

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

IN THE MATTER OF)	
)	
Edgar Dobson, individually and as owner of Dorian's Inc.)	NOTICE OF INTENT TO IMPOSE CIVIL PENALTIES
)	
RESPONDENT.)	
)	

TO: Edgar Dobson, individually and as owner of Dorian's, Inc.

YOU ARE HEREBY NOTIFIED that on April 14, 2008, the Iowa Board of Cosmetology Arts and Sciences voted to issue a Notice of Intent to Impose Civil Penalties. The Intent to Impose Civil Penalties is based upon the following:

LEGAL GROUNDS AND JURISDICTION

It is unlawful for a person to practice cosmetology arts and sciences without a license. Iowa Code section 157.2. It is unlawful for a salon to operate unless the owner has obtained a salon license issued by the Board. Iowa Code section 157.11. Iowa Code section 157.13(4) provides:

If the board has reasonable grounds to believe that a person or establishment which is not licensed under this chapter has engaged, or is about to engage, in an act or practice which requires licensure under this chapter, or otherwise violates a provision of this chapter, the board may issue an order to require the unlicensed person or establishment to comply with the provisions of this chapter, and may impose a civil penalty not to exceed one thousand dollars for each violation of this chapter by an unlicensed person or establishment. Each day of a continued violation after an order or citation by the board constitutes a separate offense, with the maximum penalty not to exceed ten thousand dollars.

Imposition of civil penalties is authorized under 645 Iowa Administrative Code 65.5 and provides, in part:

***Unlawful practices.* Practices by an unlicensed person or establishment which are subject to civil penalties include, but are not limited to:**

- a. Acts or practices by unlicensed persons which require licensure to practice cosmetology arts and sciences under Iowa Code chapter 157.**
- b. Acts or practices by unlicensed establishments which require licensure as a salon or school of cosmetology arts and sciences under Iowa Code chapter 157.**

645 IAC 65.5(1).

FACTUAL CIRCUMSTANCES

On November 3, 1998 the Board filed a Notice of Hearing and Statement of Charges against Dorian's, Inc. alleging that Respondent failed to timely renew his salon license, pay the appropriate renewal fees and violated the probation agreement in effect from previous discipline imposed on October 20, 1997. On November 16, 1999, after a hearing, the Board entered an order revoking Respondent's salon license.

On August 20, 1999, the Board filed a Notice of Hearing and Statement of Charges against Edgar Dobson alleging that Mr. Dobson failed to timely renew his cosmetology license, submit proof of required continuing education, submit required fees and violated the terms of probation in effect from previous discipline imposed on October 20, 1997. On December 14, 1999, the Board entered an order revoking Respondent's cosmetology license.

On or about June 29, 2006, the Department of Inspection and Appeals conducted an inspection of Dorian's, Inc., located at 3200 Ingersoll, Suite A, Des Moines, Iowa 50312. The salon was open for business. Mr. Dobson admitted that he was providing cosmetology services. At the time of the inspection both Dorian's Inc. and Mr. Dobson were operating without a valid cosmetology license as neither licenses had been reactivated or reinstated since the 1999 Board orders revoking said licenses.

On December 18, 2007, the Board sent by certified mail a Cease and Desist Order, commanding that Mr. Dobson comply with Iowa Code sections 157.2 and 157.11 and cease providing cosmetology services at Dorian's, Inc. or at any other location until such time that he reinstated his individual license and salon license. Mr. Dobson acknowledged receipt of the Board's Cease and Desist Order on December 21, 2007.

On January 29, 2008, the Board conducted an investigation of Dorian's Inc. and Mr. Dobson. The Board's investigators personally observed Mr. Dobson providing cosmetology services at Dorian's, Inc. Additionally, Mr. Dobson admitted that he continues to provide cosmetology services at Dorian's, Inc. to existing clientele.

PROPOSED CIVIL PENALTY

The Board may consider the following factors when determining the amount of civil penalty to impose, if any:

- a. Whether the amount imposed will be a substantial economic deterrent to the violation.
- b. The circumstances leading to or resulting in the violation.
- c. The severity of the violation and the risk of harm to the public.
- d. The economic benefits gained by the violator as a result of noncompliance.
- e. The welfare of best interest of the public.

645 IAC 65.5(6).

Mr. Dobson and Dorian's Inc. have been repeatedly disciplined for failure to comply with

Board statutes and rules regarding licensure since the early 1990's. He was originally disciplined and put on probation in 1997 for failure to renew licenses and failure to complete continuing education as required by the Board. Mr. Dobson and Dorian's Inc. was again disciplined in 1999 after failing to renew his individual license and salon license. The Board revoked the licenses. Despite this, Mr. Dobson continued to provide cosmetology services and failed to close Dorian's, Inc. after the salon license was revoked in direct violation of the Board's order.

Mr. Dobson could have taken steps to reactivate his license but chose instead to completely disregard the Board's orders and operate a salon and practice cosmetology services for over eight years with absolutely no licensure. By ignoring licensure requirements, Mr. Dobson evaded continuing education requirements and the fees associated with both.

The rules regarding licensing, license renewal and continuing education are in place to protect public health, safety and welfare. Mr. Dobson's decision to purposely defy licensure requirements in the State of Iowa for several decades is unacceptable and jeopardizes the public.

Based on all of the above factors, the Board orders that Mr. Dobson, individually and as owner of Dorian's, Inc., shall pay a civil penalty in the amount of one thousand dollars for each violation of 157.13(4). Each day of continued violation after the order is entered constitutes a separate offense, with the maximum penalty not to exceed ten thousand dollars. The maximum penalty is necessary to convince Mr. Dobson to finally comply with the Board, its orders and the applicable statutes and rules.

NOTICE OF HEARING RIGHTS

Pursuant to the provisions of 645 IAC 65.5(5) and 645 IAC 11.32, you may request a hearing. The request for hearing must be in writing to the Board not more than thirty days following the date you receive this notice. The hearing shall be held pursuant to the process outlined at 645 IAC Chapter 11.

If a request for hearing is not timely made, this notice of intent to impose civil penalties will become final.

This notice of intent to impose civil penalties is approved by the board on April 21, 2008.