



**MINUTES FOR THE
ARIZONA BOARD OF BARBERS
November 17, 2014**

Call to Order – Gary Roberts presided and called the meeting to order at 9:40 a.m.

Roll Call -- Roll was called with four members present. Also present were Mona Baskin, 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
John Lewis Ron Thomas

Absent: Marshall Knox

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

Review, Discussion and Approval of Board Meeting Minutes for September 29, 2014 – Steve Sandler moved to adopt the minutes. John Lewis seconded the motion; motion passed unanimously.

Review, Discussion and Legal Action on Formal Hearings. None

Review, Discussion and Legal Action on Informal Interviews. None

Review, Discussion and Legal Action on Consent Orders.

a. Case No: 2015-003 Inspection Report No. 25258
Licensee: Original Barber LLC License No(s): 0518-E
Possible Violation(s): Overall condition of the shop
By Sam Barcelona
Staff Report Consent Agreement was signed and \$100 civil penalty paid.

Mr. Roberts reported that the civil penalty in this case has been paid and the case is closed.

b. Case No: 2015-004 Inspection Report No. 25283
Student: Julian Atencio, Jr Barber Student Card No. 8493
Possible Violation(s): Working as a barber while a student
By Sam Barcelona
Staff Report Consent Agreement was signed 9-8-2014 and \$500 civil penalty was due 11-12-2014.

c. Case No: 2015-007 Inspection Report No. 25465
Licensee: Jose Gonzalez License No(s): 5883
Possible Violation(s): Unsanitary work stand
By Sam Barcelona
Staff Report Certified mail was sent 8-12-14 and was returned to the office. Response was due 10-3-2014.

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| d. | Case No: | 2015-010 | Inspection Report No. | 25486 |
| | Licensee: | Terrence Vyfhuis | License No(s): | 5969 |
| | Possible Violation(s) By Sam Barcelona Staff Report | unsanitary work stand and unsanitary tool drawer | | |
| | | Certified mail to the home address was returned, as well as the mail to the shop. Regular mail to his home has not been received by the office. The response date was September 10, 2014. | | |
| e. | Case No: | 2015-011 | Inspection Report No. | 25486 |
| | Licensee: | Adriana Gomez | License No(s): | 788 |
| | Possible Violation(s) By Sam Barcelona Staff Report | Lapsed license and license not posted | | |
| | | Certified mail to the home address was returned, as well as the mail to the shop. Regular mail to her home has not been received by the Board. The response date was September 10, 2014. | | |
| f. | Case No: | 2015-012 | Inspection Report No. | 25486 |
| | Licensee: | Cedric Neal | License No(s): | 1220-E |
| | Possible Violation(s) By Sam Barcelona Staff Report | 2 employees working with a lapsed license, 1 employee working without posting a license and overall condition of the shop | | |
| | | This establishment has been sold. Cedric Neal has started making payments on his consent agreement. | | |
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| g. | Case No: | 2015-016 | Inspection Report No. | 24700 |
| | Licensee: | Ricardo S Medina | License No. | 6157 |
| | Possible Violation(s) By Sam Barcelona Staff Report | Inadequate dip sanitizer and and unsanitary tool drawer | | |
| | | Certified mail was received 8-14-2014 by Raul (rest of signature illegible). Response date was 10-5-2014. | | |

Mr. Roberts reported that the consent agreements for the following cases have not been accepted and moved to hold and informal interview for:

Case No. 2015-004 Julian Atencio Jr

Case No. 2015-007 Jose Gonzalez

Case No. 2015-010 Terrence Vyfhuis

Case No. 2015-011 Adriana Gomez and

Case No. 2015-016 Ricardo S Medina

John Lewis seconded the motion; motion passed unanimously.

Mr. Roberts reported on Case No. 2015-012, Cedric Neal is making payments. Mr. Roberts moved that if he wishes to renew his personal license, it will be the prerogative of the Board to accept the renewal or to deny the renewal until the balance of the civil penalty in this case has been paid. Mr. Lewis seconded the motion; motion passed unanimously.

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

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| a. | Case No: | 2015-068 | Inspection Report No. | 26419 |
| | Licensee: | Carlos A Quezada | License No(s): | 1241 |
| | Possible Violation(s) By Joyce Voss Staff Recommends | Lapsed License License not posted Consent Agreement for Barber License No. 1241 with a \$160 civil penalty for working with a lapsed license and a \$100 civil penalty for working without posting a license for a <u>total of a \$260 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. Case No: 2015-069 Inspection Report No. 26419
Licensee: Herminia Jimenez License No(s): 1179
Possible Violation(s): Unsanitary workstand
By Joyce Voss Unsanitary tool drawer
Staff Recommends Consent Agreement for Barber License No. 1179 with a \$50 civil penalty for working with an unsanitary workstand, and a \$50 civil penalty for working with an unsanitary tool drawer for a total of a \$100 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.

c. Case No: 2015-070 Inspection Report No. 26553
Licensee: Emanuel Pineda License No(s): 289
Possible Violation(s): Inadequate dip sanitizer
By Joyce Voss Unsanitary tool drawer
Unsanitary neck duster
Dirty sink
Staff Recommends Consent Agreement for Barber License No. 289 with a \$50 civil penalty for working with an inadequate dip sanitizer, a \$50 civil penalty for working with an unsanitary tool drawer, a \$50 civil penalty for working with an unsanitary neck duster and a \$50 civil penalty for working with a dirty sink for a total of a \$200 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.

