



**MINUTES FOR THE  
ARIZONA BOARD OF BARBERS  
MARCH 16, 2015**

**Call to Order at 9:35 am**

**Roll Call --** Roll was called with four members present. Also present were Michael Raine, Assistant Attorney General; Sam LaBarbera, Executive Director; Sam Barcelona, Assistant Director; Joyce Voss, Administrative Assistant III and Mary Jane Jones, Administrative Assistant II.

Present:	Gary Roberts	Steve Sandler
	Marshall Knox	John Lewis
Absent:		Ron Thomas

**Declaration of Recusal or Conflict of Interest** – there were no declarations

**Review, Discussion and Approval of Board Meeting Minutes for January 26, 2015.** Gary Roberts moved to adopt the minutes. John Lewis seconded the motion; motion passed unanimously.

**Review, Discussion and Legal Action on Formal Hearings.**

Case No:	<b>2014-042</b>	Inspection Report No.	<b>25201</b>
Licensee:	<b>Ezequiel R Lopez</b>	License No(s):	<b>1274-E</b>
Possible Violation(s):	<b>Allowing an employee to practice barbering with a lapsed license</b>		
By Sam Barcelona	<b>Allowing an employee to practice barbering without posting a license</b>		
Staff Report	<b>This shop has been closed and we cannot locate the owner.</b>		

Sam LaBarbera reported this shop has been closed and Mr. Lopez is not present because he is in prison. Steve Sandler moved to dismiss this case. Michael Raine reminded the Board they could dismiss the case or table the case until such time as Mr Lopez applies for a new license. Mr Sandler amended his motion to read this case be tabled until Mr Lopez does apply for a new shop license. Marshall Knox seconded the motion; motion passed unanimously.

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Case No:	<b>2015-007</b>	Inspection Report No.	<b>25465</b>
Licensee:	<b>Jose Gonzalez</b>	License No(s):	<b>5883</b>
Possible Violation(s):	<b>Unsanitary work stand</b>		
By Sam Barcelona			
Staff Report	<b>Consent Agreement was signed and \$160 civil penalty paid.</b>		

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Case No:	<b>2015-010</b>	Inspection Report No.	<b>25486</b>
Licensee:	<b>Terrence Vyfhuis</b>	License No(s):	<b>5969</b>
Possible Violation(s):	<b>unsanitary work stand and unsanitary tool drawer</b>		
By Sam Barcelona			
Staff Recommends	<b>\$100 civil penalty has been paid</b>		

Mr Roberts reported Jose Gonzalez, Case No. 2015-007 and Terrence Vyfhuis, Case No. 2015-010 had paid their civil penalty and these cases are closed.

## **Review, Discussion and Legal Action on Informal Interviews.**

Case No: **2015-023** Inspection Report No. **25957**  
Licensee: **Javier Perez** License No(s).: **6086**  
Possible Violation(s) **Unsanitary tool drawer**  
By Joyce Voss  
Staff Recommends **Consent Agreement signed and \$50 civil penalty paid.**

Case No: **2015-024** Inspection Report No. **25957**  
Licensee: **John Gutierrez** License No(s).: **6198**  
Possible Violation(s) **Lapsed license**  
By Joyce Voss  
Staff Recommends **Consent Agreement signed and \$160 civil penalty paid.**

Case No: **2015-026** Inspection Report No. **25957**  
Licensee: **Headliners Barber Shop** License No(s).: **0369-E**  
**LLC**  
Possible Violation(s) **2 employees working with a lapsed license**  
By Joyce Voss  
Staff Recommends **Consent Agreement was accepted and civil penalty paid.**

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Case No: **2015-029** Inspection Report No. **25965**  
Licensee: **Donneil L Perryman** License No(s).: **5525**  
Possible Violation(s) **Inadequate dip sanitizer**  
By Joyce Voss **Unsanitary tool drawer**  
Staff Recommends **Consent Agreement was accepted and civil penalty paid.**

Case No: **2015-034** Inspection Report No. **25965**  
Licensee: **Headliners Barber Shop** License No. **0447-E**  
**LLC**  
Possible Violation(s) **3 employees working with a lapsed license**  
By Joyce Voss  
Staff Recommends **Consent Agreement accepted and civil penalty paid.**

Mr Roberts reported Javier Perez, Case No. 2015-023; John Gutierrez, Case No. 2015-026; Headliners Barber Shop, LLC, Case No. 2015-026; Donneil L Perryman, Case No. 2015-029 and Headliners Barber Shop LLC, Case No. 2015-034 had paid their civil penalty and these cases are closed.

## **Review, Discussion and Legal Action on Consent Orders**

Case No: **2015-025** Inspection Report No. **25957**  
Licensee: **David Gandarela** License No(s).: **2353**  
Possible Violation(s) **Lapsed license**  
By Joyce Voss **Inadequate dip sanitizer**  
Staff Recommends **Certified mail was returned; regular mail was not. Response time is over.**

Sam Barcelona reported that David Gandarela had paid for his license (the Board had not received it in the mail) and he was not present the day of the inspection. Case was dismissed.

