BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES

IN THE MATTER OF:	)	
	)	**CASE NO. T-86**
NIC ALEX,	)	
License No. 066676,	)	**NOTICE OF HEARING**
	)	**AND STATEMENT OF CHARGES**
Respondent.	)	

The Iowa Board of Cosmetology Arts and Sciences files this Notice of Hearing and Statement of Charges pursuant to Iowa Code §§ 17A.12(2) and 17A.18(3) (2009), and 645 Iowa Administrative Code (IAC) § 11.6. Nic Alex (hereinafter, "Respondent") was issued a twenty-four month probationary Iowa Cosmetology License No. 06676 on January 22, 2009; the license will expire on March 31, 2011.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 5, 2011, before the Iowa Board of Cosmetology Arts and Sciences. The hearing shall begin at 10:00 AM and shall be located in the Lucas State Office Building, Fifth Floor Conference Rooms 517/518, 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: Iowa 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, 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: Kristin Ensign, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact individual 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 (2009).

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 (2009) 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 § 17A.12(3) (2009) and 645 IAC § 11.21.

C. CHARGE

COUNT I – FAILING TO COMPLY WITH BOARD ORDER

Respondent is charged under Iowa Code § 147.55 and 272C.3(2)(a) (2009), and 645 IAC § 65.2(21), with failing to comply with the terms of a Consent Agreement and Order adopted by the Board on January 15, 2009.

D. FACTUAL CIRCUMSTANCES

Respondent was granted a probationary Cosmetology License by order of the Board dated January 15, 2009. The Consent Agreement and Order, stipulated to by Respondent, provided that Respondent would report to the Board on a quarterly basis regarding his employment status as a cosmetologist. Respondent has not fulfilled his quarterly reporting obligation, despite an in-person meeting with the Board at which time Respondent's responsibility to report was discussed and emphasized.

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 Kristin Ensign, Assistant Attorney General, at 515-281-6547.

F. PROBABLE CAUSE FINDING

On this 12th day of July, 2010, the Iowa Board of Cosmetology Arts & Sciences found probable cause to file this Notice of Hearing and Statement of Charges.

This notice of hearing, statement of charges is approved by the board December 3, 2010.