



**MINUTES FOR THE
ARIZONA BOARD OF BARBERS
July 11, 2016**

1. Call to Order: 9:30 AM

2. Roll Call-- Roll was called with all members present. Also present were Frankie Eckberg, Assistant Attorney General; Sam Barcelona, Executive Director; Joyce Voss, Assistant Director, Boaz Alvarado, Administrative Assistant III and Mary Jane Jones, Administrative Assistant II.

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

3. Declaration of Conflicts of Interest Recusal -- A.R.S. § 38-503 – none

4. Review, Discussion and Approval of Board Meeting Minutes – Gary Roberts moved to adopt the minutes with three corrections. John Lewis seconded the motion; motion passed unanimously. Mr Roberts had Sam Barcelona introduce the Board’s newest employee, Boaz Alvarado. He was one of forty applicants for this position. He has a barber background, owned his own barber shop, has a degree in criminology, has experience in law firms and is bilingual. Mr Roberts also passed the plaque that will be presented to Sam LaBarbera at a future meeting.

5. Call to the Public – none

6. Review, Discussion and Possible Action on Formal Hearings – none

7. Informal Interviews for the Review, Discussion and Possible Action on Informal Interview Cases that have been paid and are recommended for closure. The Consent Agenda items may be considered for approval as a single action unless a Board member or any other interested party wishes to remove an item for discussion.

<u>Case No.</u>	<u>Licensee</u>	<u>License #</u>	<u>Amt Pd</u>
a. 2015-071	Raudel Macias	528	\$ 50
b. 2015-079	Marina Martinez	2768	\$200
c. 2015-082	B Christina Zavala	3563	\$100
d. 2016-024	Juan Cuevas	4462	\$100
e. 2016-025	Ruth Camacho	1146-E	\$100

Mr Roberts moved to accept the civil penalty payments for the cases above and consider them closed. Marshall Knox seconded the motion; motion passed unanimously.

8. Review, Discussion and Possible Action on Informal Interviews.

The cases were heard in the following order:

Case No. 2016-010	Francis Fazio	
Case No 2016-029	Jose C Borboa	was this heard?
Case No 2016-030	Jose D Burboa	
Case No.2016-031	Eladio Burboa	
Case No 2016-028	David F Lopez	

- a.**
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|---|---|-----------------------|----------------------------|
| Case No: | 2015-077 | Inspection Report No. | 26682 on 10/23/2014 |
| Licensee: | Maria De Lourdes Saldana | License No(s): | 3637 |
| Possible Violation(s):
By Joyce Voss
Staff Report | lapsed license, license not posted | | |
| | Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail to home was was accepted 5/23/2016 by (signature illegible). Response date was 5/30/2016. | | |
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- b.**
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|---|---|-----------------------|----------------------------|
| Case No: | 2015-082 | Inspection Report No. | 26869 on 11/12/2014 |
| Licensee: | B Christina Zavala | License No(s): | 3563 |
| Possible Violation(s):
By Joyce Voss
Staff Report | unsanitary workstation, unsanitary tool drawer | | |
| | Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. The USPS tracking said the certified mail was "delivered, left with individual" but we have not received the green card. | | |
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- c.**
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|---|---|-----------------------|----------------------------|
| Case No: | 2015-087 | Inspection Report No. | 27110 on 12/18/2014 |
| Licensee: | Christian Munive | License No(s): | 3487 |
| Possible Violation(s):
By Joyce Voss
Staff Report | with an unsanitary tool drawer and a dirty neck duster | | |
| | Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was returned marked "attempted--not known" -- the envelope was returned but the green card was missing. | | |
- d.**
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|---|--|-----------------------|----------------------------|
| Case No: | 2015-088 | Inspection Report No. | 27110 on 12/18/2014 |
| Licensee: | Xavier Sotelo | License No(s): | 6047 |
| Possible Violation(s):
By Joyce Voss
Staff Report | with an inadequate wet sanitizer and an unsanitary workstation | | |
| | Certified and regular mail sent to shop address on 5/20/16. Certified mail waswas accepted 5/23/2016 by Daniel Martinez. Response was due 6/7/2016. | | |
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e.

Case No:	2015-109	Inspection Report No.	26969 on 11/12/2014
Licensee:	Manuel Mejias	License No(s):	6040 & 0521-E
Possible Violation(s): By Joyce Voss	For Barber License No. 6040--license not current; practicing in an unlicensed shop; For Establishment License No. 0521-E--operating a shop without a license		
Staff Report	Certified and regular mail sent to shop address on 5/20/16. Both were returned marked vacant.		

f.

Case No:	2016-010	Inspection Report No.	28353 on 7/29/2015
Licensee:	Francis Fazio	License No(s):	446
Possible Violation(s): By Joyce Voss	unsanitary workstation, unsanitary tool drawer		
Staff Report	Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by Francis Fazio on 6/17/2016. We have received a response and he plans to attend the Interview.		

