

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

In the Matter of the Petition for Waiver by:

URSULO MARTINEZ

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 Ursulo Martinez (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is seeking initial licensure as a barber and cosmetologist.
2. Petitioner received his education and training regarding the practice of barbering/hair services along with practical experience through a barber school in Iowa. Applicant graduated from the school in January of 2024.
3. Petitioner took the Barber Examination administered by the National Interstate Council of State Boards of Cosmetology (NIC) multiple times, with the most recent exam having been taken in March of 2024. Petitioner received a score below 75 percent.
4. Effective July 1, 2024, any applicant for a barbering and cosmetology license who graduated from a barber or cosmetology school after July 1, 2023, is required to pass a national theory examination. Applicants are expected to take the Theory Cosmetology Examination as that covers the scope of practice for both a barber and cosmetologist.
5. On or about October 7, 2025, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from receiving a passing score of 75 percent or greater on a national examination prescribed by the Board.

SUMMARY OF LAW

6. Pursuant to 481 Iowa Administrative Code rule 6.1(3), 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 to the Petitioner would impose an undue hardship on the person or class of persons 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.

7. “The burden of persuasion rests with the Petitioner to demonstrate by clear and convincing evidence that the [board] should exercise its discretion to grant a waiver from a [board] rule.” 481 Iowa Administrative Code rule 6.1(8)“b.”

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481-940.3(1)

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 481-940.3(1).

First, Petitioner received his education and training in a school program that provided instruction only on barbering/hair services. At the time Petitioner received his education, the State of Iowa provided for separate licenses for barbering and for cosmetology. Since he finished his education the state combined the scope of practice to provide for one combined license. Petitioner would have to spend considerable time and money to go back to school to receive additional education within the scope of practice of solely cosmetology and schools in the state no longer offer separate instruction for each field (programs consist of a combined education in both barbering and cosmetology). 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 provisions of the rule are not mandated by statute or another non-waivable provision of law.

Finally, the public health, safety, and welfare will be afforded by other means if this waiver is granted. Petitioner received education, training, and experience in a school setting. Petitioner has received extensive training in the practice of barbering/hair services. Furthermore, Petitioner has entered a consent agreement with the Board restricting Petitioner’s barber and cosmetologist license to the practice of hair services only. Petitioner will not be able to engage in the practice of skin or nail services.

ORDER

IT IS THEREFORE ORDERED the petition for waiver of 481 Iowa Administrative Code rule 940.3(1) is hereby **GRANTED**.

Issued February 3, 2026.



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