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Case No: **2015-035** Inspection Report No. **25971**  
Licensee: **Kareli E Ruiz** License No. **1149**  
Possible Violation(s) **Unsanitary neck duster**  
By Joyce Voss  
Staff Recommends **Consent Agreement signed and civil penalty paid.**

Mr Roberts reported Kareli E Ruiz, Case No. 2015-035 paid her civil penalty and this case is closed.

Case No:	<b>2015-038</b>	Inspection Report No.	<b>25971</b>
Licensee:	<b>Jesus Uriarte</b>	License No(s):	<b>0566-E</b>
Possible Violation(s) By Joyce Voss	<b>Shop license not renewed</b>		
Staff Recommends	<b>Overall condition of shop Certified mail and regular mail was not returned. Response was due 3-10-15.</b>		

Mr LaBarbera reported the office had not received a response to our offer of a consent agreement. Mr Roberts moved to hold an informal interview. John Lewis seconded the motion; motion passed unanimously.

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<b>a.</b>	Case No:	<b>2015-042</b>	Inspection Report No.	<b>26317</b>
	Licensee:	<b>Richard Frisbie</b>	License No(s):	<b>130</b>
	Possible Violation(s) By Joyce Voss	<b>Unsanitary neck duster</b>		
	Staff Recommends	<b>Consent Agreement was signed and \$50 civil penalty paid.</b>		

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<b>b.</b>	Case No:	<b>2015-043</b>	Inspection Report No.	<b>26317</b>
	Licensee:	<b>Emma Alayeva</b>	License No(s):	<b>1129</b>
	Possible Violation(s) By Joyce Voss	<b>Unsanitary tool drawer</b>		
	Staff Recommends	<b>Consent Agreement was signed and \$50 civil penalty paid.</b>		

Mr Roberts reported Richard Frisbie, Case No. 2015-042 and Emma Alayeva, Case No. 2015-043 had paid their civil penalty and these cases are closed.

### **Review, Discussion and Legal Action on Investigative and Inspection Reports.**

<b>a.</b>	Case No:	<b>2015-110</b>	Inspection Report No.	<b>27617</b>
	Licensee:	<b>Juan Gonzales</b>	License No(s):	<b>5692</b>
	Possible Violation(s) By Sam Barcelona	<b>Unsanitary neck duster</b>		
	Staff Recommends	<b>Consent Agreement for Barber License No. 5692 with a \$100 civil penalty for working with an unsanitary brush for a <u>total of a \$100 civil penalty</u>, this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .</b>		

<b>b.</b>	Case No:	<b>2015-111</b>	Inspection Report No.	<b>27617</b>
	Licensee:	<b>Gabriel Villegas</b>	License No(s):	<b>241</b>
	Possible Violation(s) By Sam Barcelona	<b>Unsanitary neck duster</b>		
	Staff Recommends	<b>Consent Agreement for Barber License No. 241 with a \$100 civil penalty for working with an unsanitary brush for a <u>total of a \$100 civil penalty</u>, this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .</b>		

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| <b>c.</b> | Case No:               | 2015-112                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Inspection Report No. | 27617  |
|           | Licensee:              | Cesar Alcantar                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | License No(s):        | 4507   |
|           | Possible Violation(s): | Unsanitary neck duster                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |        |
|           | By Sam Barcelona       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |        |
|           | Staff Recommends       | Consent Agreement for Barber License No. 4507 with a \$100 civil penalty for working with an unsanitary brush for a <u>total of a \$100 civil penalty</u> , this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .                                                                      |                       |        |
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| <b>d.</b> | Case No:               | 2015-113                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Inspection Report No. | 27617  |
|           | Licensee:              | Juan Munoz                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | License No(s):        | 5876   |
|           | Possible Violation(s): | Unsanitary workstand                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |        |
|           | By Sam Barcelona       | Unsanitary neck duster                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |        |
|           | Staff Recommends       | Consent Agreement for Barber License No. 5876 with a \$50 civil penalty for working with an unsanitary workstand and a \$100 civil penalty for working with an unsanitary brush for a <u>total of a \$150 civil penalty</u> , this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .    |                       |        |
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| <b>e.</b> | Case No:               | 2015-114                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Inspection Report No. | 27617  |
|           | Licensee:              | Kyra Whitten                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | License No(s):        | 0118-E |
|           | Possible Violation(s): | Unlicensed barber                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |        |
|           | By Sam Barcelona       | Overall condition of shop                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |        |
|           | Staff Recommends       | Consent Agreement for Establishment License No. 0118-E with a \$500 civil penalty for employing an unlicensed barber and \$100 civil penalty for the overall condition of the shop for a <u>total of a \$600 civil penalty</u> , this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. . |                       |        |

Sam Barcelona reported on this inspection. These cases had a mistake; every mention of an” unsanitary brush” should have read “unsanitary neck duster” and Staff was requested to make this correction in the minutes.

