STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

In the Matter of: David Landsberger
Registered Barber No. 2441 Expired
Mr. Dave’s Barbershop
Registration No. 993 Expired
RESPONDENT

TO: David B Landsberger
340 West Robie St Apt # 2
Saint Paul, MN 55107

The Minnesota Board of Barber Examiners ("Board") is authorized pursuant to Minnesota Statutes sections 214.10 and 154.001 to 154.28 (2018) to regulate the barbering profession and take disciplinary action whenever appropriate. The Board is authorized by Minnesota Statutes section 154.162 (2018) to issue administrative penalties.

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 operates Mr. Dave’s barbershop, located at 797 Dodd Road, West Saint Paul, MN and has previously been registered as a Minnesota registered barber. 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:
   b. On July 2, 2019 the Board’s inspector conducted an inspection of Mr. Dave’s located at 797 Dodd Road, West Saint Paul, MN.
   c. Upon inspection it was determined that the Barber Shop registration had
expired on June 30, 2009 and was not current at the time of inspection.

d. Upon inspection Respondent was observed providing barber services
   without a current barber registration.

3. Violations. Respondent admits that the facts specified above constitute violations of
   Minn. Stat. § 154.01 (2018) and are sufficient grounds for the action specified below.

4. Enforcement Action. Respondent and the Committee agree that the Board should
   issue an Order in accordance with the following terms:

   a. Respondent shall pay an administrative penalty in the amount of one
      thousand five hundred dollars ($1,500.00) of which one thousand five hundred dollars
      ($1,500.00) will be stayed for a period of three years, provided that Respondent complies
      with this Order and engages in no further violation of any law or rule over which the Board
      has authority. If within three years the Board determines that Respondent has committed a
      violation of any law or rule over which the Board has authority in violation of this consent
      order, the stay shall be lifted and the $1,500.00 administrative penalty shall become due and
      payable in addition to any other penalty the Board deems appropriate for the future
      violation(s) and may be reduced to a judgment against Respondent in any appropriate district
      court. In the event the Board determines to lift the stay and impose the stayed
      administrative penalty, Respondent may request a hearing to challenge the factual basis for
      lifting the stay, but may not challenge the amount of the stayed monetary penalty.

   b. If during the three year term following the execution of this order,
      Respondent does not violate this consent order or any law or rule over which the Board has
      authority, the monetary administrative penalty will be waived.

   c. Respondent shall pay registration fees for two years of barber and
      barbershop registration in the amount of four hundred dollars within 30 days of signed
      order.

   d. Respondent shall renew all registrations, with or without a notice from the
      Board, as required by statute.

   e. Respondent shall not provide any chemical or shave services nor shall any
      chemical or shave services be provided at Mr. Dave's located at 797 Dodd Road, West Saint
      Paul, MN.

5. 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 imposed by this stipulation and order in a contested case proceeding pursuant to Minn. Stat. ch. 14 (2018). 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. Respondent waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

6. **Board Rejection of Stipulation and Order.** In the event the Board in its discretion does not approve this stipulation and order or propose a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party. If this stipulation and order is not approved and the Committee initiates a contested case proceeding pursuant to Minn. Stat. ch. 14 (2018), Respondent agrees not to object to the Board hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and order and the record.

7. **Unrelated Violations.** This stipulation and order shall not limit the authority of the Board to proceed against Respondent by appropriate means on the basis of any conduct 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 shall constitute the entire record of the proceedings herein upon which the order is based.

9. **Data Classification.** Under the Minnesota Government Data Practices Act, this stipulation and order will be classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 5 (2018). All documents in the record shall maintain the data classification to which they are entitled under the Data Practices Act, Minn. Stat. ch. 13 (2018). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A link to this stipulation and order will appear on the Board’s website.

10. **Voluntary Agreement.** Respondent hereby acknowledges that he has read, understands, and agrees to this stipulation and order and is freely and voluntarily signing it without threat or promise by the Board or any of its members, employees, or agents. Respondent further acknowledges that he is aware that the stipulation and order must be approved by the Board. The Board may approve the stipulation and order as proposed, propose changes, or reject it. If the changes are unacceptable to Respondent or the Board rejects the stipulation, it will be of no effect.
except as specified herein.

11. **Entire Agreement.** The Stipulation contains the entire agreement between the parties. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

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

12. **Service.** If approved by the Board 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 Board or designee of the chair.

**RESPONDENT**

David B. Landsberger  
Aug 29 - 2019

Respondent  
Date

STATE OF MINNESOTA  
COUNTY OF HENNIPIN

This instrument was acknowledged before me on this 25th day of August, 2019 by David B. Landsberger.

Printed name of respondent

(Notary Public)  
My Commission Expires:  
Jan 31, 2022

Kyle R Gabriel  
Notary Public-Minnesota
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 ___, 20__

MINNESOTA BOARD OF BARBER EXAMINERS

[Signature]
Board Chair