d. Case No: 2015-071 Inspection Report No. 26553
Licensee: Raudel Macias License No(s): 528
Possible Violation(s): Dirty sink
By Joyce Voss
Staff Recommends Consent Agreement for Barber License No. 528 with a \$50 civil penalty for working with a dirty sink for a total of a \$50 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.

e. Case No: 2015-072 Inspection Report No. 26655
Licensee: Omar A Abed License No(s): 305
Possible Violation(s): Lapsed license
By Joyce Voss
Staff Recommends Consent Agreement for Barber License No. 305 with a \$160 civil penalty for working with a lapsed license for a total of a \$160 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.

f. Case No: 2015-073 Inspection Report No. 26655
Licensee: European Barber Shop Corporation License No(s): 0653-E
Possible Violation(s): Employee working with a lapsed license
By Joyce Voss
Staff Recommends Consent Agreement for Establishment License No. 0653-E with a \$100 civil penalty for an employee working with a lapsed license for a total of a \$100 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: 2015-074 Inspection Report No. 26661
Licensee: Manuel Mejias License No(s): 6040 & 0521-E
Possible Violation(s): For Barber License No. 6040--Lapsed license
By Joyce Voss For Barber License No. 6040--Inadequate dip sanitizer
For Barber License No. 6040--Unsanitary workstand
For Barber License No. 6040--Unsanitary tool drawer
For Barber License No. 6040--Unsanitary neck duster
For Establishment License No. 0521-E—No shop license
For Establishment License No. 0521-E—Overall condition of the shop
Staff Recommends Consent Agreement for Barber License No. 6040 with a \$160 civil penalty for working with a lapsed license, with a \$50 civil penalty for working with an inadequate dip sanitizer, a \$50 civil penalty for working with an unsanitary workstand, a \$50 civil penalty for working with an unsanitary tool drawer, and a \$50 civil penalty for working with an unsanitary neck duster; for Establishment License No. 0521-E a \$250 civil penalty for operating a barber shop without an establishment license and a \$100 civil penalty for the overall condition of the establishment for a total of a \$710 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: 2015-075 Inspection Report No. 26664
Licensee: Juan Cuevas License No(s): 4462
Possible Violation(s): Unsanitary workstand
By Joyce Voss Unsanitary brushes
Sanitized tools not in tool drawer
Staff Recommends Consent Agreement for Barber License No. 4462 with a \$50 civil penalty for working with an unsanitary workstand, a \$50 civil penalty for not keeping sanitized tools in a tool drawer and a \$50 civil penalty for working with unsanitary brushes for a total of a \$150 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.

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| i. | Case No: | 2015-076 | Inspection Report No. | 26682 |
| | Licensee: | Maria M Munoz | License No(s): | 2090 |
| | Possible Violation(s): By Joyce Voss | Inadequate dip sanitizer | | |
| | Staff Recommends | Consent Agreement for Barber License No. 2090 with a \$50 civil penalty for working with an inadequate dip sanitizer for a <u>total of a \$50 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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| j. | Case No: | 2015-077 | Inspection Report No. | 26682 |
| | Licensee: | Maria De Lourdes Saldana | License No(s): | 3637 |
| | Possible Violation(s): By Joyce Voss | Lapsed license License not posted | | |
| | Staff Recommends | Consent Agreement for Barber License No. 3637 with a \$160 civil penalty for working with a lapsed license and a \$100 civil penalty for working without posting a license for a <u>total of a \$260 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. | | |

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

Case No. 2015-068, Carlos A. Quezada, License No 1241, with a \$260 civil penalty

Case No. 2015-069, Herminia Jimenez, License No. 1179, with a \$100 civil penalty

Case No. 2015-070, Emanuel Pineda, License No. 289, with a \$200 civil penalty

Case No. 2015-071, Raudel Macia, License No. 528, with a \$50 civil penalty

Case No. 2015-072, Omar A Abed, License No. 305, with a \$160 civil penalty

Case No. 2015-073, European Barber Shop, License No. 0653-E, with a \$100 civil penalty

Case No. 2015-074, Manuel Mejias, License Nos. 6040 and 0521-E, with a \$710 civil penalty

Case No. 2015-075, Juan Cuevas, License No. 4462, with a \$150 civil penalty

Case No. 2015-076, Maria M Munoz, License No. 2090, with a \$50 civil penalty and

Case No. 2015-077, Maria De Lourdes Saldana, License No. 3637, with a \$260 civil penalty each of these consent agreements needs 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. .

Ron Thomas 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**

Mr. LaBarbera reported to the Board that the subject of whether neck dusters should be allowed or prohibited had come up in the discussions with the rule writer.

Mr. Thomas saw no reason to prohibit them; he saw dirty neck dusters as a personal fault of the barber not an inherent problem of the product. He also suggested the barber keep an increased number of neck dusters. Mr. Barcelona asked the Board if they felt a duster that has been used once is still clean for the next person (what if that person had a rash?). Mr. Lewis

said the fine needs to be raised. Mr. Barcelona asked the Board if the fine were raised shouldn't the Board also fine the shop owner under "overall condition of the shop" clause.

Ms Baskin suggested the matter of raising a fee should be on the next agenda.

Establishment of Future Meeting Dates

January 26, 2015

Call to the Public -- None

Discussion of Items to be placed on a future meeting agenda – Mr. Roberts directed the matter of neck dusters being allowed or prohibited as well as the subject of the fine for dirty neck dusters be placed on the next agenda.

Adjournment – Mr. Roberts moved to adjourn. Mr. Lewis seconded the motion; motion passed unanimously.

Sincerely,

November 17, 2014

Gary Roberts, Chairman

Mary Jane Jones, Secretary