STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES EXAMINERS

IN THE MATTER OF:	)	CASE NO. 06-037
	)	
J.C. Penney Styling Salon 2821-7	)	COMBINED STATEMENT OF
License No. 002-010353	)	CHARGES, INFORMAL
	)	SETTLEMENT AGREEMENT,
RESPONDENT	)	AND CONSENT ORDER

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and J.C. Penney Styling Salon 2821-7 (Respondent), enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Respondent presently possesses salon license number 002-010353 to operate a salon in the State of Iowa. Board records indicate that Respondent salon is owned by J.C. Penney Corporation, Inc. and is located at 4340 Sergeant Road, Sioux City, Iowa 51106.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C. Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged under Iowa Code section 147.55(3), 157.6 and 272C.3(2) and 645 Iowa Administrative Code (IAC) rule 65.2(13) by engaging in unsanitary practices in violation of 645 IAC 63.2, 63.14, 63.18(3)(b) and (c) and 63.25(3)-(5).

CIRCUMSTANCES

4. During an inspection of Respondent salon on May 24, 2006, it was noted that no sanitation rules were posted. In addition, chamois buffers and used nail buffers that could not be sanitized were observed. Also, the daily and biweekly requirements for whirlpool foot spa cleaning and disinfecting were not being accomplished or recorded.

SETTLEMENT AGREEMENT

5. Respondent agrees not to contest the above stated charge before the Board.

6. Respondent has a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waives its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.

7. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

8. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

9. Any failure by Respondent to comply with the terms and conditions of this Agreement shall subject Respondent to further license disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

10. This Agreement is subject to approval by the Board:

(a) If the Board does not approve this Agreement, it shall be of no force or effect on either party and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

11. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).

12. This Agreement shall not be binding as to any new complaints received by the Board.

CONSENT ORDER

IT IS THEREFORE ORDERED:

13. Respondent agrees to pay to the Board a civil monetary penalty of $600. Respondent shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

14. Respondent agrees to comply with all laws and rules regarding salon sanitation and in particular will not reuse instruments that cannot be sanitized and will comply with whirlpool foot spa cleaning and disinfecting requirements.

This combined statement of charges, informal settlement agreement, and consent order is approved by the board on November 1, 2006.