



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

OPEN SESSION MINUTES

November 26, 2018

Members of the Arizona State Board of Barbers ("Board") held a meeting at 9:30 a.m. on Monday, November 26, 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 RobertsBoard Chairman and Public Member
Steve SandlerCo-Chairman and Public Member
Marshall Knox.....Barber School Member
John B. Lewis.....Professional Member
Ron ThomasProfessional Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Sam BarcelonaExecutive Director
Joyce VossAssistant Director
Bruce Bueno.....Administrative Assistant
Adriana Gonzalez.....Administrative Assistant
Frankie Shinn-Eckberg, Esq.....Assistant Attorney General

OPEN SESSION

Gary Roberts convened the Board Meeting for November 26, 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 presented a motion to accept the minutes for September 24, 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

Mr. Gary Roberts, Chairman, asked if anybody from the public would like to come in front of the Board to make a statement or have any comments.

Marcos Garcia Acosta, business attorney, spoke to the Board. He stated that he is representing a number of former students at D’Image. He wants to bring to your attention a couple of items that were addressed to him by the students that he has been advising, some of which have already been reviewed by the school. He believes the problem relates to a bookkeeping process at the school and teaching credentialing, although he knows that the Board focuses on the core of the business which is hours of training and recording and other practices. There are things that are not regulated by the Board that should be seen in the whole context; for example, the contracts given, having contracts signed, the right handbooks, and proper language, and training the original practice rule violations by the Board. He stated he spoke with Ms. Voss regarding her investigation and inquired as to the requirements to get certification as a barber. He further stated one of the requirements was a valid social security number which some of the students do not have. The students complained they did not find this out until the end of the training after much expense.

Martin Amaya spoke to the Board and said he is currently a barber. He attended and completed Barber College 2 years ago. He stated that he maintained a log of his hours every day as well as other events. He stated he learned more from others barbers after he got out of school than he did while he was in school. He stated he worked with a 76 year old barber for the last year and he feels much better and more comfortable about barbering. However, he paid an amount of money to learn and should have learned

when he was at school and he should have walked out of there confidently knowing exactly what to do. He stated that was not the case.

Mr. Scott Lovato spoke to the Board. He introduced himself to the board and stated that he is an educator consultant with D’Image Barber College and runs a business as a hairstylist. He would like to continue to have open communication with the Barber Board and that if there are any questions to let him know.

Ms. Lorena Schmidt spoke to the Board. Ms. Schmidt is a community organizer and a business woman. She is here to talk about the character of Ms. Martinez. Ms. Schmidt stated that she does alot of activities with the community in the area and that Ms. Martinez is also very active in the community. Ms Schmidt is here to support Ms. Martinez, her school and the services she provides.

Ms. Jacqueline (last name inaudible) spoke to the Board. She stated had been a client at D’Image for over five years. Her son attended the Barber School. Ms. Jacqueline (last name inaudible), stated she traveled 1.5 hours from Coolidge to speak on behalf of Ms. Martinez. She stated she has always been treated with professionalism and respect.

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

Chairman Roberts wanted to discuss possible action on investigative report of inspections with D’Image Barber School and Phoenix Barber School. First he wanted to discuss Phoenix Barber School. He understands that the issue has been settled or it can be agended.

Mr. Bruce Bueno with the Barber Board reported and recommended that the investigation of Phoenix Barber School was closed due to no violations of the rules or statues were found. There has been an agreement of both parties, the school owner and the individual that had concerns, have now come to an agreement financially and everything is settled. Mr Bueno requested to close the case.

Mr. Lewis made a motion to dismiss the case against Phoenix Barber School. Mr. Knox seconded. The motion passed unanimously.

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

Mr. Gary Roberts, Chairman, asked Ms. Voss if she could bring the Board up to date and give a summary of where we are so far with the allegations.

Ms. Joyce Voss, with the Barber Board, reported the allegations and findings of the investigation to the board members. She stated today's meeting is in regards to discrepancies of hours pertaining to three individuals: Ms. Gallegos, Ms. Carrera, and Ms. Vega Flores. Ms. Voss summarized the allegations presented and reported at the September board meeting. Ms. Voss reiterated the Board eventually decided all three of the individuals were granted their licenses because they were under the guidance of their instructor, Ms. Martinez.

Ms. Joyce Voss spoke to the members of the Board in regards to Mauricio Alvidres. She stated many attempts were made to contact him but she not able to reach him.

Mr. Williams, attorney of Ms. Martinez, stated most of these issues happened in the summer of 2017 thru the end of December 2017. He referenced they were primarily with respect to conflicts between Ms. Martinez and her sister. The sister left the school and the school hired Mr. Lovato, who is a licensed instructor.

