

STATE OF IOWA  
BEFORE THE BOARD OF COSMETOLOGY ARTS AND SCIENCES

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IN THE MATTER OF:	)	
Brenda Means	)	<b>CONSENT AGREEMENT</b>
500 W 27 <sup>th</sup> St.	)	<b>AND ORDER</b>
Sioux City, IA 51103	)	
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The Iowa Board of Cosmetology Arts and Sciences (Board) and Brenda Means (Applicant) enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code sections 17A.10(1) 147.3, 157.3, 272C.3, and 645 Iowa Administrative Code rule 60.2.

1. Applicant applied for an Iowa cosmetology and instructor licensure by endorsement, along with a Petition for Waiver requesting a waiver of board rule that required her to complete a national written examination. On July 13, 2009, The Board granted a waiver of 645—60.2(1)“c,” which accepted the passing of the Texas state cosmetology written and practical examinations and her five years of practice as a cosmetologist and instructor to be substantially equivalent to Iowa’s examination requirement.

2. Applicant answered “yes” to Question #11 of the application, which asked: *“Have you ever been convicted, found guilty of or entered a plea of guilty or no contest to a felony or misdemeanor crime (other than minor traffic violations with fines under \$500).”*

3. On December 14, 2001, Applicant was found guilty of the charges of Possession With Intent to Distribute Cocaine, Possession With Intent to Distribute Methamphetamine, and Conspiracy to Distribute Methamphetamine. Applicant was sentenced to one hundred twenty (120) months on each of the three counts with the sentence to be served concurrently.

4. Beginning August 20, 2009, Applicant will begin a five-year term of supervised release with U.S. Probation, Northern District of Iowa. As part of probation, she is prohibited from using alcohol and from possessing a controlled substance. She is also required to participate in a program of testing and treatment for drug abuse as directed by her probation officer.

5. Upon approval of this Agreement by the Board, Applicant will be issued a cosmetology license subject to a period of probation to run concurrent with her probation supervised by the U.S. Probation Office, Northern District of Iowa that is scheduled to end on August 20, 2014. The probationary period shall commence on the date the license is issued. During the probationary period, Applicant shall comply with the following terms:

a. Applicant shall fully comply with all relevant statutes and administrative rules in the course of her practice as a licensed cosmetologist including compliance with all license renewal and continuing education requirements;

b. Applicant shall fully comply with all conditions of probation by U.S. Probation Office, Northern District of Iowa, and shall arrange for her probation officer to submit a quarterly report notifying the Board of applicant's compliance with probation requirements.

c. Within 15 (fifteen) days of the issuance of the license and on a quarterly basis thereafter, Applicant shall notify the Board in writing as to the status of her employment as a cosmetologist in the state of Iowa. All written notifications required by this provision shall include:

(1) The period of time covered by the report;

(2) The name and address of Applicant's places of employment as a cosmetologist;

(3) The name and license number of Applicant's licensed worksite supervisor(s) at each place of employment that provide cosmetology services; and

(4) Notification from the worksite supervisor(s) of Applicant's date of hire as a cosmetologist, and, if applicable, the date her employment terminated;

d. Applicant shall notify the Board in writing within fifteen (15) days of termination, either voluntarily or involuntarily, of her employment as a cosmetologist in the State of Iowa. Failure by Applicant to timely and truthfully notify the Board of her current employment status shall constitute a violation of this Agreement; and

e. Upon request of the Board, Applicant shall appear before the Board to report on the status of her practice as a cosmetologist and to answer any questions or concerns the Board may have regarding her probation. The Board shall provide Applicant with reasonable notice of the date, time, and place for any requested appearance. Applicant agrees that any such appearance would be governed by 645 Iowa Administrative Code rule 9.7 and that she waives any and all objections to the members of the Board both participating in the appearance and later participating as decision makers in a contested case proceeding.

6. If after one year, the applicant is in compliance with the terms and conditions of this Agreement and Order, the Applicant may request the Board consider issuing her an instructor license. If the instructor license is granted, the conditions of this Agreement and Order shall also apply to her instructor license.

7. Any failure by Applicant to comply with the terms and conditions of this Agreement shall subject Applicant to 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.

8. Upon full compliance with all terms and conditions of the probation prescribed by this Agreement, Applicant's license to practice as a cosmetologist in the state of Iowa shall be restored to its full privilege free and clear of all probationary restrictions.

9. This Agreement is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.

10. This Agreement is voluntarily submitted by Applicant to the Board for its consideration.

11. This Agreement is a public record available for inspection and copying in

accordance with Iowa Code section 272C.3(4).

12. This Agreement shall be part of the permanent record of Applicant 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.

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

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Applicant.

**This consent agreement and order is approved by the board on August 3, 2009.**