

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)	
)	CASE NO. 07-030
Alan Jon Salon)	
License No. 011734)	
and)	COMBINED NOTICE OF
Brent Lovett, owner)	HEARING, SETTLEMENT
)	AGREEMENT, AND
RESPONDENT.)	FINAL ORDER
)	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Alan Jon Salon, through its owner Brent Lovett (Respondent), 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

1. 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 011734 to operate a salon in the State of Iowa. Board records indicate that Respondent salon is located at 704 Washington Street, Pella, Iowa 50219.

LEGAL AUTHORITY AND JURISDICTION

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

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged with violating 645 Iowa Administrative Code 65.2(28) by permitting an unlicensed individual under the salon's control to perform activities that require a license.

COUNT II

5. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by failing to possess hazardous waste containers and bags in violation of 645 Iowa Administrative Code 63.17(3).

COUNT III

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

COUNT IV

7. Respondent is charged with unsanitary practices in violation of Iowa Code section 157.6 and 645 Iowa Administrative Code 63.25(4) and (5).

FACTUAL CIRCUMSTANCES

8. During an investigation of Respondent salon on January 8, 2008, an unlicensed employee admitted to providing cosmetology services. Further, the receptionist confirmed to the Board investigator that the unlicensed employee was taking appointments to do hair, an activity that requires licensure.

The owner is responsible for ensuring employees hold current and active cosmetology licenses pursuant to 645 Iowa Administrative Code 63.4(1).

9. During the investigation, it was discovered that the salon did not possess hazardous waste containers and bags, which are required for the disposal of hazardous materials.

10. During the investigation, it was discovered that the salon did not have a copy of the most current sanitation rules posted.

11. During the investigation, it was discovered that the salon was not complying with the requirements that each whirlpool foot spa be cleaned and disinfected every other week according to the provisions of 645 Iowa Administrative Code 63.25(4) and no record of whirlpool foot spa cleaning and disinfecting was being maintained in violation of 645 Iowa Administrative Code 63.25(5).

SETTLEMENT AGREEMENT

12. Respondent agrees to pay to the Board a civil monetary penalty of \$750.00 total. The funds shall be payable to the Board. Respondents shall remit full payment of the civil monetary penalty within 30 days of the date this Agreement is executed.

13. Respondent agrees to file a typewritten corrective action report, detailing specific actions taken to remedy each and every violation contained in Counts I through IV within thirty (30) days from the issuance of this order.

14. Respondent agrees to refrain from allowing unlicensed employees to provide cosmetology services in his salon unless and until the unlicensed

employees obtain necessary licensure from the Board.

15. Respondent agrees to comply with all laws and rules regarding cosmetology salons.

FINAL ORDER

16. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

17. 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.

18. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

19. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

20. Respondents agree that counsel for the State may present this Agreement to the Board.

21. 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.

22. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

23. 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.

24. Any failure by Respondents to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.

25. 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 May 28, 2008.