BEFORE THE IOWA BOARD OF BARBERING

IN THE MATTER OF:) Case No. 08-001 & 10-005
TERENCE MILLIS,)
License # 12588 & #00039,)
) STIPULATION AND
and) CONSENT ORDER
)
AMERICAN COLLEGE OF)
HAIRSTYLING,)
License # 00002.)

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), and 645 Iowa Administrative Code section 12.1, the Iowa Board of Barbering (hereinafter, "Board") and Terence Millis and the American College of Hairstyling (hereinafter, "Respondents"), enter into the following Stipulation and Consent Order settling a disciplinary proceeding pending before the Board and currently pending on judicial review with the Iowa District Court in and for Polk County. In support of this Stipulation and Consent Order, the Board and Respondents state as follows:

- 1. Respondent Terence Millis was issued Iowa Barbering individual license # 12588 and instructor license #00039, which expire on 6/30/14. Respondent the American College of Hairstyling was issued Iowa Barbering school license # 00002, which expires on 6/30/14.
- 2. On or about July 26, 2011, the Board found probable cause to initiate a case and subsequently issued A Notice of Hearing and Statement of Charges against Respondent.
- 3. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
- The Board held a Contested Case Hearing in the above-captioned matter on April 23,
 In a written decision dated May 23, 2013, the Board found Respondent violated Counts I-VIII

as set forth in the Notice of Hearing and Statement of Charges, suspended Respondents' licenses for 30 days, imposed a \$1,000 civil penalty, and ordered Respondents to pay the fees associated with the disciplinary proceeding.

- 5. On June 5, 2013, Respondents submitted an Application for Rehearing, Request to Present Additional Evidence and Alternative Request for Reconsideration. On June 14, 2013, Respondents filed a supplement to that request. The Application and supplement were denied by the Board on June 24, 2013.
- 6. On June 17, 2013, Respondents also requested that the May 23 decision be stayed pending any appeals. That request was granted by the Board on June 24, 2013.
- 7. Respondent filed a Petition for Judicial Review in the Iowa District Court in and for Polk County on July 23, 2013.

In order to amicably resolve the matter without further expense of litigation, the Board and Respondents agree as follows:

8. Civil Penalty.

On the date of the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$10,000.00, inclusive of fees and costs. The civil penalty shall be paid within thirty (30) days from the Board's approval of this Stipulation and Consent Order, and shall be made payable to the Treasurer of Iowa and mailed to the administrator of the Board, Susan Reynolds, Bureau of Professional Licensure, Lucas State Office Building 5th Floor, 321 E. 12th, Des Moines, Iowa 50319-0075. The civil penalty payment shall be deposited into the State of Iowa general fund. No licenses will be granted or renewed until the civil penalties assessed in this paragraph are paid in full.

9. Practice Monitor.

Respondents will retain Tammy Ortiz, at Respondents' sole expense, to serve as practice monitor for a 12-month period. The 12-month period will begin on the date this Order is approved by the Board. During this 12-month period, Ms. Ortiz will make at least one random, unannounced visit per month to inspect and make recommendations to Respondents in order to ensure compliance with sanitation rules. Respondents agree to immediately implement any changes and improvements recommended by Ortiz, at their sole expense. The practice monitor shall periodically make herself available to the Board (either by phone or in person) to discuss Respondents' progress and compliance with this Order.

10. Suspension.

Respondent's individual license (#12588) and instructor license (#00039) shall be suspended for a 30-day period as originally ordered by the Board on May 20, 2013, but Respondent Millis is hereby given credit for time-served between the date of the May 20, 2013 Order and the June 24, 2013 granting of the stay. Accordingly, Respondent Millis' suspensions are hereby deemed to have been completed and served. The Board's 30-day suspension of Respondent American College of Hairstyling's license (#00002) is hereby REVERSED.

11. Dismissal.

Respondents agrees to dismiss their Judicial Review Petition (Polk County case # CV046131) with Prejudice immediately upon the Board's approval of this Order.

12. By entering into this Order, Respondent voluntarily waives any right to a contested case hearing on the allegations contained in the Notice of Hearing and Statement of Charges and voluntarily waives any objections to the terms of this Order, including the right to appeal.

- 13. This Order is voluntarily submitted by Respondents to the Board for consideration.

 Respondents agree that counsel for the State may present this Order to the Board ex parte.
- 14. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.
- 15. This Order shall be part of the Respondents' permanent record and shall be considered by the Board in determining the nature and severity of any discipline to be imposed as a result of future disciplinary proceedings.
- 16. In the event Respondents violate or fail to comply with any of the terms of this Order, the Board may initiate action to revoke or suspend Respondent's license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2).
- 17. Upon Board approval, this Order shall become a public record available for inspection and copying.
- 18. The Board's approval of this Order shall constitute a FINAL ORDER.

 This Stipulation and Consent Order is voluntarily submitted by Respondents to the Board for its consideration on the 22nd day of October, 2013.

TERENCE MILLIS, INDIVIDUALLY
AND ON BEHALF OF THE AMERICAN
COLLEGE OF HAIRSTYLING

Subscribed and sworn to before me by the above individual on this 22 day of 2013.

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

REBECCA A. BROMMEL

RESECCA A. BROMMEL

Commission Number 747325

My Commission Expires

My Commission Expires

This Stipulation and Consent Order is accepted by the Iowa Board of Barbering on the

22 day of (20to ber, 2013.

CHAIRPERSON, BOARD OF

BARBERING

cc:

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