



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

<p>IN THE MATTER OF</p> <p>SUSAN LIVINGSTON License No. 000788</p> <p>RESPONDENT</p>	<p>CASE NOs.: 23-0190 and 23-0334</p> <p>VOLUNTARY SURRENDER OF LICENSE THROUGH CONSENT ORDER</p>
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COME NOW the Iowa Board of Barbering and Cosmetology Arts and Sciences (“Board”) and Susan Livingston (“Respondent”), and enter into this Voluntary Surrender of License through Consent Order (“Voluntary Surrender”) pursuant to Iowa Code sections 17A.10(1) and 272C.3(4).

A. JURISDICTION AND BACKGROUND

1. **Iowa License.** Respondent was issued Iowa esthetician license 000788 on November 1, 2007. Respondent’s Iowa cosmetology salon license is active and will expire on March 31, 2026.
2. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapter 157.

B. STATEMENT OF CHARGES

Count I

3. Respondent is charged under 645 IAC 65.2(2) (2023) with professional incompetency in that Respondent committed a substantial deviation from the standards of learning or skill ordinarily possessed and applied by other licensees in the state of Iowa acting in the same or similar circumstances.

Count II

4. Respondent is charged pursuant to 645 IAC 65.2(32) (2023) with unethical conduct.

COUNT III

5. Respondent is charged under 645 IAC 64.2(5) with practicing outside the scope of the profession.

C. FACTUAL CIRCUMSTANCES

6. On or about the date of February 27, 2023, the Respondent provided a laser treatment service to client M.D. Respondent failed to properly grade M.D.'s skin for the procedure, and M.D. incurred first, second, and third degree burns as a result of treatment. Further, Respondent took the client's medical history and had her consent after the procedure.

7. Respondent applied permanent makeup to client A.B. without the appropriate licensure.

8. On or about the date of August 21, 2023, the Respondent ordered supplies for conducting chemical peels when she did not have a medical director to perform the procedure under.

D. SETTLEMENT AGREEMENT

9. Without admission of wrongdoing or guilt, Respondent does not contest the violations alleged in the above-stated statement of charges.

10. Respondent acknowledges that they have a right to a hearing before the Board on the merits of the charges. By freely and voluntarily entering into this Voluntary Surrender, Respondent waives their right to a hearing and all attendant rights, including the right to seek judicial review. This Voluntary Surrender constitutes the final agency order in this contested case.

11. Respondent agrees that the Assistant Attorney General may present this Voluntary Surrender to the Board and may have *ex parte* communications with the Board while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might

have to participate in the discussion of this Voluntary Surrender among the Board and the Assistant Attorney General.

12. This Voluntary Surrender shall be part of the disciplinary record and permanent licensure file of Respondent and shall be considered by the Board in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of cosmetology by the Respondent.

13. Respondent shall at all future times fully and promptly comply with all pertinent orders of the Board and the statutes and Board rules regulating the practice of cosmetology. Failure to comply with the terms of this Voluntary Surrender shall be *prima facie* evidence of a violation of Iowa Code § 272C.3(2)(a) and shall be grounds for further disciplinary action. However, no action may be taken against Respondent for violations of this Voluntary Surrender without a hearing, or waiver of hearing.

14. This Voluntary Surrender is not binding on Respondent or the Board until it has been formally approved by a majority of the Board members.

(a) In the event that this Voluntary Surrender is rejected by the Board it shall be of no force or effect to either party and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Voluntary Surrender, it shall fully dispose of all issues in this case.

13. Upon acceptance by both the Board and Respondent, this Voluntary Surrender shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22.

14. Respondent understands that the Board will report this Voluntary Surrender to the National Practitioner Database.

15. Respondent shall submit a copy of this Voluntary Surrender to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Board approval of this Voluntary Surrender.

CONSENT ORDER

IT IS THEREFORE ORDERED:

A. VOLUNTARY SURRENDER: The Respondent voluntarily agrees to surrender her Iowa License 000788 to the Iowa Board of Barbering and Cosmetology Arts and Sciences as sanction for the above-admitted violation. The effective date of the license surrender shall be the date this Voluntary Surrender is accepted by the Board.

B. LICENSEE REAPPLICATION: Reinstatement of Respondent's Iowa license shall be governed by Iowa Code § 272C.15 and 645 IAC 11.31 (2023). Respondent specifically acknowledges that pursuant to this agreement, Respondent shall not be eligible to seek reinstatement of their license for a minimum of one year from the date her license surrender is effective.

WHEREFORE, the terms of this Voluntary Surrender of License through Consent Order is agreed to by the Iowa Board of Barbering and Cosmetology Arts and Sciences and Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Susan Livingston on this 28 day of October, 2024.


Susan Livingston (Oct 28, 2024 15:44 CDT)

By: Susan Livingston, Respondent

FOR THE IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES:

Voluntarily agreed to and accepted by the **IOWA BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES** on this 18 day of November, 2024.

/s/ Cynthia Hummel

Cynthia Hummel, Chair
Iowa Board of Barbering and
Cosmetology Arts and Sciences

Livingston_VS_Cosmo (002)

Final Audit Report

2024-10-28

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