Mr. Roberts moved to offer a consent agreement with a civil penalty to each of the following:

Case No. 2015-110, Juan Gonzales, License No 5692, with a \$100 civil penalty

Case No. 2015-111, Gabriel Villegas, License No. 241, with a \$100 civil penalty

Case No. 2015-112, Cesar Alcantar, License No. 4507, with a \$100 civil penalty and

Case No. 2015-113, Juan Munoz, License No. 5876, with a \$150 civil penalty

Case No. 2015-114, Kyra Whitten, License No. 0118-E, Board added 4 violations of allowing an employee to use an unsanitary neck duster with a civil penalty of \$100 for each violation, for a total of \$1,000 civil penalty and each of these consent agreements needs to be returned within 21 days with the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .

John Lewis seconded the motion; motion passed unanimously.

- f.** Case No: 2015-115 Inspection Report No. 27638  
 Licensee: Jose J Ahumada License No(s): 3954  
 Possible Violation(s): Lapsed License  
 By Sam Barcelona License not posted  
 Unsanitary neck duster  
 Staff Recommends Consent Agreement for Barber License No. 3954 with a \$160 civil penalty for working with a lapsed license, a \$100 civil penalty for working without posting a license and a \$100 civil penalty for working with an unsanitary brush for a total of a \$360 civil penalty, this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .
- g.** Case No: 2015-116 Inspection Report No. 27638  
 Licensee: Jacob A Galvez License No(s): 448  
 Possible Violation(s): Lapsed License  
 By Sam Barcelona Unsanitary tool drawer  
 Unsanitary neck duster  
 Staff Recommends Consent Agreement for Barber License No. 448 with a \$160 civil penalty for working with a lapsed license, a \$50 civil penalty for working with an unsanitary tool drawer and a \$100 civil penalty for working with an unsanitary brush for a total of a \$310 civil penalty, this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .
- h.** Case No: 2015-117 Inspection Report No. 27638  
 Licensee: John A Perales License No(s): 3055  
 Possible Violation(s): Lapsed License  
 By Sam Barcelona License not posted  
 Staff Recommends Consent Agreement for Barber License No. 3055 with a \$160 civil penalty for working with a lapsed license, and a \$100 civil penalty for working without posting a license for a total of a \$260 civil penalty, this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .

Sam Barcelona reported on this inspection. These cases had a mistake; every mention of an” unsanitary brush” should have read “unsanitary neck duster” and Staff was requested to make this correction in the minutes.

Mr. Roberts moved to offer a consent agreement with a civil penalty to each of the following:

Case No. 2015-115, Jose J Ahumada, License No 3954, with a \$360 civil penalty

Case No. 2015-116, Jacob A Galvez, License No. 448, with a \$310 civil penalty

Case No. 2015-117, John A Perales, License No. 3055, with a \$260 civil penalty and

John Lewis seconded the motion; motion passed unanimously.

- i.** Case No: 2015-118 Inspection Report No. 27638  
 Licensee: Eduardo Morales License No(s): 1615-E  
 Possible Violation(s): 3 Lapsed License  
 By Sam Barcelona 2 License not posted  
 Staff Recommends Consent Agreement for Establishment License No. 1615-E with a \$300 civil penalty for 3 employees working with a lapsed license, and a \$200 civil penalty for 2 employees working without posting a license for a total of a \$500 civil penalty, this consent agreement to be returned within 21 days and the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .

Sam Barcelona reported on this inspection. .

Mr. Roberts moved to offer a consent agreement with a civil penalty to each of the following:

Case No. 2015-118, Eduardo Morales, License No. 1615-E, Board added 2 violations of allowing an employee to use an unsanitary neck duster with a civil penalty of \$100 for each violation, for a total of \$700 civil penalty and each of these consent agreements needs to be returned within 21 days with the civil penalty to be due 60 days after the acceptance of the consent agreement, and if the consent agreement is not approved or the civil penalty is not paid, an informal interview will be scheduled. .

John Lewis seconded the motion; motion passed unanimously.

### **Review, Discussion and Legal Action on General Agency Operations.**

**a. Report from Assistant Attorney General -- None**

**b. Report from Executive Director**

- i. Executive Order 2015-01** – reported to the Board on the status of our request for exemption to the Governor’s moratorium on rule changes. We have made the request but the Governor’s office has not yet acted on it.
- ii. Five-Year Review Report to Governor’s Regulatory Review Council --** we requested a 180 extension for the filing of this report.

### **Establishment of Future Meeting Dates -- May 18, 2015**

**Call to the Public** – Daniel Vasquez, Brianey Gonzalez-Verde and Uziel Vasquez spoke to the Board regarding their employer who overcharges you for your supplies and holds your pay if you quit. Employees often don’t get even part of their pay unless the Staff intervenes. They also complained about supplies being watered down and roaches in the product. Mr Roberts asked this to be put on the next agenda.

**Discussion of Items to be placed on a future meeting agenda** – Mr Lewis requested we have Mona Baskin talk about situations where we have multiple complaints against the same licensees and/or situations of noncompliance with Board orders.

**Adjournment --**

**Sincerely,**

**March 16, 2015**

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**Gary Roberts, Chairman**

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**Mary Jane Jones, Secretary**