



**MINUTES FOR THE
ARIZONA BOARD OF BARBERS
September 12, 2016**

1. Call to Order: 10:35 AM

2. Roll Call-- Roll was called with four 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. Steve Sandler acted as Chairman in the absence of Gary Roberts.

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

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

4. Review, Discussion and Approval of Board Meeting Minutes for July 11, 2016 meeting. Ron Thomas moved to approve the minutes. John Lewis seconded the motion; motion passed unanimously.

5. Call to the Public -- None

6. Review, Discussion and Possible Action on Paid Civil Penalties.

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|-----------|--|---|-----------------------|-------------------------------|
| a. | Case No: | 2016-028 | Inspection Report No. | 28284 on
6/24/2015 |
| | Licensee: | David F Lopez | License No(s): | 5861 |
| | Possible Violation(s):
By Sam LaBarbera
Staff Report | dirty neck duster
The \$100 civil penalty has been paid. | | |
| b. | Case No: | 2016-029 | Inspection Report No. | 28284 on
6/24/2015 |
| | Licensee: | Jose C Borboa | License No(s): | 5948 |
| | Possible Violation(s):
By Sam LaBarbera
Staff Report | inadequate dip sanitizer
The \$100 civil penalty has been paid.. | | |

Steve Sandler moved to accept the civil penalty payments for the cases above and consider them closed. Mr Lewis seconded the motion; motion passed unanimously

7. Review, Discussion and Possible Action on Formal Hearings.

a. Case No: **2016-003** Inspection Report No. **28089 on 7/17/15**
Licensee: **Aaron W Johnson** License No(s): **1223**
Possible Violation(s): **working with a lapsed license, working without posting a license**
By Joyce Voss
Staff Report **Certified and regular mail sent to home and to shop on 7-14-2016. All mailings were returned.**

Joyce Voss explained that Aaron Johnson was not present and had not responded to any of our correspondence because he has been hospitalized and will continue to be hospitalized for a long time. Mr Thomas moved to rescind this Notice of Hearing until such time as he is medically able to attend the hearing. Mr Lewis seconded the motion; motion passed unanimously. The Board directed that this Notice be sent when he is able to attend a hearing.

b. Case No: **2016-004** Inspection Report No. **28089 on 7/17/15**
Licensee: **Jose Vasconcelos** License No(s): **0710-E**
Possible Violation(s): **employee working with a lapsed license and that license not posted, unlicensed person**
By Joyce Voss
Staff Report **Certified and regular mail sent to home and to shop on 7-14-2016. All mailings were returned.**

c. Case No: **2016-005** Inspection Report No. **28385 on 8/6/15**
Licensee: **Jose Vasconcelos** License No(s): **4665**
Possible Violation(s): **unsanitary workstation, unsanitary tool drawer**
By Joyce Voss
Staff Report **Certified and regular mail sent to home and to shop on 7-14-2016. All mailings were returned.**

Mr. Lewis moved to combine 2016-004 and 2016-005 in one motion and moved to accept the civil penalty payments for the cases above and consider them closed. Mr Thomas seconded the motion; motion passed unanimously.

d. Case No: **2016-021** Inspection Report No. **28386 on 8/6/15**
Licensee: **Anthony Washington** License No(s): **1490**
Possible Violation(s): **unsanitary tool drawer**
By Joyce Voss
Staff Report **Certified and regular mail sent to home and to shop on 7-14-2016. Regular mail was returned. Both certified envelopes were returned.**

Ms Voss reported that Anthony Washington had moved to South Carolina over a year ago. Mr Lewis moved to dismiss this case and make a notation in his license file to resend this notice if he moves back to Arizona. Frankie Eckberg explained this motion is impossible unless the word dismiss is replaced with the word rescind. Mr Lewis moved to change his motion to dismiss and change it to rescind. Mr Thomas seconded the motion; motion passed unanimously.

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e. Case No: **2016-037** Inspection Report No. **28569-28570 on 9/30/15**
 Licensee: **Alfonso Orozco** License No(s): **6296**
 Possible Violation(s): **unsanitary workstation, excess trash, inadequate dip sanitizer**
 By Joyce Voss
 Staff Report **Certified and regular mail sent to home and to shop on 7-14-2016.**
Certified mail to home received 7/16/2016 by (illegible). Certified mail to shop was returned.

