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DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
BODYSPA ACADEMY) **NON-DISCIPLINARY**
TO OPERATE AS AN) **SURRENDER STIPULATION**
ESTHETICS SCHOOL) **AND ORDER**
IN THE STATE OF UTAH) Case No. DOPL 2009- 220

BODYSPA ACADEMY (“Respondent”) and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Barbering, Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15.

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information to other persons and entities.

7. Respondent admits the following facts:

- a. On or about April 9, 2008 Respondent was first licensed to practice as an esthetics school in the State of Utah. Janet Stewart is the owner of Respondent.

- b. Respondent school never began operations after becoming licensed and has no plans to begin operations.
- c. Respondent desires to surrender Respondent's license to operate as an esthetics school in the State of Utah as well as all residual rights pertaining to said license.

8. Respondent hereby surrenders Respondent's license to operate as an esthetics school in the State of Utah as well as all residual rights pertaining to said license. The Division does not guarantee that any future application by Respondent for licensure will be granted. Respondent understands that if Respondent applies for licensure in the State of Utah in the future, and if the Division decides to grant licensure, the Division may require that any license granted to Respondent be subject to restriction, probation, and any other terms and conditions the Division deems necessary. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to operate as an esthetics school in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division. This Stipulation and Order is not a finding of unprofessional or unlawful conduct, nor is it disciplinary action against Respondent. The Division retains jurisdiction to subsequently initiate disciplinary proceedings for any conduct Respondent may have engaged in prior to the effective date of this Stipulation and Order or may engage in subsequent to the effective date of this Stipulation and Order.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein

shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

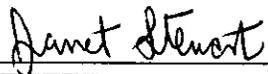
11. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

12. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

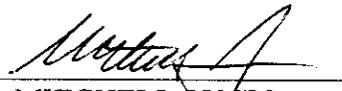
BY: 
SALLY A. STEWART
Bureau Manager

BY: 
JANET STEWART
Owner
BodySpa Academy

DATE: 07/20/2009

DATE: 7/12/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 20 July 2009

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ORDER

The above Stipulation, in the matter of the license of BODYSPA ACADEMY is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in the matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

Dated this 20TH day of July, 2009.

W. Ray Walker
W. Ray Walker
Acting Director
Division of Occupational
and Professional
Licensing