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

IN THE MATTER OF:	)	CASE NO. 07-041
SmartStyle #1294	)	
License No. 011300	)	
and	)	COMBINED NOTICE OF
Minnesota Regis Corporation,	)	HEARING, SETTLEMENT
owner	ĵ	AGREEMENT, AND
	ĵ	FINAL ORDER
RESPONDENTS.	í	
	ý	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and SmartStyle #1294, through its owner Minnesota Regis Corporation (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.
- 2. Respondent was issued license number 011300 to operate a cosmetology salon in the State of Iowa. Board records indicate that Respondent salon is located at 2712 4<sup>th</sup> Street SW, Waverly, Iowa 50677. Board records indicate that respondent salon is owned by Minnesota Regis Corporation, 7201 Metro Boulevard, Minneapolis, MN 55439, and whose registered agent is National Registered Agents, Inc., 604 Locust Street, Suite 222, Des Moines, Iowa 50309.

#### 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

4. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 lowa Administrative Code 65.2(13) by failing to post a copy of the most current sanitation rules in the reception area at eye level in violation of 645 lowa Administrative Code 63.2.

### COUNT II

 Respondent is charged with engaging in unsanitary practices in violation of Iowa Code section 157.6 and 645 IAC rules 63.10(6), 63.12, 63.22 and 65.2(13).

# D. FACTUAL CIRCUMSTANCES

- During an investigation of Respondent Salon on February 4, 2008, it was discovered that Respondent did not have a copy of the most current sanitation rules posted in the salon.
- 7. During the investigation, instruments were not properly disinfected by an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity as required between uses on clients, instruments were not stored in a clean, covered place as required, instruments that had been used on a client or soiled in any manner were not placed in a proper receptacle, hazardous waste bags were not present in the salon, and workstations were not

clean.

# SETTLEMENT AGREEMENT

- 8. Respondent agrees to pay to the Board a civil monetary penalty of \$450.00 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.
- 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.
- 11. 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 Factual Allegations,
  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.
- 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.

- 16. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
- 17. 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.
- 18. 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.
- The Board's approval of this combined Notice of Hearing,
   Settlement Agreement and Final Order shall constitute a FINAL ORDER of the

This combined notice of hearing, settlement agreement, and final order is approved by the board on May 28, 2008.