Boaz Alvarado had been in contact with Alfonso Orozco. Mr Orozco had sent the civil penalty but had failed to sign the consent agreement. Mr Lewis moved to rescind this case. Mr Thomas seconded the motion; motion passed unanimously.

f. Case No: **2016-040** Inspection Report No. **28559-28560 on 9/29/15**
 Licensee: **Andre Rodriguez** License No(s): **1332**
 Possible Violation(s): **unsanitary work station**
 By Joyce Voss
 Staff Report **Certified and regular mail sent to home and to shop on 7-14-2016.**
Certified mail to shop received 7/16/2016 by Art Martinez. Both letters to home and letter to shop were returned.

Ms Voss reported that Andre Rodriguez was currently incarcerated but might be released in December. Mr Sandler moved to rescind this Notice until such time as he has been released. Marshall Knox seconded the motion; motion passed unanimously.

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

a. Case No: **2015-062** Inspection Report No. **26157 on 8/7/14**
 Licensee: **Gerardo Magdalena** License No(s): **1489&1129-E**
 Possible Violation(s): **For Barber License No. 1489--tools left out; For Establishment License No. 119-E--dirty sinks and overall condition of shop**
 By Sam Barcelona
 Staff Report **Consent Agreement signed 1-12-2016. \$200 civil penalty is due 3-17-2016. Informal Hearing Notice was hand delivered and accepted 8-4-2016.**

b. Case No: **2016-064** Inspection Report No. **27928 on 5/20/15**
 Licensee: **Gerardo Magdalena** License No(s): **1489 & 1129-E**
 Possible Violation(s): **For Barber License No. 1489 license not posted, inadequate dip sanitizer and dirty neck duster For Establishment License No. 1129-E dirty neck duster**
 By Sam Barcelona
 Staff Report **Consent Agreement signed 1-12-2016. \$410 civil penalty is due 3-17-2016. Informal Hearing Notice was hand delivered and accepted 8-4-2016.**

Mr Sandler moved to hold a formal hearing in Case 2015-062 and 2016-064. Mr Thomas seconded the motion; motion passed unanimously.

**9. Consent Agenda for the Review, Discussion and Possible Action on Investigative Reports:
Cases recommended for disciplinary consent agreements.**

- a.** Case No: **2017-001** Inspection Report No. **29854 on 4/20/16**
 Licensee: **Carlos Cedano** License No(s): **1812**
 Possible Violation(s): **unsanitary workstation**
 By Sam Barcelona
 Staff Report **Consent Agreement for Barber License No. 1812 with a \$50 civil penalty for a dirty workstation for a total of a \$50 civil penalty.**
- b.** Case No: **2017-002** Inspection Report No. **29854 on 4/20/16**
 Licensee: **Michael Lamb** License No(s): **5276**
 Possible Violation(s): **unsanitary workstation, dirty brush**
 By Sam Barcelona
 Staff Report **Consent Agreement for Barber License No.5276 with a \$50 civil penalty for working with an unsanitary workstationand a \$100 civil penalty for working with a dirty neck duster for a total of a \$150 civil penalty.**
- c.** Case No: **2017-003** Inspection Report No. **29854 on 4/20/16**
 Licensee: **Kelvin Kimble** License No(s): **3858**
 Possible Violation(s): **unsanitary workstation**
 By Sam Barcelona
 Staff Report **Consent Agreement for Barber License No. 3858 with a \$50 civil penalty for a dirty workstation for a total of a \$50 civil penalty.**
- d.** Case No: **2017-004** Inspection Report No. **29854 on 4/20/16**
 Licensee: **Liberty Barbershop AZ #1 LLC** License No(s): **1460-E**
 Possible Violation(s): **2 dirty neck dusters**
 By Sam Barcelona
 Staff Report **Consent Agreement for Establishment License No1460-E with a \$100 civil penalty for each of two dirty neck dusters for a total of a \$200 civil penalty.**

Mr Thomas corrected Case No 2017-002 to read dirty neck duster instead of dirty brush. Mr Thomas moved that Case Nos 2017-001, 2017-002, 2017-003 and 2017-004 be sent a consent agreement. Mr Knox seconded the motion; motion passed unanimously.

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- e.** Case No: **2017-005** Inspection Report No. **29877 on 5/4/16**
 Licensee: **Carlos Quezada** License No(s): **1241**
 Possible Violation(s): **unsanitary workstation and dirty brush**
 By Sam Barcelona
 Staff Report **Consent Agreement for Barber License No.1241 with a \$50 civil penalty for working with an unsanitary workstationand a \$100 civil penalty for working with a dirty neck duster for a total of a \$150 civil penalty.**

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f.