Francis Fazio was present; he was sworn in and represented himself. Mr. Fazio was sworn in and testified that he keeps his tools in a container in the tool drawer. He was not working on the day of the inspection at this shop. He knows other people use his station when he is absent. Joyce Voss agreed that he was not at the end shop during the. Mr. Lewis moved to dismiss this case. Mr. Roberts second the motion; motion passed unanimously.

g.

Case No:	2016-020	Inspection Report No.	28386 on 8/6/2015
Licensee:	Charles Muhammad	License No(s):	4823
Possible Violation(s): By Joyce Voss	inadequate dip sanitizer		
Staff Report	Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted 5/23/2016 by Boyjrak Muhammad. Response was due 6/7/2016.		

This case was continued. Mr Muhammad is still out of state with an ill family member.

h.

Case No:	2016-021	Inspection Report No.	28386 on 8/6/2015
Licensee:	Anthony Washington	License No(s):	1490
Possible Violation(s): By Joyce Voss	unsanitary tool drawer		
Staff Report	Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Both envelopes to home address were returned. Response was due 7/12/2016.		

i. Case No: **2016-025** Inspection Report No. **28395 on 8/6/2015**
 Licensee: **Ruth Camacho** License No(s): **1146-E**
 Possible Violation(s): **overall condition of shop**
 By Joyce Voss
 Staff Report **Certified and regular mail sent to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016.**

j. Case No: **2016-028** Inspection Report No. **28284 on 6/24/2015**
 Licensee: **David F Lopez** License No(s): **5861**
 Possible Violation(s): **dirty neck duster**
 By Sam LaBarbera
 Staff Report **Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016.**

David F Lopez was present; he was sworn in and represented himself. Mr. Lopez said he was told by the inspector at the inspection that his neck duster wasn't that dirty. Mr. Roberts thanked him for coming today and then moved for a \$100 civil penalty. Mr. Sandler seconded the motion; motion passed unanimously.

k. Case No: **2016-029** Inspection Report No. **28284 on 6/24/2015**
 Licensee: **Jose C Borboa** License No(s): **5948**
 Possible Violation(s): **inadequate dip sanitizer**
 By Sam LaBarbera
 Staff Report **Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016. He plans to attend the Interview.**

l. Case No: **2016-030** Inspection Report No. **28284 on 6/24/2015**
 Licensee: **Jose D Burboa** License No(s): **1391**
 Possible Violation(s): **dirty neck duster**
 By Sam LaBarbera
 Staff Report **Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Both mailings to home address were returned marked "attempted--unknown". Response was due 6/12/2016.**

Jose D Burboa was present; he was sworn in and represented himself. He is willing to pay the civil penalty. He and his father, Eladio Burboa, were here to discuss something else that was on the Agenda. He said his father was also willing to pay any civil penalty. Mr Roberts moved to issue a \$100 civil penalty. Mr Sandler seconded the motion; motion passed unanimously.

m. Case No: **2016-031** Inspection Report No. **28284 on 6/24/2015**
 Licensee: **Eladio Burboa** License No(s): **0805-E**
 Possible Violation(s): **unlicensed barber, 2 dirty neck dusters**
 By Sam LaBarbera
 Staff Report **Certified and regular mail sent to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016.**

Eladio Burboa was present; he was sworn in and represented himself. Jose D Burboa translated for his father. In regards to the unlicensed barber, they had come to the Board to check on this barber and they thought he was licensed. Eladio and Jose D Burboa think it is unjust that the shop takes the brunt of any civil penalty regarding unlicensed barbers and the unlicensed barber cannot be fined. Frankie Shinn-Eckberg requested this responsibility of a shop owner is in the statutes. She told them that the unlicensed barber is also liable but it is done elsewhere; practicing without a license is a criminal offense. Boaz Alvarado added that he knew this witness and feels the witness really thought the employee was really a barber. Mr. Roberts moved to dismiss this case on all counts. Mr. Lewis seconded the motion; motion passed unanimously.

n.

Case No:	2016-033	Inspection Report No.	28495 on 8/26/2015
Licensee:	Manuel Ortiz	License No(s):	3994
Possible Violation(s): By Joyce Voss Staff Report	lapsed license		
	Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by I T Ortiz on 5/24/2016. Manuel Ortiz telephoned the office to inform us he has been living in Washington for many years. He owns his own shop there. His accounting firm sent a letter verifying this information.		

Staff had been sent documents which showed Manuel Ortiz has been residing in the State of Washington for the last ten years. This appears to be a case of identity theft. Mr Roberts moved to dismiss this case. Mr Lewis seconded the motion; motion passed unanimously. Mr Roberts further moved to “red flag” the license so it can be investigated if a renewal is attempted. Mr Lewis seconded the motion; motion passed unanimously.

o.

