

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

IN THE MATTER OF:)	
)	
Lorena Martinez)	CASE NO. 04-061
License No. 843-59317)	
)	
doing business as)	
)	
Lorena's Beauty Salon)	COMBINED STATEMENT OF
License No.002-010247)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT
)	AND CONSENT ORDER
RESPONDENTS.)	

The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Lorena Martinez, doing business as Lorena's Beauty Salon (Respondents), 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)(2005), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Lorena's Beauty Salon presently possesses license number 002-010247 to operate a salon in the state of Iowa. The license is current and will next expire on December 31, 2006. Board records indicate that the salon license was issued to Lorena Martinez, license number 843-59317 on April 8, 2004, and the salon is located 3011 SE 14th St., Des Moines, Iowa 50320.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 147, 157, and 272C (2005). 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. Respondents are charged with employing individual(s) to practice cosmetology arts and sciences without an Iowa license in violation of Iowa Code section 157.13(1) and 645 IAC rules 63.4 and 65.2(28).

CIRCUMSTANCES

4 During an investigation of Respondent salon on June 29, 2006, it was found that an Iowa unlicensed person, Erica Martinez, was engaged in an activity (cutting hair) requiring an Iowa license. A second unlicensed (in Iowa) cosmetologist was apparently employed but was not present at the time of the investigator's visit. The owner is responsible for allowing persons without an Iowa license to practice.

SETTLEMENT AGREEMENT AND SANCTIONS

5. Respondents agree not to contest the above stated charges before the Board.

6 Respondents have a right to receive notice of the charges and to request a hearing before the Board on the merits of the charges, but waive its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in these cases.

7. Respondents agree 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 will be retained by the Board but shall not be considered by the Board in the event of future violations, if none occur within the next five years.

9. Any failure by Respondents to comply with the terms and conditions of this Agreement shall subject Respondents to further licensee 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 these cases.

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.

13. Penalty: Respondents agree to pay to the Board a civil monetary penalty of \$400.00 total. Respondents 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. Reprimand: Respondents are reprimanded for employing an individual without a license issued by the Iowa Board of Cosmetology Arts and Sciences Examiners to provide services requiring an Iowa cosmetology license.

15. Future Compliance: Respondents shall in the future adhere to all relevant statutes and administrative rules. Without limitation, respondents agree in particular to

strictly abide by all licensure requirements in Iowa code chapter 157 and associated rules.

WHEREFORE, the terms of this Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Respondents.

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