

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

In the Matter of the Petition for Waiver by:

ERIKA SINANOVICNE HORVATH

Petitioner.

**ORDER DENYING 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 Erika Sinanovicne Horvath (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is seeking initial licensure in the United States from the Board.
2. Petitioner received her education and training regarding the practice of Hairdresser services in Hungary. The program did not include nail, skin, and esthetics services, which are different practices there. She graduated from the program in 2006.
3. Petitioner submitted a credential evaluation from Scholaro, and there are translations for the transcript available for the Board’s review. The credential materials noted that Petitioner’s training would be equivalent to a cosmetology vocational training program.
4. Petitioner completed approximately between 1,100 and 1,200 hours of training.
5. On or about May 17, 2024, Petitioner took the Theory Cosmetology Examination administered by Prov, Inc. Petitioner has received a score at or above the 75 percent threshold.
6. On or about April 2026, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from Iowa’s course hour requirement for nails and skin/esthetics.
7. The course hour requirement appears in 481 Iowa Administrative Code rule 941.14(1) and Iowa Code section 157.10(1)(a).¹
8. The Board reviewed Petitioner’s materials during the May meeting.

SUMMARY OF LAW

9. 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:

¹ The application also cited 481 Iowa Administrative Code 940.2(1)(c) for a waiver on nail/esthetics coursework, but that provision will not ultimately apply for the Board’s conclusions on the coursework for these facts.

- 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.

10. “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—941.14(1)

Upon review of the Petition, the Board finds that Petitioner has not yet satisfied the four criteria for waiver of the course requirement in Iowa Administrative Code rule 481—941.14(1).

First, Petitioner offers some factors which could meet the undue hardship requirement, such as that schools would not be willing to offer a course option with only the courses Petitioner needs. However, the Board has communicated with Petitioner about some alternatives she may legally pursue for licensure, which could avoid the hardship of restarting all classes.

Second, to the best of the Board’s knowledge and belief, a waiver would not prejudice the substantial legal rights of any person at this time.

Third—and dispositively—the provisions of the rule are mandated by statute, making it a non-waivable provision of law. Iowa Code section 157.10 explicitly requires 1,550 hours, and Petitioner has 1,200 hours completed at most.

Finally, there might be an argument that public health, safety, and welfare could be afforded by other means. But that determination falls outside the Board’s discretion, as the legislature has already spoken to the number of hours needed to safely provide barbering and cosmetology services. Thus, following the conclusion for the third criterion, the Board cannot conclude criterion four is met without overstepping its authority.

ORDER

IT IS THEREFORE ORDERED the petition for waiver of 481 Iowa Administrative Code rule 941.14(1) is hereby **DENIED**.

Issued May 29, 2026.



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