

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)	
)	
Rachelle Lynn Kies, Applicant)	CONSENT AGREEMENT
3530 12 th Ave. SW, Apt.1)	AND ORDER
Cedar Rapids, IA 52404)	
)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Rachelle Kies (Applicant) enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code sections 17A.10(1) 147.3, 157.3, 272C.3, and 645 Iowa Administrative Code rule 60.2.

1. Applicant applied for Iowa licensure by examination and successfully completed the theory and Iowa law examinations on February 28, 2007.

2. Rachelle Kies answered “yes” to Question #14 of the application, which asked: *“Have you ever been convicted, found guilty of or entered a plea of guilty or no contest to a felony or misdemeanor crime (other than minor traffic violations with fines under \$500)”*

3. On December 10, 2002, Ms. Kies, under the name of Feuerhelm entered a Plea of Guilty to the offense of Possession of a Controlled Substance, Methamphetamine in violation of Iowa Criminal Code Section 124.401(5) and for the offense of Carrying Weapons in violation of Iowa Criminal Code Section 724.4(1). Judgment was deferred for one year, and she was placed on unsupervised probation to the Sixth Judicial District Department of Correctional Services.

4. On May 20, 2004, Ms. Feuerhelm entered a Plea of Guilty to Forgery in violation of Iowa Code section 715A.2(2)(b), a Simple Misdemeanor. Ms. Feuerhelm was sentenced to sixty (60) days in the Benton County Jail, Vinton, Iowa. The sentence was suspended and she was placed on self-supervised probation for a period of one (1)

year.

5. On January 19, 2006, Ms. Feuerhelm entered a plea of guilty to the offense of Conspiracy to Obtain or Possess Anhydrous Ammonia With The Intent That The Product Be Used To Manufacture a Controlled Substance in violation of Code of Iowa Section 124.401(4)(d) and Code of Iowa Section 706.1. Ms. Feuerhelm was sentenced to five (5) years in prison, which was suspended and she was placed on probation for a period of two (2) years to the Sixth Judicial District Department of Correction Services. Ms. Feuerhelm was placed on the Intermediate Sanctions Continuum pursuant to Iowa Code 901B.1.

6. Upon approval of this Agreement by the Board, applicant will be issued a cosmetology license subject to a twelve (12) month's period of probation. The probationary period shall commence on the date the license is issued. 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 fully comply with all conditions of probation by the Sixth Judicial District Department of Correctional Services;

c. Within 15 (fifteen) days of the issuance of the license 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;

(3) The name and license number of Applicant's licensed worksite supervisor(s) at each place of employment that provide cosmetology services;

(4) Notification from the worksite supervisor(s) of Applicant's date of hire as

a cosmetologist, and, if applicable, the date her employment terminated; and

d. Applicant shall notify the Board in writing within fifteen (15) days of 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. 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.

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

8. Upon full compliance with all terms and conditions of the probation prescribed by this Agreement, Applicant'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.

9. 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.

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

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

12. This Agreement shall be part of the permanent record of 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.

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

WHEREFORE, the terms of this Consent Agreement and Order 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 26, 2007.