



Arizona State Board of Barbers
1740 West Adams Street, Suite 3011
Phoenix, Arizona 85007
(602) 542-4498

OPEN SESSION MINUTES

July 30, 2018

Members of the Arizona State Board of Barbers (“Board”) held a meeting at 9:30 a.m. on Monday, July 30, 2018 at the Board’s office in Conference Room B, 1740 West Adams St., Phoenix, Arizona 85007. No executive session was held.

BOARD MEMBERS PRESENT:

Gary Roberts Board Chairman and Public Member
Steve Sandler Co-Chairman and Public Member
Marshall Knox Barber School Member
John B. Lewis..... Professional Member
Ron Thomas Professional Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Sam Barcelona Executive Director
Joyce VossAssistant Director
Bruce Bueno.....Administrative Assistant
Mary Jane JonesAdministrative Assistant
Frankie Shinn-Eckberg, Esq..... Assistant Attorney General

OPEN SESSION

Gary Roberts convened the Board Meeting for July 30, 2018 at 9:30 a.m. The following order of business was then considered:

DECLARATION OF CONFLICTS OF INTEREST/RECUSAL – A.R.S. § 38-503

No conflicts of interest were declared.

REVIEW, DISCUSSION AND APPROVAL OF BOARD MEETING MINUTES

Ron Thomas moved to accept the minutes for May 21, 2018. Steve Sanders seconded the motion; motion passed unanimously.

	Mr. Roberts	Mr. Sandler	Mr. Knox	Mr. Lewis	Mr. Thomas
Yay	X	X	X	X	X
Nay					
Recused					
Abstained					
Absent					

CALL TO THE PUBLIC

Ed Masters spoke to the Board about his time as a student at Phoenix Barber School. When he first called the school, he was quoted a price of \$4,000 for tuition. When he went to the school, the price was \$5,500. He eventually got the original price of \$4,000. After about six weeks, Mr. Masters said he noticed he was getting very little floor instruction and no theory instruction. He said he was getting hours but no instruction because there was no licensed instructor in the classroom. Diaa Alshmiry, the owner and instructor, planned to close the school for two months because he would be on vacation. He and other students demanded their money back. Mr. Alshmiry then found a substitute instructor. Mr. Masters said he understood what he had been missing because of the instruction from the substitute. The substitute was not put in charge of the barber shop. The barber shop was being run by a cosmetologist/barber student and a barber student. The same thing is happening at the Scottsdale location. He will be asking for a full refund. He also mentioned that there were broken chairs and missing equipment. Supplies such as paper towels and barbercide are often missing.

Mr. Roberts said he wants Mr. Masters agendized for the next meeting. Ms. Frankie Eckberg suggested Mr. Masters make a formal complaint and Mr. Roberts assigned Bruce Bueno to look further into this situation. Marshall Knox asked the Staff to inspect Phoenix Barber College before Mr. Alshmiry returns.

REVIEW, DISCUSSION AND POSSIBLE ACTION ON INVESTIGATIVE REPORTS REGARDING POTENTIAL VIOLATIONS BY D’IMAGE BARBER COLLEGE

Joyce Voss reported that on June 21 inspection there was no instructor present and a student was working with a client. Ruben Nava, a student trainee, who was also supposed to be supervised, was doing a shave. Luz Martinez, the owner of the school, had hired Scott Lovato, who was a licensed instructor. Ms. Voss confirmed on June 22 he had been hired and was working at the school. He said there were two instructors working at the school and the school had two instructor trainees, Ruben Rivera and Sandra Hinojos.

On an inspection on July 13, there was no instructor present to supervise Ruben Rivera and another student. Mrs. Martinez came into the school and Ms. Voss was leaving.

During the last examination on June 6, Ms. Voss was told that Mauricio Alvidres was teaching at the school. After the examination Mr. Alvidres talked to Ms. Voss and said yes he had been teaching. He came to the office and talked to Ms. Voss and Mary Jane Jones. He then signed a statement admitting that he had indeed been teaching at the school in exchange for hours being added to his cumulative hours and his \$2,000 payment to Mrs. Martinez. This statement was notarized. Mrs. Martinez gave Mr. Alvidres a Certification of Completion after the \$2,000 payment showing that he had earned 1,500 hours but he thought he had only earned around 792 hours. Ms. Voss detailed the steps she took to investigate the school, including examination of documents and photographs taken of the school and its students.

Luz Martinez and her attorney, David Williams, then approached the Board. As to the matter of instructors not being present, Mr. Williams explained Mrs. Martinez has two schools which are next to each other with an administrative office between them. She would momentarily go next door and then return to the barber school. He said this matter could be easily remedied and has been remedied by the hiring of Mr. Lovato. Mrs. Martinez did not fully understand that leaving the school for a few minutes and leaving an instructor trainee in charge would leave the instructor trainee unsupervised. Again, this has been remedied. At no time was a client released without Mrs. Martinez checking the client.

