BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES

IN THE MATTER OF: Case No. CO 09-071

SPA BY ZENDER, RIVERSIDE STIPULATION AND
License No. 011451 CONSENT ORDER

SPA BY ZENDER, IOWA CITY
License No. 008941
and

DONNA ZENDER, owner
License No. 37875

Respondents.

Pursuant to Iowa Code 17A.10(2) and 272C.3(4) (2009), and 645 Iowa Administrative Code 12.1, the Iowa Board of Cosmetology Arts and Sciences (hereinafter, "Board"), and Spa by Zender Riverside, Spa By Zender Iowa City and Donna Zender (hereinafter, "Respondents"), enter into the following Stipulation and Consent Order settling a disciplinary proceeding pending before the Board.

Allegations specified in a Statement of Charges against Respondents shall be resolved without proceeding to hearing, as the Board and Respondents stipulate as follows:

1. Respondent Spa by Zender Riverside is located at 3184 Highway 22, Riverside, Iowa 52327 and holds license 011451, Respondent Spa by Zender Iowa City, is located at 2 S. Linn, Iowa City, Iowa 52240 and holds
license 008941 and Respondent Donna Zender is the owner of both spas and
holds license number 37875.

2. A Notice of Hearing and Statement of Charges against
Respondents was adopted by the Board on August 24, 2010.

3. The Board has jurisdiction over the parties and jurisdiction over the
subject matter of these proceedings.

4. Respondents have chosen not to contest the allegations set forth in
the Notice of Hearing and Statement of Charges and acknowledge that the
allegations, if proven in a contested case proceeding, would constitute grounds
for the discipline described herein.

5. On the date of the Board’s approval of this Stipulation and Consent
Order, Respondents Spa by Zender Riverside and Spa by Zender Iowa City and
Donna Zender licenses shall be placed on probation on terms which shall include
the following:

   a. Respondents agree to comply with the terms of probation.

   b. The period of probation shall be 1 (one) year, provided, however,
that only those periods during which Respondents have a valid license issued by
the Board shall count toward exhaustion of the probationary period.

   c. Respondent Spa by Zender Riverside and Spa by Zender Iowa City
and Donna Zender shall each be assessed a civil penalty in the amount of
$1000. These civil penalties shall be paid within thirty (30) days after the
Board’s approval of this Stipulation and Consent Order, and shall be made
payable to the Treasurer of Iowa and mailed to the administrator of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

d. Respondent Donna Zender shall attend two hours of continuing education in the area of Iowa law and sanitation. Said continuing education shall be in addition to the continuing education hours Respondent needs to maintain her cosmetology license and must be obtained by January 14, 2011. Appropriate certification of participation by Respondent Donna Zender shall be submitted to the Iowa Board of Cosmetology Arts and Sciences by January 21, 2011.

e. Respondents shall obey all federal and state laws, rules, and regulations related to the practice of cosmetology.

f. Respondents shall report to the Board quarterly, in a typewritten format. The report shall include Respondents’ place of business or employment, current address and phone number, Respondents’ most recent efforts to implement the provisions of this Stipulation and Consent Order, by date, and any further information deemed necessary by the Board from time to time.

g. Respondents shall inform the Board, in writing, of any change of home or business address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

h. Respondents shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing their performance during the
probationary period. Respondents shall be given reasonable notice of the date, time, and place for the appearances.

i. Such other reasonable terms as the Board may wish to impose during the probationary period.

6. By entering into this Order, Respondents voluntarily waive any right to a contested case hearing on the allegations contained in the Notice of Hearing and Statement of Charges and voluntarily waive any objections to the terms of this Order, including the right to appeal.

7. This Order is voluntarily submitted by Respondents to the Board for consideration. Respondents agree that counsel for the State may present this Order to the Board.

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

9. This Order shall be part of each Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any discipline to be imposed as a result of future disciplinary proceedings.

10. In the event Respondents violate or fail to comply with any of the terms of this Order, the Board may initiate action to revoke or suspend Spa by Zender Riverside and Spa by Zender Iowa City and Donna Zender's license or to impose other licensee discipline in accordance with Iowa Code § 272C.3(2)(a).

11. Upon Board approval, this Order shall become a public record available for inspection and copying.
12. The Board’s approval of this Order shall constitute a FINAL ORDER.

This Stipulation and Consent Order is approved by the Board December 16, 2010.