

STATE OF MINNESOTA

BOARD OF BARBER EXAMINERS

In the Matter of: Nick's Barber

STIPULATION AND ORDER

Registration No.: SHP461

Board File No. AP20141013

TO: Nicholas Nielson
5020 Salem Lane
Greenfield, MN 55357
RESPONDENT

The Minnesota Board of Barber Examiners ("Board") is authorized pursuant to Minnesota Statutes sections 214.10 (2012) and 154.001 to 154.28 (2012; Supp. 2013) to regulate the barbering profession and take disciplinary action whenever appropriate. The Board is authorized by Minnesota Statutes section 154.162 (Supp. 2013) to issue administrative penalties as provided therein.

The Board received information concerning Respondent as a result of a routine barber shop inspection. Pursuant to Board Resolution 2013-1, the Board's Complaint Committee ("Committee") is authorized to issue administrative penalties and to enter into settlement agreements when appropriate. The Committee reviewed the information regarding the above-referenced inspection. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. Respondent has held a barber shop registration since 2008.

Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

- a. Respondent was first issued a barber shop registration as owner of Nick's

Barber at 6041 Main Street, Rockford, MN 55373 (the "Barber Shop") on May 1, 2008.

b. On October 15, 2014 the Board's Inspector conducted a routine inspection of the Barber Shop.

c. Upon inspection it was determined that The Barber shop registration had expired on June 30, 2014 and was not current at the time of the inspection.

3. Violations. Respondent admits that the facts specified above constitute violation(s) of Minn. Stat. §§ 154.162 (Supp. 2013) and are sufficient grounds for the action specified below.

4. Enforcement Action. Based on the above-referenced violation(s), Respondent and the Committee agree that the Committee should issue an Order in accordance with the following terms:

a. Respondent shall pay an Administrative Penalty in the amount of One Hundred Dollars (\$100.00), which must be received by the Board on or before February 26, 2015

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation, pursuant to Minn. Stat. §§ 154.001 to 154.28 (2012; Supp. 2013) or Minn. R. ch. 2100 (2011), the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The Complaint Committee may submit affidavits responding to any affidavits submitted by Respondent. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an

administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, and to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minn. Stat. Ch. 14 (2012) imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

7. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

8. Record. The Stipulation, related investigative reports, and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

10. Data Classification. Under the Minnesota Government Data Practices Act ("Data Practices Act"), this Stipulation and Order is classified as public data upon its issuance by the

Board. Minn. Stat. § 13.41, subd. 5 (2012). All documents in the record shall maintain the data classification to which they are entitled under the Data Practices Act, Minn. Stat. Ch. 13 (2012). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear on the Board's website.

11. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

12. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

13. Service. A fully signed copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Committee.

RESPONDENT


Nicholas Nielson

COMPLAINT COMMITTEE


Jon Stone,
Complaint Committee Chair

Dated: 2/2/15

Dated: 3/23/2015

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records, and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the ____ day of _____, 201__.

**MINNESOTA BOARD OF
BARBER EXAMINERS**

Complaint Committee Chair