As to the claim of Mr. Alvidres that in exchange for \$2,000 and working as an instructor trainee, Mr. Williams said this was just not true. Mrs. Martinez showed that Mr. Alvidres has completed the 1,500 hours and the \$2,000 was for unpaid tuition. As to the picture showing only Mr. Alvidres instructing a class did not show Mrs. Martinez because she was the photographer.

Mr. Williams said he felt that a letter of concern would sufficiently fulfill the Board's obligation to enforce its laws and rules because of the remedial actions she has instituted at her school.

Mr. Roberts reminded Mr. Williams that twice in 2017 and three times in 2018, inspectors have been to the school and there has been no instructor on the premises. That doesn't sound like remediation. Why are the hours shown by the school and by Mr. Alvidres so different? He opened up the meeting for comments from the Board.

Mr. Thomas explained how his instructor while in school was always present. Ethics are a large part of a school's curriculum.

Mr. Roberts feels that if the instructor must leave, the students should be instructed to put their scissors down until the instructor returns

Mr. Sanders felt the situation should have been corrected earlier. Mr. Williams explained that nothing was said to Mrs. Martinez. How can she know if something is wrong if the inspection sheet shows “satisfactory” on the grade? She was put in an awkward situation when her sister left unexpectedly. When she became aware of the situation, it was corrected.

Mr. Roberts asked if anyone in the audience wished to speak.

Rosa Teran went to talk to the Board. Ms. Teran asked a friend to translate. Mr. Williams asked if this Board is supposed to provide a translator. Ms. Eckberg said the Board was supposed to provide a translator. Ms. Teran then spoke in English. She was on vacation for one month and when she came back. Her tuition money is in collection for \$10,000 when she says she owes \$4,000. There was no contract. Mr. Lewis asked if she signed a contract. She said yes. Mr. Williams said the amount that was sent to collection was the amount owed. Mr. Roberts reminded the Board it cannot do anything regarding financial affairs.

Scott Lovato is the other instructor at Image Barber College. He has been instructing there for one and a half months. He works Tuesday to Thursday from eight to four. After four, Mrs. Martinez teaches until closing and all day Friday and Saturday. Sandra Hinojos acts as Mr. Lovato’s assistant. Students are not acting as instructors.

Amalia Avila said that Sandra Hinojos was her instructor.

Mr. Roberts moved to issue a consent agreement, issue a \$500 civil penalty and a probation for one year with frequent inspections at least once a month as deemed necessary by Staff. Mr. Lewis seconded the motion. Mr. Roberts asked if there was any discussion.

Mr. Knox asked about the problem with Mauricio Alvidres’ hours. Mr. Knox asked Mr. Alvidres about his hours. Mr. Alvarez said he went to school four days for 3 hours and eight hours on Saturday, starting April 17, 2017 and graduated December 17, 2017.

Perhaps the Board should set aside the issue of these hours for more investigation. Mr. Williams thought it was more efficient to wrap up the issue of instructors and Mr. Alvidres’ hours into one order. Ms. Eckberg said the Board could settle this one of three ways: you can issue a consent agreement today, you can postpone the entire situation for more investigation or you can issue a consent agreement today and sever the question of hours for the next Board meeting.

Mr. Roberts was inclined to issue a consent agreement today and sever the issue of hours. Mr. Williams stated his preference for a total postponement because it is going to be very confusing to have two probations with different stipulations in place at one time. Ms. Eckberg reminded the Board there was a motion on the table and they must settle the motion or postpone it by moving the issue to a future date.

Mr. Roberts rescinded his motion. It was tabled for the next meeting for further discussion of Mr. Alvarez’s hours. Mr. Lewis seconded the motion; motion passed unanimously.

	Mr. Roberts	Mr. Sandler	Mr. Knox	Mr. Lewis	Mr. Thomas
Yay	X	X	X	X	X

Nay					
Recused					
Abstained					
Absent					

REPORT FROM THE EXECUTIVE DIRECTOR

Deloitte is now on their second trouble shooting team. Still unable to function consistently with the new database and Deloitte and ASET are overwhelmed with tickets from all the Boards to correct malfunctioning controls. All Boards and their licensees are very upset with these delays. A large portion of our barbering stakeholders do not have the equipment or knowledge to go on-line.

The apprenticeship program is effective on August 3. Department of Economic Security will be running the program and setting the final determination of acceptance of mentors and apprentices'. They will ask us if we have had any compliance issues with a potential mentor. This program will consist of 2,000 hours, with an additional 250 hours of theory. It is a one-on-one relationship. At the end, the Department of Economic Security will issue a certification of completion and the apprentice will then take the barber examination. Mr. Barcelona says he would like to have a rule that the apprentice must sign up for the next examination after the completion of their program.

Mr. Barcelona announced that after 29 years of service, Ms. Jones' will be retiring on 17th of August.

DISCUSSION OF FUTURE MEETING DATES

Examination of the compliance of Phoenix Barber College's compliance with the statutes and rules governing the barber schools including the pass/fail rate ready for Phoenix Barber College at the next meeting.

Next meeting: September 24, 2018

MOTION TO ADJOURN

Meeting adjourned at 10:30 a.m. on July 30, 2018.

Gary Roberts, Chairman

Sam Barcelona, Executive Director