

**BEFORE THE BOARD OF BARBERING  
OF THE STATE OF IOWA**

---

IN THE MATTER OF	)	NO. BA 09-018
	)	
Dixie's Barber Shop,	)	
License No. 02856	)	NOTICE OF HEARING
and	)	AND STATEMENT OF CHARGES
Dixie Van Ryswyk,	)	
License No. 14276	)	
	)	
RESPONDENTS.	)	

---

The Iowa Board of Barbering (Board) 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. Respondent Dixie's Barber Shop, located at 209 East Main, Montezuma, Iowa 50171, was issued Iowa license 02856 on June 4, 2004. Respondent's barbershop was not renewed in 2008 and the barbershop license is inactive. Respondent Van Ryswyk's barber license 14276 was issued on January 31, 1996 and is current until June 30, 2010.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on April 26, 2010 before the Board of Barbering. The hearing shall begin at 2:30 p.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, 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 Barbering, 5<sup>th</sup> 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 of Iowa) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Scott Galenbeck, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> 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, 158, 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, 158, and 272C and 645 IAC chapter 25.

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) and 645 IAC § 11.21.

## **C. CHARGES**

### **Count I**

Respondent Dixie's Barber Shop is charged under Iowa Code § 158.9 (2009) with operating as a barbershop without a current license.

### **Count II**

Respondent Van Ryswyk is charged under Iowa Code 158.13(1) (2009) with providing barbering services from an unlicensed establishment.

### **Count III**

Respondents are charged under 645 IAC §§ 25.2(12) and 22.2 with failing to post a copy of the most current sanitation rules and inspection report in a conspicuous place in the barbershop.

### **Count IV**

Respondents are charged under 645 IAC §§ 25.2(12) and 22.16(3) with failing to have a hazardous waste container available for use at all times when services are being performed.

### **Count V**

Respondents are charged under Iowa code § 158.5, 645 IAC §§ 25.2(12), 22.10(6), 22.11(1), 22.12 and 22.2 with engaging in unsanitary practices.

### **Count VI**

Respondents are charged under 645 IAC §§25.2(12) and 22.5 with failing to meet barbershop building standards.

## **D. FACTUAL CIRCUMSTANCES**

1. During an investigation on December 7, 2009, Respondent Van Ryswyk admitted that she provided barbering services at Dixie's Barber Shop in Montezuma,

Iowa. Respondents failed to renew their barber and barbershop licenses by July 31, 2008 and the licenses were administratively placed on inactive status. According to Board records, Respondent was sent reactivation forms on January 7, 2009 for both licenses. Respondent Van Ryswyk reactivated her barber license January 14, 2009. A second barbershop reactivation form was sent to the Respondents on December 4, 2009. The barbershop license has not been reactivated.

2. The investigation revealed there were no biohazard bags or containers in the barbershop, sanitation rules were outdated, and the prior inspection report was not posted.

3. During the investigation, scissors, clippers, clipper blades, and combs were found to be covered with hair. Respondent verbally acknowledged that all instruments were stored on the tabletop next to the barber chair; however, no clean instruments were found on the tabletop.

4. A large amount of hair was found on the floor around the barber chair and hair trimmings were discarded in an uncovered trash receptacle.

5. A large disinfectant jar of Barbicide full of combs was located in the shop. The combs were not entirely submerged and the Barbicide had a large amount of debris settled at the bottom.

#### **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 Scott Galenbeck, Assistant Attorney General, at 515/281-6658.

#### **F. PROBABLE CAUSE FINDING**

On this 26th day of January 2010, the Iowa Board of Barbering 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 March 19, 2010.**