Case No:	2017-006	Inspection Report No.	29877 on 5/4/16
Licensee:	Salvador Quezada Jr	License No(s):	3867
Possible Violation(s): By Sam Barcelona Staff Report	dirty neck duster		
	Consent Agreement for Barber License No.3867 with a \$100 civil penalty for working with a dirty neck duster for a total of a \$100 civil penalty.		

g.

Case No:	2017-007	Inspection Report No.	29877 on 5/4/16
Licensee:	Original Barber LLC	License No(s):	1684-E
Possible Violation(s): By Sam Barcelona Staff Report	2 dirty neck dusters		
	Consent Agreement for Establishment License No 1684-E with a \$100 civil penalty for each of two dirty neck dusters for a total of a \$200 civil penalty.		

Mr Knox moved that Case Nos. 2017-005, 2017-006 and 2017-007 be sent a consent agreement. Mr Thomas seconded the motion; motion passed unanimously.

h.

Case No:	2017-008	Inspection Report No.	29881 on 5/4/16
Licensee:	Jaime J Castaneda	License No(s):	6252
Possible Violation(s): By Sam Barcelona Staff Report	inadequate dip sanitizer and unsanitary workstation		
	Consent Agreement for Barber License No. 6252 with a \$50 civil penalty for an inadequate wet sanitizer and a \$50 civil penalty for an unsanitary workstation for a total of a \$100 civil penalty.		

i.

Case No:	2017-009	Inspection Report No.	29881 on 5/4/16
Licensee:	Maria Hernandez	License No(s):	2298
Possible Violation(s): By Sam Barcelona Staff Report	lapsed license, unsanitary workstation and a dirty neck duster		
	Consent Agreement for Barber License No. 2298 with a \$50 civil penalty for an inadequate wet sanitizer and a \$50 civil penalty for an unsanitary workstation and a \$100 civil penalty for a dirty neck duster for a total of a \$200 civil penalty.		

j.

Case No:	2017-010	Inspection Report No.	29881 on 5/4/16
Licensee:	DMND Kutz LLC	License No(s):	0773-E
Possible Violation(s): By Sam Barcelona Staff Report	dirty neck duster		
	Consent Agreement for Establishment License No 0773-E with a \$100 civil penalty for a dirty neck duster for a total of a \$100 civil penalty.		

Mr Thomas moved that Case Nos 2017-008, 2017-009 and 2017-010 be sent a consent agreement. Mr Knox seconded the motion; motion passed unanimously.

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

Ms Eckberg had nothing to report.

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

a. School meeting

Mr Barcelona reported that the school meeting was well attended and was successful. The major topic of discussion was accountability. He will try to have on a regular basis.

b. Website reviewed

The Staff has received many compliments on the new website. Staff will be attending classes to be work with the website directly.

c. IT network possibilities

The IT Department is still working on getting a coalition together to solicit bids at a lower cost to the agencies.

d. Grounds for recusal

e. Proof of illegal activity

f. Jurisdiction over students

Section 11 d, e and f were discussed in Executive Session.

g. Closure of Elite Hairstyling Barber College

Ms Voss stated that the school had no bond, no license, no sinks and broken chairs. The school had 18 students. Upon advice from Ms Eckberg, the Staff has closed the school.

h. Representative from Elite Hairstyling Barber College

Otoniel Facio was present to discuss the future of Elite Hairstyling Barber College because the owner had not come back to the States. On behalf of the owner he asked the Board under what conditions could the school be reopened.

Mr Lewis felt that there should be a thorough review of the school history and present status at the next meeting in order to consider reopening the school.

Ms Eckberg said he needed to be considered be a new applicant. He needs to file an application and fee. The Board then needs to inspect the school and be sure that the school meets our statutes.

Mr Sandler moved to go into Executive Session to discuss items d, e and f of the Report from the Executive Director.

i. School deficiencies and possible fines

Mr Barcelona talk about the possibility of issuing a complaint against schools and instructors. We are working on a list of fines against schools.

j. Meeting with Attorney General on 9-6-2016 – these subjects were discussed previously today

Mr Sandler presented a plaque to Sam LaBarbera for his forty years of service to this Board.

12. Discussion of items to be placed on a future meeting agenda-- None

13. Discussion of Future Meeting Dates – November 14, 2016

Motion to Adjourn -- Mr Knox moved to adjourn. Mr Lewis seconded the motion; motion passed unanimously.

September 12, 2016

Gary Roberts, Chairman

Mary Jane Jones, Secretary