practice as a cosmetologist and to answer any questions or concerns the Board may have regarding her probation. The Board shall provide Applicant with reasonable notice of the date, time, and place for any requested appearance. Applicant agrees that any such appearance would be governed by 645 Iowa Administrative Code rule 9.7 and that she waives any and all objections to the members of the Board both participating in the appearance and later participating as decision makers in a contested case proceeding.

4. Any failure by Applicant to comply with the terms and conditions of this Agreement shall subject Applicant to 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.

5. Upon full compliance with all terms and conditions of the probation prescribed by this Agreement, Respondent's license to practice as a cosmetologist in the State of Iowa shall be restored to its full privilege free and clear of all probationary restrictions.

6. This Agreement is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.

7. This Agreement is voluntarily submitted by Applicant to the Board for its consideration.

8. This Agreement is a public record available for inspection and copying in accordance with Iowa Code section 272C.3(4).

9. This Agreement shall be part of the permanent record of the Applicant 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.

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

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

**This Consent Agreement and Order is approved by the board on March 4, 2004.**