

**BEFORE THE BOARD OF BARBERING
OF THE STATE OF IOWA**

IN THE MATTER OF:)	
)	
American College of Hairstyling)	CASE NO. 08-001
License No. 00002)	
)	
Owner: Terence Millis)	NOTICE OF HEARING
Barber license 12588)	AND STATEMENT OF CHARGES
Instructor license 00039)	
)	
)	
Respondent.)	

COMES NOW the Iowa Board of Barbering and files this Notice of Hearing pursuant to Iowa Code Sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent holds a current barber school license, no. 00002. The above named Respondent is the owner of Respondent School, American College of Hairstyling. Respondent's school license is current and will next expire on June 30, 2010. The barber school is located at 603 E. 6th St., Des Moines, IA 50309. The school owner holds a current barber license and a current instructor license.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A disciplinary contested case hearing shall be held before the Board of Barbering on the 27th day of October 2009, at 1:30 p.m. at the Lucas State Office Building, 5th Floor Board Conference Room #526, Des Moines, Iowa.

2. **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: Board of Barbering, 5th Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

3. **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.

4. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at 645 Iowa Administrative Code Chapter 11. At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to present evidence on your behalf on issues of material fact, cross-examine witnesses present at 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.

5. **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.

6. **Prosecution.** The officer 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: Jordan Esbrook, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa.

7. **Communications.** You may not contact 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

8. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 158, and 272C.

9. **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, 158, and 272C and 645 IAC chapter 25.

10. **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 Section 17A.12(3) and 645 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. Respondent is charged with employing unlicensed instructors in violation of 645 IAC 23.9(1).

COUNT II

12. Respondent is charged with unsanitary practices in violation of Iowa Code section 158.5 and 645 IAC 22.5(6) and (8), 22.11(2), (3) and (4), 22.12(2) and (3), and 22.16(3).

COUNT III

13. Respondent is charged with failure to comply with the terms of a board order in violation of 645 IAC 25.2(20).

D. FACTUAL CIRCUMSTANCES

14. On January 26, 2009, Respondent entered into a Settlement Agreement and Final Order with the board. Respondent was cited and warned for failure to comply with laws and rules governing barbering. Respondent agreed to comply with all board rules and regulations applicable to barber schools.

15. On June 12, 2009, and July 10, 2009, an investigation was conducted of Respondent school and it was discovered that Truc Lam, James Looker, and Richard Medina were acting as instructors at the school and are not licensed barber instructors in the state of Iowa.

16. During the investigation it was discovered that a biohazard bag could not be located, barbicide at the stations was full of hair clippings, one sink contained dirt in the drain, sinks were unclean with hair clippings, clean towels and towels under clean supplies had hair clippings on them, and electrical razors were covered in hair clippings.

E. SETTLEMENT

17. 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 Jordon Esbrook, Assistant Attorney General, at 515-281-7262.

F. PROBABLE CAUSE FINDING

On this 28th day of July 2009, the Iowa Board of Barbering found probable cause to file this Notice of Hearing and Statement of Charges.



Charles Wubbena, Vice Chair
Iowa Board of Barbering
Lucas State Office Building, 5th Floor
Des Moines, IA 50319

Date Signed August 6, 2009

Copies to:

Jordan Esbrook
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover Building
Des Moines, IA 50319