

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

In the Matter of the Petition for Waiver by:

STEPHANIE ANN SEELOW

Petitioner.

**ORDER GRANTING PETITION FOR
WAIVER**

Pursuant to Iowa Code § 17A.9A and 481 Iowa Administrative Code chapter 6, the Iowa Board of Barbering and Cosmetology Arts and Sciences (“Board”) hereby makes the following ruling on Petition for Waiver submitted by Stephanie Ann Seelow (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is a licensed Barber and Cosmetologist and a licensed Esthetician holding license number 59684 for both licenses.
2. Petitioner has been licensed as a Cosmetologist since 1999 and an Esthetician since 2000.
3. Petitioner actively practiced from 1999-2011. Petitioner took a leave of absence from the industry from 2011 until 2024 due to family obligations and during this time Petitioner maintained her licenses as active.
4. Petitioner seeks to receive an instructor's license as allowed by Iowa Code §157.8(3)“c” and to be relieved of the requirement to provide documentation of 1,000 hours of instructor’s training or two years’ active practice in the field within six years prior to application as required by 481 Iowa Administrative Code rule 940.2(2)“c”.
5. Petitioner passed the NIC Theory Instructor exam on December 30, 2024.
6. On January 21, 2025, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from the training hours or active practice requirement.

SUMMARY OF LAW

7. Pursuant to 481 Iowa Administrative Code rule 6.5 (*see also* Iowa Code section 17A.9A(2)), the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:
 - a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
 - b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;

c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

8. “The burden of persuasion rests with the [Petitioner] for the waiver of a rule.” Iowa Code section 17A.9A(3).

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481-940.2(2)“c”

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the instructor training hours or active practice requirement in rule 481-940.2(2)“c”.

First, Iowa Administrative Code 481-940.2(2)“c” requires a licensed individual to complete 1,000 hours of instructor’s training or alternatively provide documentation of two years of active practice within the six years preceding the instructor license application. Petitioner successfully worked as a cosmetologist from 1999 to 2011, taking a leave to fulfill family obligations. At no time during this period did Petitioner’s license lapse. Petitioner would have to wait another two years, while actively practicing, or alternatively spend considerable time and money on classes in order to apply for an instructor’s license, thus the Board finds this constitutes an undue hardship.

Second, the Board does not find that granting a waiver would prejudice the substantial legal rights of any person.


Third, the additional training or active practice requirement is not mandated by statute or another non-waivable provision of law.

Finally, Petitioner’s extensive years of experience, recent passing of the instructor's exam, and maintenance of licensing demonstrate that the public health, safety, and welfare are adequately protected.

ORDER

IT IS THEREFORE ORDERED the petition for waiver of the requirement of subrule 481-940.2(2)“c” is hereby **GRANTED**.

Issued February 17, 2025.



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

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

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| <p>In the Matter of the Petition for Waiver by:</p> <p>ADAM YOUNG</p> <p>Petitioner.</p> | <p>ORDER GRANTING PETITION FOR WAIVER</p> |
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Pursuant to Iowa Code § 17A.9A and 481 Iowa Administrative Code chapter 6, the Iowa Board of Barbering and Cosmetology Arts and Sciences (“Board”) hereby makes the following ruling on Petition for Waiver submitted by Adam Young (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is not a licensed Barber and at no time has held a license in another state.
2. Petitioner completed an Iowa registered barber apprenticeship in November of 2023.
3. Petitioner completed and passed the NIC Barber Theory exam on January 10, 2025.
4. At the time of Petitioner’s apprenticeship in Iowa, apprenticeship curriculum included only barbering education. Exam requirements for licensure then required the passing of the NIC Barber Theory exam.
5. Due to merger of the Iowa Board of Barbering and the Iowa Board of Cosmetology Arts and Sciences, on July 1, 2024, Iowa law newly required the passing of the NIC Cosmetology Theory exam, making the NIC Barber Theory exam invalid.
6. Petitioner does not fall into the retroactive period in which examiners who took the Barber Theory exam were grandfathered in. Petitioner would have been eligible for the exception to the new requirement had Petitioner passed the exam and applied for licensure prior to July 1, 2024.
7. Petitioner seeks to be granted a barber and cosmetologist license as provided by Iowa Code §157.3 and to be relieved of the requirement to pass the NIC Cosmetology Theory exam as required by 481 Iowa Administrative Code rule 940.3(4).
8. On January 27, 2025, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from the cosmetology theory examination requirement.

SUMMARY OF LAW

9. Pursuant to 481 Iowa Administrative Code rule 6.5 (*see also* Iowa Code section 17A.9A(2)), the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the

following:

- a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
- b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
- c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and
- d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

10. “The burden of persuasion rests with the [Petitioner] for the waiver of a rule.” Iowa Code section 17A.9A(3).

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481—940.3

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the national theory examination requirement in rule 481—940.3(4).

First, Iowa Code §157.3 (1)(c) allows an individual to become licensed once all requirements are fulfilled including passage of an examination prescribed by the board. Petitioner has successfully passed the NIC Barber Theory examination as of 2025. Further, Petitioner’s error in taking this exam was in part due to the failure of a third party to remove the offering of this exam. Further, Petitioner received the required barber skills and training as needed to pass the NIC Barber Theory exam, which was the exam previously accepted by the Board before July 1, 2024. To require Petitioner to complete further education and/or training needed to pass the NIC Cosmetology Theory exam would cost Petitioner considerable expense and time. The Board finds this constitutes an undue hardship.

Second, the Board does not find that granting a waiver would prejudice the substantial legal rights of any person.

Third, the specific type of examination required for licensure is not mandated by statute or another non-waivable provision of law.

Finally, the Board finds the exam requirements to be imperative in the protection of the public. Petitioner has shown by clear and convincing evidence that waiving the requirement to take the NIC Cosmetology Theory exam would be adequately compensated by Petitioner’s ability to pass the NIC Barber Theory exam. Additionally, Petitioner’s work experience as a barber apprentice practicing under supervision since 2022, demonstrates that the public health, safety, and welfare are adequately protected.

ORDER

IT IS THEREFORE ORDERED the petition for waiver of the requirement of subrule 481—940.3 is hereby **GRANTED**.

Issued February 17, 2025.

A handwritten signature in black ink, appearing to read "Cynthia Hummel". The signature is written in a cursive style with a large, stylized initial "C".

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