

**ALABAMA BOARD OF COSMETOLOGY
ADMINISTRATIVE CODE**

**CHAPTER 250-X-1
ADMINISTRATION**

250-X-1-.02 Administrative Complaint Procedures.

(1) When the Investigative Committee determines disciplinary action against a licensee is necessary, the Board shall prepare a summons and administrative complaint to be executed by the Executive Director on behalf of the Board. However, the Board may enter into settlement as referenced in paragraph 8 of Administrative Rule 250-X-1-.02 before issuance of any summons and complaint.

(2) The Board shall serve a copy of the summons and administrative complaint on the licensee against whom the complaint has been filed. The method of service shall be either certified mail or personal service. If the Board is unable to obtain service of the summons and administrative complaint by certified mail or personal service, the Board or its attorney may serve the summons and administrative complaint by first class mail to the most recent address on file with the Board of the licensee against whom the complaint has been filed.

(3) The summons and administrative complaint shall give notice in substantial compliance with the Alabama Administrative Procedures Act, Section 12(b)¹

(4) Upon service of the administrative complaint, the Board shall schedule an administrative hearing to be held within two months of the date the summons and administrative complaint has been served by certified mail or personal service. The administrative hearing shall be held at the offices of the Board or other location designated by the Board.

(5) If the person against whom the administrative complaint has been filed is a member of the Board, that Board member shall be notified in writing of the administrative charges by the Board's Executive Director and shall not participate in any proceedings or meetings related to the complaint.

(6) In all administrative charges issued by the Board, the Board's attorney shall serve as prosecuting attorney and shall present evidence in support of the administrative complaint at the administrative hearing conducted by the Board or its Hearing Officer.

¹ *Alabama Administrative Procedure Act, Section 41-22-12)b), Code of Alabama 1975, reads as follows:*

- (1) A statement of the time, place, and nature of the hearing;*
 - (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;*
 - (3) A reference to the particular sections of the statutes and rules involved; and*
 - (4) A short and plain statement of the matters asserted. If the agency of other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.*
- Thereafter, upon application, a more definite and detailed statement shall be furnished.*

(7) Following its investigation, if the Investigative Committee determines that no probable cause exists, the investigative proceedings shall be terminated and investigation of that complaint shall be closed.

(8) At any time during the investigation process, the Investigative Committee, Executive Director, or the Board's Attorney may enter into informal settlement agreements on behalf of the Board.

(9) The Board retains the discretionary authority to invoke the administrative complaint procedures set forth in these Rules against any person in lieu of instituting criminal proceedings against the unlicensed person. This provision does not restrict in any manner the authority of other state or local law enforcement agencies to pursue criminal penalties as otherwise provided by law.

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Statutory Authority: Code of Ala. 1975, §34-7A-15.

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Ed. Note: Rule 250-X-1-.02.01, Hearing Procedures, was renumbered 250-X-1-.02 after the original 250-X-1-.02, Composition And Selection Of Board was repealed as per certification filed July 1, 2002; effective August 5, 2002.