

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:

Jillian E. Pierson
License No. 63279

RESPONDENT.

)
) **CASE NO. 08-091**
)
)
) **STATEMENT OF CHARGES,**
) **SETTLEMENT AGREEMENT**
) **AND FINAL ORDER**
)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Jillian Pierson (Respondent), and hereby enters into this Combined Statement of Charges, Settlement Agreement, and Final Order (Agreement and 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 holds a current cosmetology license number 63279 that will next expire on March 31, 2011. Board records indicate that Respondent's address is 210 Gray Ave., Waukee, IA 50263.
3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNTS I-IV

4. Respondent is charged with four counts of conviction of a felony related to the profession in violation of 645 Iowa Administrative Code 65.2(12).

FACTUAL CIRCUMSTANCES

5. Respondent has been convicted of Prohibited Acts (Methamphetamine), Theft, Trespass, Harassment, Assault, and Attempted Burglary, for which she served time in Mitchellville prison and is currently on parole.

SETTLEMENT AGREEMENT AND FINAL ORDER

6. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

7. By entering into this Agreement and Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Agreement and Order and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.

8. This combined Agreement and Order, is voluntarily submitted by Respondent to the Board for consideration.

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

10. Respondent agrees that counsel for the State may present this Agreement and Order to the Board.

11. This Agreement and Order is subject to approval of the Board. If the Board fails to approve this Agreement and Order it shall be of no force or effect to either party.

12. This Agreement and 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 any future violation.

13. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).

14. This Agreement, and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

15. The Board's approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED

16. Respondent agrees that her license is placed on probation for a period coextensive with her parole with the State of Iowa (set to be discharged May 30, 2011). During the probationary period, Respondent agrees to comply with the following terms:

a. Within 15 (fifteen) days of the issuance of this order and on a quarterly basis thereafter, Respondent 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 employer;

b. Respondent 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 Respondent to timely and truthfully notify the Board of his current employment status shall constitute a violation of this Agreement;

c. Respondent shall not use any controlled or prescription drug unless the controlled or prescription drug was prescribed by her health care provider;

d. Respondent shall participate in the drug screening program and shall be responsible for payment of all expenses she incurs through that program;

e. Respondent shall fully comply with all conditions of Fifth Judicial District, Department of Correction Services, and shall arrange for her probation officer to submit a quarterly report notifying the Board of Respondent's compliance with probation requirements.

f. Respondent shall obey all federal, state, and local laws and all rules governing the practice of cosmetology in Iowa; and

g. Upon request of the Board, Respondent 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 Respondent with reasonable notice of the date, time, and place for any requested appearance. Respondent 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.

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

18. Respondent agrees to comply with all laws and rules regarding the practice of cosmetology.

This statement of charges, settlement agreement and final order is approved by the board on October 5, 2009.