BEFORE THE IOWA BOARD OF COSMETOLOGY
ARTS AND SCIENCES

IN THE MATTER OF:  )

TONYA VINCENT,  )
License No. 00628,  )
) STIPULATION AND
) WARNING
)
Respondent.  )

Case No. CO 09-057

Pursuant to Iowa Code §§ 17A.10(2) and 272C.3(4) (2009), and 645 Iowa Administrative Code § 12.1, the Iowa Board of Cosmetology Arts and Sciences (hereinafter, "Board") and Tonya Vincent (hereinafter, "Respondent") enter into the following Stipulation and Warning, settling a disciplinary proceeding pending before the Board.

Allegations specified in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:


2. Respondent address of record is 1113 11th Street, Apartment 203, West Des Moines, Iowa 50325.

3. A Notice of Hearing and Statement of Charges against Respondent was adopted by the Board on August 6, 2009.

4. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

5. Respondent has chosen not to contest the allegations set forth in the
Notice of Hearing and Statement of Charges and acknowledges that the allegingations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

6. On the date of the Board's approval of this Stipulation and Warning, Respondent's esthetician license shall be placed on probation on terms which shall include the following:

   a. Respondent agrees to comply with the terms of probation.

   b. The period of probation shall be two (2) years, provided, however, that only those periods during which Respondent has a valid esthetician license shall count toward exhaustion of the probationary period. Respondent is not herein prohibited from seeking early termination of probation.

   c. Within three (3) months after the date of the Board's approval of this Stipulation and Warning, Respondent shall complete not less than two (2) hours of formal, structured continuing education ("CE"), which shall be pre-approved by the Board. The CE shall be focused on compliance with Iowa law and Board rules relating to cosmetology. This CE shall be in addition to – not in lieu of – of CE required for license renewal.

   d. Respondent agrees that any future use of the 750 Fraxel Laser and the 1064 Cutera Laser, and similar lasers, will occur at a location which is not licensed as a cosmetology salon and will be performed only following full disclosure to the customer that the
laser services are not performed pursuant to Respondent's estheticians license. Respondent shall maintain separate financial accounts relating to cosmetologist and non-cosmetologist services.

e. Upon the Board's approval of this Stipulation and Warning, Respondent shall be assessed a civil penalty in the amount of $500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Warning, and shall be made payable to the Treasurer of Iowa and mailed to the administrator of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

f. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of cosmetology.

g. Respondent shall neither purport to prescribe medications nor call prescriptions into pharmacies.

h. Respondent shall report to the Board quarterly, in writing. The report shall include Respondent's place of employment, current address and phone number, Respondent's most recent efforts to implement the provisions of this Stipulation and Warning, by date, and any further information deemed necessary by the Board from time to time. Respondent shall use these quarterly reports to identify any laser or similar device, other than the 750 Fraxel Laser and the 1064 Cutera Laser, that she intends to use in the course of her cosmetologist practice, and to seek Board approval to use such
laser or device.

i. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

j. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance during his probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

k. Such other reasonable terms as the Board may wish to impose during the probationary period.

7. By entering into this Order, Respondent voluntarily waives any right to a contested case hearing on the allegation contained in the Notice of Hearing and Statement of Charges and voluntarily waives any objections to the terms of this Order, including the right to appeal.

8. This Order is voluntarily submitted by Respondent to the Board for consideration. Respondent agrees that counsel for the State may present this Order to the Board.

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

10. This Order shall be part of the Respondent’s permanent record and shall be considered by the Board in determining the nature and severity of any discipline to be imposed as a result of future disciplinary proceedings.
11. In the event Respondent violates or fails to comply with any of the terms of this Order, the Board hereby warns Respondent that it may initiate additional action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code § 272C.3(2)(a).

12. Upon Board approval, this Order shall become a public record available for inspection and copying.

13. The Board's approval of this Order shall constitute a FINAL ORDER.

This Stipulation and Warning is voluntarily submitted by Respondent to the Board for its consideration on this 25th day of February, 2010.

[Signature]
TONYA VINCENT
Respondent

This stipulation and warning is approved by the board on April 5, 2010.