

BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES

IN THE MATTER OF:)
)
Trahvae Pearson) **CASE NO. CO 09-060**
License No. 59641)
)
Respondent) **NOTICE OF HEARING**
) **AND STATEMENT OF CHARGES**
)

The Iowa Board of Cosmetology Arts and Sciences files this Notice of Hearing pursuant to Iowa Code § 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) §11.6. Trahvae Pearson (Respondent) was issued a cosmetology license on December 13, 1999 and an instructors license on October 20, 2000. Both licenses are current until March 31, 2011.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 5, 2010 before the Board of Cosmetology Arts and Sciences. The hearing shall begin at 9:00 AM and shall be located in the Lucas State Office Building, Fifth Floor Conference Room 517/518, 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: Board of Cosmetology Arts and Sciences, 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 hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At 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 hearing. If you need to request an alternative time or date for 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 Attorney General is responsible for representing the public interest (the State) 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, 157, and 272C.

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, 157, and 272C and 645 IAC chapter 65.

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) and 645 IAC § 11.21.

C. CHARGES

COUNT I

Respondent is charged under Iowa Code § 157.2(1) with practicing cosmetology arts and sciences without a valid license

COUNT II

Respondent is charged with providing cosmetology services in an unlicensed setting in violation of Iowa Code § 157.11.

COUNT III

Respondent is charged under 645 IAC § 65.2(13) with engaging in unsanitary practices in violation of Iowa Code § 157.6 and 645 IAC §§ 63.12(1), 63.14, 63.17(3) and 63.18(3).

D. FACTUAL CIRCUMSTANCES

1. During an investigation on October 26, 2009, Respondent admitted to

investigators that he provides cosmetology services by appointment at his residence at 650 17th Street, Des Moines, Iowa. There was no salon license for that location. Respondent applied for a salon application on February 3, 2010, and salon license 103188 was issued for Trahvae Freraire Studio at the 650 17th Street location.

2. Respondent previously held salon licenses at two different locations. Respondent was issued salon license 010122 in 2006. That salon was closed April 9, 2008 and a new salon license #102241 was issued when the Respondent changed the location of his salon. Salon license #102241 was not renewed by December 31, 2008 and was administratively placed on inactive status on January 31, 2009. Respondent failed to obtain a new salon license prior to providing services at 650 17th Street.

3. Respondent failed to renew his cosmetology license #59641 by March 31, 2009 and his license was administratively placed on inactive status as of May 1, 2009. Respondent's cosmetology instructor license had been inactive since October 5, 2005 – however he reported to investigators that he had taught at La James School of Hairstyling as recently as October of 2008. Respondent reactivated his cosmetology and instructor licenses on February 18, 2010.

4. During the investigation, four shavers that were covered with hair were observed in a drawer. Clean instruments were stored in a drawer with paper, pens and a remote control, and the drawer had hair in it. No biohazard container was found in the salon and an area rug under the hair stations was covered with a large amount of hair.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The 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 M. Galenbeck, Assistant Attorney General, at 515-281-6658.

F. PROBABLE CAUSE FINDING

On the 11th day of January, 2010, the Iowa Board of Cosmetology Arts and Sciences 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 March 5, 2010.