

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

In the Matter of the Petition for Waiver by:

GAIES MOHAMED

Petitioner.

**ORDER DENYING PETITION FOR
WAIVER 26-0002**

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 Gaies Mohamed (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is seeking initial licensure from the Board.
2. Petitioner received his education and training regarding the practice of barbering/hair services in Iowa. The Petitioner represented that his education included practical experience in barbering, but the curriculum did not cover cosmetology. Petitioner graduated from the school in February of 2024.
3. Petitioner took the Barber Examination administered by the National Interstate Council of State Boards of Cosmetology (NIC) multiple times, including a recent date of December 10, 2025. This exam includes a cosmetology component. With that cosmetology component, Petitioner has not yet received a score above 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 in a format approved by the Board.
5. On or about February 2026, Petitioner filed an application for licensure. In conjunction with his application, 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.
6. Petitioner has since amended his request to only exclude the “cosmetology” portion of the exam requirement in rule—but not the “exam” requirement in code.
7. The Board reviewed Petitioner’s materials during the May meeting, including confidential items that warranted discussion in closed session.

SUMMARY OF LAW

8. 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.

9. “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 IAC 6.1(8) “b”; *see also* Iowa Code § 17A.9A(3).

PETITIONER HAS NOT MET THE CRITERIA TO WAIVE RULE 481—940.3(1)

Upon review of the Petition, the Board finds that Petitioner has not *yet* satisfied the four criteria for waiver of the exam requirement in Iowa Administrative Code rule 481—940.3(1).

First, this case when reviewed in its entirety, including confidential items, did not constitute an undue hardship.

Second, there is not enough information for the Board to currently determine whether a waiver would prejudice the substantial legal rights of any person.

Third, upon amendment to the Petition, the provisions of the rule are not mandated by statute or another non-waivable provision of law. *See* Iowa Code § 157.3(1)(c); 481 IAC 940.3(1).

Finally—and dispositively—there is not enough information at this time to allow the Board to conclude the public health, safety, and welfare will be afforded by other means if this current waiver is granted. The law would require a passing score before concluding other means can offer substantially equal protection to the public. *See* Iowa Code § 157.3(1)(c).

ORDER

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

Issued May 29, 2026.



Andrew Oswald, Chair
Iowa Board of Barbering and Cosmetology
Arts and Sciences