

STATE OF MINNESOTA

BOARD OF COSMETOLOGIST EXAMINERS

CONCILIATION AGREEMENT
AND CEASE AND DESIST

In the Matter of:
Makeup By Mindie
Unlicensed Salon
And
Mindie Streich
Unlicensed Individual

Board Complaint File No. 171655

Makeup By Mindie
Mindie Streich
1675 South Greeley Street
Suite 101
Stillwater, MN 55082

The Minnesota Board of Cosmetologist Examiners (“Board”) is authorized pursuant to Minnesota Statutes § 155A.20 to 155A.36 (Supp. 2017) to review complaints concerning the practice of cosmetology, and to take action pursuant to those statutes whenever appropriate.

The Board received a public filed complaint regarding the unlawful practice of cosmetology, by Makeup By Mindie and Mindie Streich (“Respondent”). The parties have agreed that the matter may now be resolved by this Conciliation Agreement and Cease and Desist Order.

CONCILIATION AGREEMENT

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

1. **Jurisdiction.** Pursuant to Minn. Stat. § 155A.33, Subd. 3 (Supp. 2017), the Board is authorized to issue an order requiring a holder of a license to cease and desist from an act or practice that constitutes a violation of a statute, rule or order that the Board has adopted or issued or is empowered to enforce in the State of Minnesota. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Conciliation Agreement

and Cease and Desist Order.

2. **Facts.** This Conciliation Agreement is based upon the following facts:

a. On May 10, 2017, the Board received a public filed complaint alleging Respondent was operating Makeup by Mindie without a Cosmetology Salon License. The complaint also alleged Respondent was providing regulated cosmetology services for compensation without individual licensure, and out of the unlicensed salon and other unlicensed locations.

b. Board staff research found sufficient evidence of Respondent providing makeup services for compensation in an unlicensed salon and other unlicensed locations and without individual licensure.

c. On August 7, 2017, Respondent was inspected and cited for unlicensed individual(s) and/or salon.

d. Respondent is not licensed by the Board in any capacity.

3. **Violations.** Respondent admits that the facts specified above constitute violations of Minnesota Statutes § 155A.22; Minnesota Statutes § 155A.27 Subd. 1; Minnesota Statutes § 155A.29 Subd. 1; and Minnesota Rule 2105.0110, and is sufficient grounds for the action specified below.

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

a. **Cease and Desist Order.** Respondent shall cease and desist from the unlawful practice of cosmetology in Minnesota and from further violations of Minn. Stat. §155A.20 to 155A.36 (Supp. 2017) and Minn. R. 2105.0010 to 2105.0820.

b. **Civil Penalty.** Respondent shall pay to the Board a civil penalty of three thousand dollars (\$3,000) by cashier's check or money order payable to the Board of

Cosmetology for the unlawful practice of cosmetology. The civil penalty must be paid in full and verified in order to maintain an active license, renew a license, and/or apply for any new license.

c. **Licensing Actions.** At the time of any application or reapplication for licensure or any renewal of licensure, Respondent will be required to meet all of the requirements for licensure per Minnesota Statutes and Rules. Executing this agreement does not exempt Respondent from full compliance with any licensure requirements related to current and/or future licenses.

5. **Waiver of Respondent's Rights.** For the purpose of this Conciliation Agreement, 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 (2017). Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order requiring the action specified in paragraph 4 herein. Respondent waives the right to any judicial review of this Conciliation Agreement and Cease and Desist Order or the attached Board Order by appeal, writ of certiorari, or otherwise.

6. **Collection.** In accordance with Minn. Stat. § 16D.17 (2017), in the event this order becomes final and Respondent does not comply with the condition(s) in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

7. **Board Rejection of Conciliation Agreement and Cease and Desist Order.** In the event the Board in its discretion does not approve this Conciliation Agreement and Cease and

Desist Order, this Conciliation Agreement shall be null and void and shall not be used for any purpose by either party hereto. If this Conciliation Agreement is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. Ch. 14 (2017), Respondent agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Conciliation Agreement and the record.

8. **Record.** The Conciliation Agreement, 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 Conciliation Agreement.

9. **Data Classification.** Under the Minnesota Government Data Practices Act ("Data Practices Act"), this Conciliation Agreement and Cease and Desist Order is classified as public data upon its issuance by the Board, Minn. Stat. § 13.41, Subd. 5 (2017). All documents in the record shall maintain the data classification to which they are entitled under the Data Practices Act, Minn. Stat. Ch. 13 (2017). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Executed disciplinary actions are available on the Board website, and a summary of the information may be reported in the Board's newsletter. Public discipline records may also be shared with other state cosmetology licensing agencies.

10. **Unrelated Violations.** This conciliation 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 Conciliation Agreement and which is not directly related to the specific facts and circumstances

set forth herein.

11. **Entire Agreement.** Respondent has read, understood, and agreed to this Conciliation Agreement and Cease and Desist Order and is freely and voluntarily signing it. The Conciliation Agreement and Cease and Desist Order contains the entire agreement between the parties. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

12. **Counsel.** Respondent is aware that Respondent may choose to be represented by legal counsel in this matter.

13. **Service.** If approved by the Board, a copy of this Conciliation Agreement and Cease and Desist Order shall be served personally or by first class mail on Respondent. The Conciliation Agreement shall be effective and deemed issued when it is signed by the Executive Director of the Board.

Makeup By Mindie
Unlicensed Salon

STATE OF MINNESOTA

By: Melinda C. Streich
Print Name
[Signature]
Signature

Acknowledged before me this 21 day of November, 2017, by personally appearing before me and identifying herself/himself as

Melinda Christine Streich
[Signature]
Notary Public



Its: _____
Title

Dated: 11.21.17

Mindie Streich
Unlicensed Individual

STATE OF MINNESOTA

By: Melinda C. Streich
Print Name
[Signature]
Signature

Acknowledged before me this 21 day of November, 2017, by personally appearing before me and identifying herself/himself as

Melinda Christine Streich
[Signature]
Notary Public



Dated: 11.21.17

ORDER

Upon consideration of the foregoing Conciliation Agreement and based upon all the files, records, and proceedings herein, all terms of the Conciliation Agreement are approved and hereby issued as an Order of this Board on this the 12 day of December, 2017.

**MINNESOTA BOARD OF
COSMETOLOGIST EXAMINERS**

[Signature]
Gina Fast
Executive Director

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MAY 10 1964
U.S. AIR FORCE
HEADQUARTERS
WASHINGTON, D.C.

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