Mr. Williams stated in regards to Exhibit D, allegation number 4, related to Mr. Alberitas, at the last meeting it appears to be some sort of discrepancy between the print out, report card and the actual hours that were submitted by D'Image. The school staff reviewed and figured out there was a discrepancy in this particular student's hours. Mr. Williams stated the school cannot explain the discrepancy. Ms. Hinojos was the former manager of the school who was responsible for the accounting of the hours. Ms. Martinez took over an active role and brought in Mr. Lovato to do the house cleaning and hired more new staff. If the Board feels that additional efforts and actions are needed, Ms. Martinez certainly welcomes any sort of input from the board. She acknowledges that there was an error; she does not know if it was fraudulent or if it was incompetence. Ms. Martinez denies accusations she received payment for student hours. Ms. Martinez stands here taking full responsibility as she is the owner of the school. Mr. Williams stated he was going to let Ms. Martinez explain the discrepancy of the hours.

Ms. Luz Martinez spoke to the members of the Board. She stated that the hours that are in question for Maria Vasquez, Margarita Gallegos and Veronica Carrera are specifically related to instructor training. She said that she owns 3 cosmetology schools and a barber school.

Ms. Martinez stated the 3 instructors were ready to take the examinations. The hours recorded are real, 7 days a week for the whole month. Back in January 2018 she called Mr. Barcelona to let him know about the hours and there was no limit in accumulated hours, but the reason of my call to him was to change the inspector. She stated the reason she wanted to change the inspector was because Ms. Voss and her sister had a close relationship and she knew that would affect her business.

Ms. Luz Martinez stated that in January 2018, she called the Board and spoke to Mr. Barcelona for help in changing the person to inspect her school, and in regard to accumulated hours. She stated Mr. Barcelona said it was okay for a student to attend up to 8 hours per day and be given credit for an event up to 20 hours, but he also said that some schools are pretty active and they can accumulate more hours. And I asked there are some students who get 240 hours and he said it was ok. We want to make sure that our students to learn something from the events. We recreated the whole program for the students.

Ms. Luz Martinez stated that the school was closed and not opened to the public and what she was told was different.

Mr. Barcelona made a comment that he would never tell anyone that it was ok to accumulate as many hours as they wish. There is no creative personal option here. He insisted that hours are accumulated during business hours only as the law provides.

Mr. Gary Roberts, Chairman, said his interpretation of the law is that those hours are not accumulated due to the school being closed.

Mr. Thomas, Board Member, asked for clarification of who can instruct and teach in a barber and a cosmetology school.

Mr. Barcelona explained that the student instructor cannot assist in the training unless the licensed instructor is present. A cosmetologist, if teaching in a barber school, also must have a barber instructor license.

Mr. Lewis, Board Member, stated he would like to make general statement. He felt that the owner, Ms. Martinez, should know the rules and laws governing barbering by now and that board staff, though overburdened, should monitor the school closely and on a monthly basis.

Mr. Barcelona, Executive Director, reiterated the whole idea of up to 20 total hours (for the entire curriculum) for work at a fair or event was for the experience of working. He further stated that the school needs to notify the board that they are going to be open on their closed selected days or for upcoming events and that is and always has been in the rules. The school owners agree to abide by those standards.

Chairman Roberts proposed a motion that D'Image to be fined \$500, which is the maximum fine, and be placed on 1 year probation with multiple inspections by an inspector whenever they would like to do it during business hours.

Mr. Lewis seconded the motion.

Mr. Williams asked if this is for a proposed consent order or formal hearing?

Mr. Roberts and Ms. Eckberg responded that it is a proposed consent order.

Chairman Roberts: Read infractions numbers to Mr. Williams ARS 32-353, AACR 4-5-4025, AACR4-5-46 D, AACR 4-5-406 E, AACR 4-5-40 C 4, AARC R4-405 D, 332 25F, 32-325 G and 32 355

Ms.Eckberg asked for clarification that students should be supervised at all times.

Chairman Roberts answered per ARS 32-325 G Students shall be under the constant supervision of an instructor.

Mr. Roberts called for a vote. Vote on motion passed unanimously.

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

It was brought up that a letter was sent to a student from D’Image Barber School with that had concerns and a desire of them not to participate in Barber Board meetings. Ms. Eckberg asked Mr. Williams about the letter and Mr. Williams stated he had not seen it and could not speak without reading the letter first.

REPORT FROM THE ATTORNEY GENERAL

None

REPORT FROM THE EXECUTIVE DIRECTOR

Update on Deloitte
 Update on SB1399 Apprentice Program

DISCUSSION OF FUTURE MEETING DATES

Next meeting: January 28, 2019

MOTION TO ADJOURN

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

Meeting adjourned at 11:30 a.m. on November 26, 2018.

 Gary Roberts, Chairman

 Sam Barcelona, Executive Director