JAN 11 2013

BEFORE THE BOARD OF MASSAGE THERAPY
OF THE STATE OF IOWA

IN THE MATTER OF	)	CASE NO. 11-026
	)	
David Scott Martindale	)	**SETTLEMENT AGREEMENT**
License No. 006027	)	**AND FINAL ORDER**
RESPONDENT.	)	
	)	

COME NOW the Iowa Board of Massage Therapy (Board) and David Scott Martindale (Respondent), on ~~December~~ February 5 ___, 20~~12~~ 13, pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued Iowa license 006027 on December 28, 2010. Respondent's license is current and will next expire on December 15, 2012.

2. A Statement of Charges was filed against Respondent on June 5, 2012, and is awaiting hearing.

3. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 152C, and 272C.

4. Respondent denies the allegations in the Statement of Charges, but acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

5. In order to settle this matter without hearing, Respondent agrees to accept the discipline included in this order for violation of Iowa Code section 147.55(9) and Iowa Administrative Code rule 645—134.2(11)—conviction of a crime related to the profession.

6. Respondent is hereby CITED for conviction of a crime related to the profession and WARNED that his failure to comply with the laws governing the practice of massage therapy in Iowa could result in further discipline against his Iowa massage therapy license, including suspension or revocation.

7. Respondent agrees that his license to practice massage therapy will be suspended on the date the Board approves this Order.

8. Respondent may apply to the Board for reinstatement of his Iowa massage therapy license after **two years**. The Board, however, shall not consider reinstatement until the following conditions are met:

a. .Respondent pays a civil penalty in the amount of $1000. The civil penalty shall be made payable to the Treasurer of Iowa, mailed to the administrator of the Board, and deposited into the State General Fund.

d. Respondent demonstrates that the basis for the suspension no longer exists and that it will be in the public interest for his license to be reinstated.

The reinstatement proceedings shall be governed by the provisions of Iowa Administrative Code rule 645—11.31. Reinstatement is at the sole discretion of the Board.

9. Any failure by Respondent to comply with the terms and conditions of this Order may subject Respondent to further licensee disciplinary action by the Board. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

10. By entering into this Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the

allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

11. This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.

12. Respondent agrees that the State's counsel may present this Settlement Agreement and Final Order to the Board *ex parte*.

13. Respondent understands that this Order is a public record and is, therefore, subject to inspection and copying by members of the public.

14. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

15. This Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

16. The Board's approval of this Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of The Board.

RESPONDENT	IOWA BOARD OF MASSAGE THERAPY CHAIRPERSON
12-29-12	
Date	Date

Copies to:

Meghan Gavin
Assistant Attorney General

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	Mary Belin
RESPONDENT	IOWA BOARD OF MASSAGE THERAPY CHAIRPERSON
	February 5, 2013
Date	Date

Copies to:

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Assistant Attorney General

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