

**BEFORE THE IOWA BOARD OF COSMETOLOGY ARTS AND SCIENCES**

**IN THE MATTER OF:** )  
 ) **CASE NO. CO 09-79**  
**TANYA CHRISTIE,** )  
**License No. 61111,** ) **NOTICE OF HEARING**  
 ) **AND STATEMENT OF CHARGES**  
**Respondent.** )

The Iowa Board of Cosmetology Arts and Sciences files this Notice of Hearing and Statement of Charges pursuant to Iowa Code §§ 17A.12(2) and 17A.18(3) (2009), and 645 Iowa Administrative Code (IAC) § 11.6. Tanya Christie (hereinafter, "Respondent") was issued an Iowa cosmetology license no. 61111, which license will expire on March 31, 2012.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on January 5, 2011, before the Iowa Board of Cosmetology Arts and Sciences. The hearing shall begin at 10:30 AM and shall be located in the Lucas State Office Building, Fifth Floor Conference Rooms 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: Iowa Board of Cosmetology Arts and Sciences, 5<sup>th</sup> 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, 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: Kristin Ensign, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact individual 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 (2009).

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 (2009) 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) (2009) and 645 IAC § 11.21.

## **C. CHARGES**

### **COUNT I**

Respondent is charged under Iowa Code § 147.55 (2009), and 645 IAC §§ 63.4(3), 63.25(3) and 65.2(13), with failing to clean and fully document cleanings of pedicure spas in violation of 645 IAC §§ 63.25(1-3).

### **COUNT II**

Respondent is charged under Iowa Code § 147.55 (2009), and 645 IAC § 65.2(13) (2009), with engaging in unsanitary practices in violation of Iowa Code § 157.6 and 645 IAC §§ 63.4(3), 63.10, 63.11, 63.12(1), 63.13(2), 63.14, 63.15, and 63.18(1).

### **COUNT III**

Respondent is charged under Iowa Code § 147.55 (2009) and 645 IAC §§ 63.2 and 65.2(13) with failing to properly post a copy of the most recent sanitation rules and inspection report in the salon reception area at eye level in violation of 645 IAC § 63.2.

**COUNT IV**

Respondent is charged under Iowa Code § 147.55 (2009) and 645 IAC §§ 63.4(3) and 65.2(13) with failing to provide for biohazard disposal in violation of 645 IAC § 63.11.

**COUNT V**

Respondent is charged under Iowa Code § 147.55 (2009) and 645 IAC §§ 63.4(3) and 65.2(13) with failing to post her professional license in the reception area at eye level in violation of 645 IAC §§ 61.5(3) and 61.5(4).

**COUNT VI**

Respondent is charged under Iowa Code § 147.55 (2009) and 645 IAC § 65.2(6) with habitual intoxication, specifically an inability to practice with reasonable skill and safety by reason of excessive use of alcohol and drugs on a continuing basis.

**COUNT VII**

Respondent is charged under Iowa Code § 147.55 (2009) and 645 IAC § 65.2(2)(c) and 645 IAC § 65.2(2)(d) with professional incompetency, specifically a failure to exercise the degree of care which is ordinarily exercised by the average licensee acting in the same or similar circumstances, and a failure to conform to the minimal standard of acceptable and prevailing practice in Iowa.

**D. FACTUAL CIRCUMSTANCES**

1. At all times material to this Statement of Charges, Respondent rented space and had access to all common areas in Salon Elite, Cedar Falls, Iowa.

2. During an inspection of Salon Elite on February 4, 2010, sanitation rules and professional licenses were not posted in the reception area at eye level, and the salon did not have a biohazard bag or container.

3. As of the date of the inspection, the last whirlpool spa log entry had been recorded in December 2009 despite the fact one cosmetologist had performed a pedicure the week before the investigation. Spa jets contained white debris.

4. The inspector noticed that debris and hair were located behind the controls of the rinsing stations and hair clippings were underneath the basins. Respondent's work station had hair clippings in the bottom of drawers where clean supplies were stored. Respondent's Barbicide container was filled with diluted Barbicide.

5. Respondent did not use neck strips or towels to protect customers' necks from capes.

6. Respondent admitted to the Board's investigator that she has a history of heavy drinking and marijuana use. On several occasions, Respondent has brought alcohol into the salon and engaged in drinking with customers. Her Facebook page has contained descriptions of excessive alcohol use at the salon and photos of marijuana use away from the salon.

#### **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 Kristin Ensign, Assistant Attorney General, at 515-281-6547.

## **F. PROBABLE CAUSE FINDING**

On April 5, 2010, the Iowa Board of Cosmetology Arts & 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  
December 3, 2010.**