In the Matter of:
John M Schmidt, Owner
Schmidt’s Sports Barbers
Registration #: 622
RESPONDENT

TO: John M Schmidt
2002 Thure Avenue
Saint Paul, MN 55116

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 has held a Barber Shop registration for Schmidt’s Sports Barbers since May 15, 2007. 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’s barber shop was first registered in the State of Minnesota on May 15, 2007.
   b. On September 7, 2018 the Board’s Inspector conducted a routine inspection of Schmidt’s Sports Barbers located at 1339 Randolph Ave. Saint Paul, MN.
   c. Upon inspection it was determined that the barber shop registration had
expired on June 30, 2018 and was not current.

d. On September 10, 2018 Respondent renewed the barber shop registration and paid all required fees.

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 may, in its discretion, issue an Order in accordance with the following terms:

   a. Respondent shall renew barber shop registration on or before the annual expiration date each year, as provided in statute, for the next three years.

   b. Respondent shall pay an administrative penalty in the amount of five hundred dollars ($500.00) of which five hundred dollars ($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 stayed $500 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.

   d. 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 penalty will be vacated.

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 herein. 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 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 hereto. If this stipulation and order is not approved and the Committee initiates a contested case proceeding is initiated 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 in any way or manner limit the authority of the Board to proceed against Respondent by appropriate means on the basis of any, conduct 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 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 hereto relating to the allegations referenced herein. 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**

[Signature]

Respondent

[Signature]

Date

1/1/19

STATE OF MINNESOTA

COUNTY OF HENNIUPIN

This instrument was acknowledged before me on this **11th** day of **January**, 2019 by [Name]

[Signature]

Printed name of respondent

[Seal]

PAMELA KAE PETERSON

Notary Public-Minnesota

My Commission Expires Jan 31, 2020

**COMPLAINT COMMITTEE**

[Signature]

THERESA ILIFF

Chair

Dated: **3-11**, 2019
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 11th day of March, 2019.

MINNESOTA BOARD OF BARBER EXAMINERS

Theresa Iliff, Chair