

**STATE OF IOWA
BEFORE THE BOARD OF MASSAGE THERAPY EXAMINERS**

IN THE MATTER OF:)	NO: MT 01-001
)	
JAMES LEE WESTERHOF,)	SETTLEMENT AGREEMENT
License No: 135-00802)	AND FINAL ORDER
)	
RESPONDENT.)	

The Iowa Board of Massage Therapy Examiners (Board) and James Lee Westerhof (“Respondent”) enter into this Settlement Agreement and Final Order (“Agreement”) pursuant to Iowa Code Sections 17A.10(2), 272C.3(4) (2003).

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 147, 152C, and 272C (2003) and 645 Iowa Administrative Code (IAC) chapter 134.
2. On June 10, 1996, Respondent was issued license number 135-00802 to practice massage therapy in the State of Iowa. Respondent’s license lapsed on June 1, 2002.
3. Respondent is subject to a contested case proceeding regarding alleged violations of Iowa Code sections 147.55(5), 152C.7, 272C.3(2)(a), 272C.10(5), and 645 IAC 134.1(1)(e). The Statement of Charges containing the alleged violations shall be attached to this Agreement.
4. Subsequent to the issuance of the Notice of Hearing and Statement of Charges against Respondent, on Respondent’s motion, the United States District Court for the Southern District of Iowa entered an order amending the judgment entered by it against Respondent. The district court order amends the description of the “Nature of Offense” in the Judgment in a Criminal Case from “Sexual Exploitation of Minors” to “Possession of Child Pornography.” The order shall be attached to this Agreement.
5. Respondent consents to the amendment of the Statement of Charges to reflect the change in the description of the offense to which Respondent plead guilty so as to be consistent with the district court order. As of the date of execution of this Agreement, paragraph 5 of the Statement of Charges shall be so amended.
6. Respondent admits all allegations contained in the Statement of Charges as amended and agrees to the permanent revocation of his massage therapy license.

7. Respondent waives his right to hearing and all attendant rights, including the right to seek judicial review pursuant to Iowa Code chapter 17A, and waives any objections to the terms of this Agreement by knowingly, voluntarily, and intelligently entering this Agreement.

8. Upon approval of this Agreement by the Board, Respondent's massage therapy license shall be permanently revoked. Revocation shall become effective on the execution date of this Agreement.

9. The Agreement shall be considered "executed" as of the date accompanying the Board Chairperson's signature.

10. This Agreement shall be part of the permanent record of Respondent 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.

11. Respondent voluntarily submits this Agreement to the Board for its consideration. This Agreement, however, is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.

12. Except for purposes of enforcing this Agreement, this Agreement constitutes a final resolution of the contested case proceeding in case number MT 01-001.

13. This Agreement is public record pursuant to Iowa Code Sections 272C.3(4) and 272C.6(4) (2003).

WHEREFORE, the terms of this Settlement Agreement are agreed to and accepted by the Iowa Board of Massage Therapy Examiners and Respondent.

This Settlement Agreement and Final Order is approved by the board on September 2, 2003.