

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)	
)	CASE NO. 08-104
Great Clips)	
License No. 009201)	
and)	STATEMENT OF CHARGES,
Q C S, Inc, Corporate Owner)	SETTLEMENT AGREEMENT AND
)	FINAL ORDER
RESPONDENT)	
)	

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and QCS, Inc., corporate owner of Great Clips (Respondent), and hereby enters into this Combined Statement of Charges, Settlement Agreement, and Final Order (Agreement and Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Board and Respondent have entered into the following combined notice of hearing, settlement agreement and final order.
2. Respondent was issued license number 009201 to operate a salon in the State of Iowa on May 20, 2002. The license is current through December 31, 2010. Board records indicate that Respondent salon is located at 31st Street Plaza, Suite 2, 3030 W. Broadway, Council Bluffs, Iowa 51501.
3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 157, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged with violation a regulation, rule, or law of this state pursuant to 645 IAC 65.2(13) by failing to post the licenses for each of the licensees working in the salon in the reception area at eye level in violation of 645 IAC 61.5(3) and by failing to post a copy of the most current sanitation rules and copy of most recent inspection report in the reception area at eye level in violation of 645 IAC 63.2.

COUNT II

5. Respondent is charged with engaging in unsanitary practices in violation of Iowa Code section 157.6 and 645 IAC rules 63.4(2), 63.12(1), 63.17(3), 63.22(2) and 65.2(13).

COUNT III

6. Respondent is charged with permitting an unlicensed employee or person under the licensee's control to perform activities that require a license in violation of Iowa Code section 157.2 and 645 IAC 65.2(28).

FACTUAL CIRCUMSTANCES

7. During an investigation of Respondent salon on February 3, 2009, the sanitation rules were not posted, an inspection report was posted in the back of the salon, and the individual licenses were posted in the rear of the salon between the office and restrooms. Additionally, one employee's license was not posted in the salon.

8. During the investigation, the investigator found dirty combs and brushes being stored in dirty drawers. Employees claimed that the instruments had been sanitized. The Investigator also observed dirty clippers and razors that had not been placed in a receptacle pending sanitation or sanitized, and no biohazard bags were present in the salon.

9. During the investigation, the investigator discovered unlicensed workers performed services requiring licensure in the salon during October, 2008. The workers were licensed in Nebraska, but were not licensed in Iowa.

SETTLEMENT AGREEMENT AND FINAL ORDER

10. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

11. By entering into this Agreement and Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Agreement and Order and voluntarily waives any objections to the terms of the Agreement and Order, including the right to appeal.

12. This combined Agreement and Order, is voluntarily submitted by Respondent to the Board for consideration.

13. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

14. Respondent agrees that counsel for the State may present this Agreement and Order to the Board.

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

16. This Agreement and 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 disciplinary action to be imposed in the event of any future violation.

17. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code

section 272C.3(2)(a).

18. This Agreement, and Order is a public record available for inspection and copying upon execution of the Agreement and Order in accordance with the requirements of Iowa Code chapter 22 and 272C.

19. The Board's approval of this Agreement and Order shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED

20. Respondent agrees to pay to the Board a civil monetary penalty of \$1000.00 total. The funds shall be payable to the Board. Respondents shall remit full payment of the civil monetary penalty within 60 days of the date this Agreement is executed.

21. Respondent agrees to comply with all laws and rules regarding cosmetology salons.

This statement of charges, settlement agreement and final order is approved by the board on July 13, 2009.