BEFORE THE IOWA BOARD OF BARBER EXAMINERS

IN THE MATTER OF:	)	Case No. 06-008
	)	
Stuart L. Preston,	)	COMBINED STATEMENT OF
	)	CHARGES, SETTLEMENT
	)	AGREEMENT AND FINAL ORDER

COME NOW the Iowa Board of Barber Examiners ("Board") and Stuart L. Preston ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2005) and chapter 645 Iowa Administrative Code (IAC) rule 12.1, enter into the following Combined Statement of Charges, Settlement Agreement and Final Order (Settlement Agreement") of this case.

1. Respondent is a licensed barber in the state of Iowa. Respondent's license number is 814-12307.

2. Respondent's current address is 2915 Jones Street, Sioux City, Iowa 51104.

3. The Board has jurisdiction of the parties and the subject matter.

STATEMENT OF CHARGES

COUNT I

4. Respondent is charged pursuant to Iowa Code sections 147.55(3), 158.12, 272C.2(2)(d) and 272C.10(3) (2005), and 645 IAC 24.7(4) and 25.2(3) by providing a licensee with a continuing education certificate for a course he did not attend and providing at least two licensees continuing education certificates dated July 16, 2006 when they actually attended April 23, 2006. April 2006 and July 2006 are in different licensing biennial periods as provided in 645 IAC 24.2.

CIRCUMSTANCES

5. Respondent maintains that the issuance of the continuing education certificate to the licensee who did not attend the indicated education was merely a mistake. He states he intended to issue a duplicate for a session attended in 2004. Respondent does not contest the allegations that he forward dated two continuing education certificates from April 2006 to July 2006.

SETTLEMENT AGREEMENT AND FINAL ORDER

6. Respondent's barber license privileges are restricted for one (1) year from February 7, 2007 until February 7, 2008, with the following restrictions.

(a) Respondent shall not organize, present, or instruct at any continuing education-event.

(b) Respondent shall not sign off or certify anyone's continuing education requirements.

(c) Respondent shall not receive payment from any continuing education provider or from a licensee for continuing education related services. This does not prohibit respondent from receiving travel and per diem expenses from a trade or professional organization that is not exclusively a continuing education provider.

(d) Respondent's authority to practice barbering is not restricted except as provided above.

7. Respondent shall pay a civil penalty in the amount of $200 to the Board. The payment shall be made within 30 days of the Board's approval of this agreement.

8. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other discipline as authorized by law.

9. This Settlement Agreement and Final Order does not preclude the Board from initiating discipline actions on any future complaints and violations. It does settle all complaints presently before the Board.

10. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement, Respondent waives all rights to a contested case hearing, and waives any objection to the terms of this Settlement Agreement.

11. This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration. Respondent agrees that the Board's counsel may present this agreement ex parte to Board for its consideration.

12. This Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this Settlement Agreement, it shall be of no force or effect to either party.

13. 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 any future violations.

14. This Settlement Agreement and Final Order as well as the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

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

This settlement agreement and final order is approved by the board on January 30, 2007.