Case No:	2016-037	Inspection Report No.	28569-28570 on 9/30/2015
Licensee:	Alfonso Orozco	License No(s):	6296
Possible Violation(s): By Joyce Voss Staff Report	unsanitary workstation, excess trash, inadequate dip sanitizer		
	Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. The USPS tracking systems says certified mail was delivered 6/13/2016 and left with an individual, however it was returned to us marked "return to sender". Response		

p.

Case No:	2016-040	Inspection Report No.	28559-29560 on 9/29/2015
Licensee:	Andre Rodriguez	License No(s):	1332
Possible Violation(s): By Joyce Voss Staff Report	unsanitary work station		
	Certified and regular mail sent to home address and by regular mail to shop on 5/21/16. The USPS tracking systems says certified mail was delivered 6/26/2016 and left with an individual; however, all three envelopes were returned Response was due 7/11/2		

9. Consent Agenda for the Review, Discussion and Possible Action on Consent Agreements

- a.** Case No: **2016-076** Inspection Report No. **29209 on 12-31-2015**
Licensee: **Manuel Ortiz** License No(s): **3994**
Possible Violation(s): **Lapsed license**
By Sam Barcelona **License not posted**
Staff Report **Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by I T Ortiz on 5/24/2016. Manuel Ortiz telephoned the office to inform us he has been living in Washington for many years. He owns his own shop there. His accounting firm sent a letter verifying this information.**

Staff had been sent documents which showed Manuel Ortiz has been residing in the State of Washington for the last ten years. This appears to be a case of identity theft. Mr Roberts moved to dismiss this case. Mr Lewis seconded the motion; motion passed unanimously. Mr Roberts further moved to “red flag” the license so it can be investigated if a renewal is attempted. Mr Lewis seconded the motion; motion passed unanimously.

Ms Shinn-Eckberg said some of the cases who have not been heard today could be dismissed for staleness. Mr Roberts moved to dismiss the following cases for staleness and any other case which was investigated in 2014 and has not already been moved to a hearing:

Case No. 2015-077	Maria De Lourdes Saldana
Case No. 2015-087	Christian Munive
Case No. 2015-088	Xavier Sotelo
Case No. 2015-109	Manuel Mejias

Mr Lewis seconded the motion; motion passed unanimously.

Mr Roberts moved to hold a formal hearing for the following cases:

Case No. 2016-020	Anthony Washington
Case No. 2016-029	Jose C Borboa
Case No. 2016-037	Alfonso Orozco
Case No. 2016-040	Andrew Rodriguez

Mr Lewis seconded the motion; motion passed unanimously.

10. Consent Agenda for the Review, Discussion and Possible Action on Investigative Reports: Cases recommended for disciplinary consent agreements. None

11. Report from the Assistant Attorney General – the Board may review and discuss the listed items:

- a.** Cash payments of fees--Ms. Shinn-Eckberg says the board cannot refuse cash payments at this time; this action needs to be completed through GRCC before it is legal to refuse to accept cash. Mr. Barcelona said he would contact GRCC to find the procedure that they will need to follow.
- b.** Board generated complaints for non-compliance/timely compliance – the subject of when Staff should refuse payment of civil penalties when a hearing is scheduled. Ms. Shinn-Eckberg said the Board could direct Staff not to accept civil penalty payments but this action must be consistent in all similar cases.

- c. Dual citations for licensed barber and supervisor/holder of license to operate a shop - again Board can direct Staff who to cite and this action must be consistent in all similar cases.
- d. Invalid consents; service – certified mail can be accepted by anyone but consent agreements must be signed by the person cited.
- e. Cease and desist; injunctive relief for unlicensed barber – this is a misdemeanor.
- f. Inspection of barber schools – the Board has full authority to fine schools for noncompliance with State laws and rules.
- g. DES/DCSS update – this request from DES has been handed to the head of the Civil Enforcement Section of the Attorney General’s office.

12. Report from the Executive Director – the Board may review and discuss the listed items:

- a. Website reviewed—website has been launched.
- b. IT network possibilities—a coalition with other Boards is to investigate the possibility of creating our own software or getting a reduction in fees for current programs.
- c. Independent contractors vs employees and their implications for inspections—this has already been discussed.
- d. School deficiencies and alternatives—this has already been discussed. At the last examination there were 40 failures out of 60 applicants.
- e. Instructor’s examinations—Mr Knox said a new exam is almost ready.
- f. Request from the Department of Economic Security regarding child support—this has already been discussed.
- g. Update on personnel changes – Boaz Alvarado was previously introduced.
- h. Changes in mailing procedures and certified mail—this has already been discussed.

13. Discussion of items to be placed on a future meeting agenda.

14. Discussion of Future Meeting Dates – September 12, 2016

15. Motion to Adjourn

Mr Roberts moved to adjourn. Mr Knox seconded motion; motion passed unanimously.

July 11, 2016

Gary Roberts, Chairman

Mary Jane Jones, Secretary