

BEFORE THE IOWA BOARD OF BARBERING

IN THE MATTER OF)
) **NO. BA 08-10**
)
Robert Presswood,) **NOTICE OF HEARING**
License No. 14440) **AND STATEMENT OF CHARGES**
)
RESPONDENT.)

The Iowa Board of Barbering (hereinafter, "Board") files this Notice of Hearing and Statement of Charges pursuant to Iowa Code §§ 17A.12(2), 17A.18(3) (2009), and 645 Iowa Administrative Code ("IAC") §§ 11.6 and 25.2. Robert Presswood ("Respondent") was issued Iowa license 14440 on February 3, 2000. Respondent's license is current and will next expire on June 30, 2010. Respondent's address as reported to the Board is 1428 E. 16th Street, Des Moines, Iowa 50316.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing will be held on July 27, 2010 before the Board of Barbering. The hearing will begin at 11:30 a.m. and 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: Iowa Board of Barbering, 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 the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC § chapter 11. At the 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 the hearing. If you need to request an alternative time or date for the 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 Iowa 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, 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, 158, and 272C (2009).

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 (2009), 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) (2009) and 645 IAC § 11.21.

C. CHARGES

Count I

Respondent is charged under Iowa Code § 272C.3(2)(a) (2009) and 645 IAC § 25.2(20) with failure to comply with the terms of a board order.

D. FACTUAL CIRCUMSTANCES

On December 14, 2009 the Board issued a prior order in this case. The Findings of Fact, Conclusions of Law, Decision and Order ("Order") followed a contested case hearing held October 27, 2009. The Order placed Respondent on probation for two years and required Respondent to pay a civil penalty of \$250, plus hearing and court reporter fees of \$104.02, within thirty (30) days of the issuance the Order. The Order

also required Respondent to make application to the Board to correct the license issued for a barbershop located at 2301 University Avenue in Des Moines, and to file quarterly typewritten reports with the Board during probation. Respondent has failed to submit quarterly reports or an updated barbershop application.

E. SETTLEMENT

This matter may be resolved by settlement agreement. 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 515/281-6858.

F. PROBABLE CAUSE FINDING

On this 27th day of April, 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 June 30, 2010.