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

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| **IN THE MATTER OF:** | ) | |
| | ) | |
| **Jana Conner** | ) | **CASE NO. CO 08-050** |
| **License No. 46986** | ) | |
| | ) | **NOTICE OF HEARING** |
| **Respondent** | ) | **AND STATEMENT OF CHARGES** |
| | ) | |

**COMES NOW** the Iowa Board of Cosmetology Arts and Sciences and files this Notice of Hearing pursuant to Iowa Code Sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued a cosmetology license on September 5, 1984 and the license lapsed on March 31, 2002. Respondent reactivated her cosmetology license on December 30, 2008.

## A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 6, 2009 before the Board of Cosmetology Arts and Sciences. The hearing shall begin at 9:00 AM and shall be located in the Lucas State Office Building, Fifth Floor Conference Room 517, 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 Cosmetology Arts and Sciences, 5th 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) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd 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, 157, and 272C.

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, 157, and 272C and 645 IAC chapter 65.

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 Section 17A.12(3) and 645 IAC 11.21.

## C. SECTIONS OF STATUTES AND RULES INVOLVED

### Count I

Respondent is charged with practicing cosmetology arts and sciences without a valid license in violation of Iowa Code section 157.2(1) and 645 IAC rules 65.2(26).

## D. FACTUAL CIRCUMSTANCES

1. During an investigation on November 12, 2008, Respondent admitted that she had provided cosmetology services during the time her license was inactive, but claimed that she had ceased practicing after discovering that her license was inactive in May of 2008.

2. On July 23, 2008, Respondent submitted a signed attestation stating she was not providing cosmetology services.

3. During an investigation on November 21, 2008, it was found that Respondent had

been providing cosmetology services at a salon since 2006 and currently provided services at the salon three days per week. Respondent reactivated her cosmetology license on December 30, 2008.

## 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 Julie Bussanmas, Assistant Attorney General, at 515-281-7175.

## F. PROBABLE CAUSE FINDING

On the 5th day of January, 2009, the Iowa Board of Cosmetology Arts and Sciences found probable cause to file this Notice of Hearing and Statement of Charges.

**This notice of hearing and statement of charges is approved by the board on February 11, 2009.**