

**BEFORE THE BOARD OF BARBERING
OF THE STATE OF IOWA**

IN THE MATTER OF)	NO. BA 08-013
)	
Platinum Kuts,)	
License No. 02748)	NOTICE OF HEARING
and)	AND STATEMENT OF CHARGES
Anthony Presswood,)	
License No. 14458)	
)	
RESPONDENTS.)	

COMES NOW the Iowa Board of Barbering (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent barbershop located at 2301 University Ave., Des Moines, Iowa 50311 was issued Iowa license 02748 on July 18, 2001. Respondent's barbershop license is current and will next expire on June 30, 2010. Respondent's barber license 14458 was issued on August 10, 2000 and is current until June 30, 2010.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on October 27, 2009 before the Board of Barbering. The hearing shall begin at 3:00 p.m. and shall 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: 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 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: Jordan Esbrook, 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.

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 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 Section 17A.12(3) and 645 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 IAC 25.2(12) for failing to post a copy of the most current sanitation rules and the inspection report at in a conspicuous place in the barber shop pursuant to 645 IAC 22.2(158).

Count II

Respondent is charged with violating a regulation, rule, or law of this state

pursuant to 645 IAC 25.2(12) for failing to have a hazardous waste container available for use at all times when services are being performed, in violation of 645 IAC 22.16(3).

Count III

Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 IAC 25.2(12) for using neck dusters, in violation of 645 IAC 22.15(5).

Count IV

Respondent is charged with permitting an unlicensed person under Respondent's control to perform activities that require a license, in violation of 645 IAC 25.2(29)

D. FACTUAL CIRCUMSTANCES

1. During an investigation on April 22, 2009, it was discovered that Katray Rochon and Derrick West rent chairs at Respondent barber shop. According to board records, Mr. Rochon and Mr. West are not currently licensed barbers in Iowa.
2. During the investigation, it was discovered that there were no biohazard bags or containers in Respondent barber shop.
3. Inspection on October 30, 2008 showed several posting violations, including the sanitation rules not being posted conspicuously in the barber shop. During the investigation on April 22, 2009, the violation had not been corrected. The sanitation rules were outdated and no posted for public inspection. The inspection report for October 30, 2008 was not posted in a conspicuous place in the barber shop.
4. During the investigation on April 22, 2009 it was discovered that there were four neck dusters at the stations.

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 Jordan Esbrook, Assistant Attorney General, at 515/281-6858.

F. PROBABLE CAUSE FINDING

On this 28th day of July, 2009, the Iowa Board of Barbering found probable cause to file this Notice of Hearing and Statement of Charges.

This statement of charges and notice of hearing is approved by the board on August 6, 2009.