The Iowa Board of Cosmetology Arts and Sciences (Board) and Derrick Wilhelm (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 Iowa licensure by examination and meets the requirements for licensure in Iowa.

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. Applicant was issued a probationary license on October 15, 2008 by the Nebraska Department of Health and Human Services, Division of Public Health based on his previous conviction record which included Driving Under the Influence on September 13, 2004 and Theft-Unlawful Taking of an Amount Between $201- to $499 from the bank in which he was employed on June 19, 2007.

4. Upon approval of this Agreement by the Board, Applicant will be issued a cosmetology license subject to an eighteen (18) month period of probation to be consistent with the probationary license issued by the state of Nebraska. The probationary period shall commence on the date the license is issued.

5. During the probationary period, Applicant shall:

a. Comply with the probationary requirements imposed on his Nebraska
cosmetology license and shall notify the Iowa Board of Cosmetology of any changes to his probationary status within 30 days of the occurrence.

b. Comply with all relevant statutes and administrative rules in the course of his practice as a licensed cosmetologist including compliance with all license renewal and continuing education requirements;

6. Upon request of the Board, Applicant shall appear before the Board to report on the status of his practice as a cosmetologist and to answer any questions or concerns the Board may have regarding his 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 he 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.

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 April 8, 2009.