

BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)
)
The Beauty Shop) **CASE NO. 09-070**
License No. 011024) **NOTICE OF HEARING AND**
and) **STATEMENT OF CHARGES**
Keisha Jackson, owner,)
License No. 60043)
)
RESPONDENTS)

The Iowa Board of Cosmetology Arts and Sciences files this Notice of Hearing pursuant to Iowa Code §§ 17A.12(2), 17A.18(3) (2011), and 645 Iowa Administrative Code (IAC) § 11.6. The Beauty Shop was issued Iowa salon license no. 011024 and operates a salon located at 451 Highway 1 West, Iowa City, Iowa 52246. Respondent-The Beauty Shop's license is current and will next expire on December 31, 2012. Respondent-Keisha Jackson, owner of The Beauty Shop, holds a cosmetologist license no. 60043 that next expires March 31, 2014.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on **October 1, 2012**, before the Board of Cosmetology Arts and Sciences. The hearing shall begin at **11:30 A.M.** 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: 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 645 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: David Van Compernelle, Assistant Attorney General, Iowa Attorney General's Office, 2nd 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, 157, and 272C (2011).

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 (2011) 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) (2011) and 645 IAC § 11.21.

C. CHARGES

COUNT I – UNSANITARY PRACTICES

Respondents are charged under Iowa Code §§ 147.55 and 157.9, and 645 IAC § 65.2(13), with engaging in unsanitary practices, in violation of Iowa Code § 157.6 (2011) and 645 IAC §§ 63.11, 63.13, 63.14, 63.15, and 63.19.

COUNT II – FAILURE TO PROVIDE BIOHAZARD DISPOSAL

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2011), and 645 IAC § 65.2(13), with failing to provide for biohazard disposal in violation of

645 IAC § 63.11.

COUNT III – FAILURE TO POST RULES

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2011), and 645 IAC 65.2(13), with failing to properly post a copy of the most recent sanitation rules in the reception area at eye level in violation of 645 IAC § 63.2.

COUNT VI – EMPLOYMENT OF UNLICENSED INDIVIDUALS

Respondents are charged under Iowa Code §§ 147.55 and 157.9 (2011), and 645 IAC § 65.2(13), with employing an unlicensed individual to provide services, in violation of 645 IAC § 65.2(28).

D. FACTUAL CIRCUMSTANCES

On August 6, 2009, an investigator inspected Respondents' salon and observed that sanitation rules were not posted. No biohazard bag was located in the salon. Customers were not wearing paper neck bands. Permanent hair rods were stored in drawers which contained hair.

Additionally, used supplies had been placed in a jar for cleaning, but there was no disinfectant in the jar. Hair clippings were present on the floor, in drawers, on electric shaver heads, and both in the sink basin and around the sink basin.

A barber station did not have sanitation rules posted, had a Barbicide container that was cloudy and contaminated with debris – and the Barbicide did not cover the instruments being disinfected. Hair clippings were on electric shaver heads and on towels situated at the station. The barber license of the

person who uses the station had expired.

A prior inspection had noted the salon's need for a biohazard bag, the need for posting of barber sanitation rules and the inappropriate storage of permanent hair rods in drawers containing hair.

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 David Van Compernelle, Assistant Attorney General, at 515-281-7262.

F. PROBABLE CAUSE FINDING

On October 5, 2010, the Iowa Board of Cosmetology Arts & Sciences found probable cause to file this Notice of Hearing and Statement of Charges.



KIMBERLY PAGE, Chairperson
Iowa Board of Cosmetology Arts & Sciences

Date signed August 13, 2012

Copies to:

David Van Compernelle
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319