COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Pamela Sue Wetherell (Respondent), and hereby enter into this Combined Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondents have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order:

2. Respondent holds a current cosmetology license number 47280 that will next expire on March 31, 2010. Board records indicate that Respondent's address is 200 Dixon Ct., Box 264, Cleghorn, IA 51014.

LEGAL AUTHORITY AND JURISDICTION

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I
4. Respondent is charged with failing to meet the continuing education requirement for licensure, falsification of information on the license renewal form, falsification of continuing education information, and failure to cooperate with a board audit in violation of 645 Iowa Administrative Code 4.13 (1) – (4), 65.2(1) and 65.2(30)

FACTUAL CIRCUMSTANCES

5. During online license renewal on March 7, 2008, Respondent verified that she was exempt from continuing education requirements because of a physical or mental disability or illness.

6. After submission of the online application, the Board discovered Respondent had not been granted an exemption.

7. On May 6, 2008, Respondent submitted an explanation for incorrectly identifying she had a medical exemption for continuing education requirements. Respondent answered, “I had scheduled a con-ed class and we had a snow storm and the class was cancelled. They rescheduled the class but failed to call me to let me know.”

8. On July 3, 2008, the Board notified Respondent that she had an opportunity to submit make-up credit to correct the misrepresentation and to clear up the deficiency.

9. To date, Respondent has not submitted evidence of completion of the required continuing education.

SETTLEMENT AGREEMENT AND FINAL ORDER

10. Respondent now wishes to voluntarily surrender her license. Respondent understands and acknowledges that a voluntary surrender has the same force and effect as an order of revocation.

11. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes
the resolution of a contested case proceeding.

12. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondents voluntarily waive any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of the Settlement Agreement.

13. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

14. Respondent acknowledges that she has a right to be represented by counsel in this matter.

15. Respondent agrees that counsel for the State may present this Agreement to the Board.

16. This combined Notice of Hearing, Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order it shall be of no force or effect to either party.

17. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.

18. This Order shall be part of the Respondent's permanent record 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.

19. Any failure by Respondent to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.

20. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.
IT IS THEREFORE ORDERED:

Respondent’s voluntary surrender of her cosmetologist license is accepted and Respondent’s license is hereby REVOKED. Respondent shall physically surrender her certificate to the Board Office within 10 days of the date of this Combined Notice of Hearing, Settlement Agreement and Final Order signed by the Board. In the event Respondent seeks reinstatement, it shall be her burden to establish that it is in the public interest to do so and that the basis for the revocation no longer exists, as provided in 645 IAC 11.31.

If the Board determines to reinstate Respondent’s license pursuant to 645 IAC 11.31, in addition to any other terms or conditions of reinstatement, Respondent shall comply with all then existing laws and rules on the administrative reactivation of her license.

If the Board reinstates Respondent’s license, the Board may impose such terms and conditions as will protect the public interest, including, but not limited to a period of probation.

Respondent shall not perform any cosmetology services for which licensure is required under Iowa Code, until her license is reinstated and reactivated as provided in this Combined Notice of Hearing, Settlement Agreement and Final Order.

This Combined notice of hearing, settlement agreement and final order is approved by the board on January 5, 2009.