

5. Respondent waives his right to hearings and all attendant rights, including the right to seek judicial review pursuant to Iowa Code chapter 1 7A, and waives any objections to the terms of this Agreement by knowingly, voluntarily, and intelligently entering this Agreement.

6. Upon approval of this Agreement by the Board, Respondent's massage therapy license shall be permanently revoked with no right to reapply for a period of two years. The revocation shall become effective on the execution date of this Agreement.

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

8. This Agreement shall be part of the permanent record of Respondent. The Board may consider it in determining whether to license Respondent should he apply for a license and, if he is ever relicensed, the nature and severity of any disciplinary action to be imposed in the event of future violations.

9. Respondent shall not practice massage therapy or use any title or word that implies or suggests that he is a massage therapist or is licensed to practice massage therapy while he is revoked.

10. 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.

11. Respondent agrees that the Board's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

12. Except for purposes of enforcing this Agreement, this Agreement constitutes a final resolution of the contested case proceeding in case number 04-003.

Deleted:

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 March 1, 2005.

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