



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

OPEN SESSION MINUTES

May 28th, 2019

Members of the Arizona State Board of Barbers ("Board") held a meeting at 9:30 a.m. on Monday, May 28th, 2019 in Conference Room C, 1740 West Adams St., Phoenix, Arizona 85007.

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

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Sam J. BarcelonaExecutive Director
Bruce Bueno.....Administrative Assistant III
Adriana Gonzalez.....Administrative Assistant II
Frankie Shinn-Eckberg, Esq.....Assistant Attorney General

OPEN SESSION

Gary Roberts called the Board Meeting for May 28th, 2019 to order at 9:32 a.m. The following agenda items were 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

John Lewis motioned to accept the minutes for March 25th, 2019, Steve Sandler seconded the motion; motion passed unanimously.

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

CALL TO THE PUBLIC

Mr. Arthur Lovato came forward with student instructor Diana Azamar representing the D’Image Barber the College.

Mr. Lovato praised the school’s record and instruction and stated that Ms. Azamar was teaching at the school without the licensed instructor and owner present because the owner, Ms. Luz Martinez, had to attend to her ailing Mother at the same time. Mr. Lovato hoped that the Board would take into consideration a heartfelt attitude on this matter of Ms. Martinez and the school’s situation on the day of the inspection in question. Although Ms. Azamar was seated with Mr. Lovato, only Mr. Lovato spoke to the Board. Mr. Lovato thanked the Board for the opportunity to speak.

FORMAL HEARINGS

None

INFORMAL HEARINGS

None

CONSENT AGENDA FOR THE REVIEW, DISCUSSION AND POSSIBLE ACTION ON CASES RECOMMENDED FOR DISCIPLINARY CONSENT AGREEMENTS

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. If the Board moves to offer a consent agreement to any or all of the following cases, each consent agreement that is accepted is to be returned within 21 days of receipt and the civil penalty is 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.

Case No. 2019-02 Inspection Report No. 31643 on 05/02/19 Inspected by Sam J. Barcelona

Case No.	License No.	Licensee	Offense	By Violation	Fine
2019-02-A	BBE-001392	Sonny’s Old Town Barber Shop	ARS 32-355	2 lapsed barbers	100 +100 Total 200.00

Case No.	License No.	Licensee	Offense	By Violation	Fine
2019-02-B	4068 05/17/18	Dominic Enrique	ARS-32-355(A)(1)A RS- 32-353(5)	licensed lapsed; dirty workstation; wet sterilizer; dirty neck dusters	160+50+50+ 100 Total 360.00

Ms. Luz Martinez and her attorney, Mr. David Williams, were in attendance.

Mr. Williams spoke for Ms. Martinez and said that they understood the seriousness of this inspection situation and were apologetic for it and also under the circumstances they hoped that the Board could be understanding of the dilemma that Ms. Martinez was in at the time of this inspection with needing to attend to her mother's illness at the same time.

Chairman Roberts stated that he was not happy entertaining this case and was very upset considering the Board's knowledge that Ms. Martinez's school is presently serving a one-year probation for other similar violations. Chairman Roberts said in consideration of her family situation the Board will offer a consent agreement to Ms. Martinez to pay a \$500.00 civil penalty and admonished Ms. Martinez, stating that if she ever appears before the Board again for another violation she will possibly have her school license revoked or suspended. Mr. Williams and Ms. Martinez indicated that they understood.

Before a vote on a motion was made by Chairman Roberts, Board member Marshall Knox asked Chairman Roberts to speak. Chairman Roberts recognized Mr. Knox.

Mr. Knox reminded the Board that he also was upset that this seems to be a constant problem with this school. Mr. Knox said there seems to be way too many issues and he keeps wondering how many times they are going to have an excuse for not doing the right things that the rules say. Mr. Knox reminded everyone that there are always options to many situations and this is a situation that could have had and used an option of just telling Ms. Azamar to stop teaching until she gets another instructor there or just have her stop until Ms. Martinez herself returns, but just stop because that's what the rule says to do. Mr. Knox said he is having reservations with this particular case.

Chairman Roberts asked if there was any more discussion regarding this case. Director Barcelona asked Chairman Roberts to speak and was recognized. Director Barcelona said that he too was upset with this entire situation and wanted the Board to really consider the outcome and their decision. Mr. Sandler then asked to speak. Chairman Roberts recognized Mr. Sandler. Mr. Sandler asked how many inspections have been done since the school went into probation. Mr. Bueno said for him, once before this one that we are discussing today and at that time it was ok. Mr. Barcelona said that he inspected the school another time while Instructor Lovato was teaching and found that Mr. Lovato's instructor license that was posted had been expired. Mr. Lovato was surprised to see that his license had been expired and asked if he could take care of this that same day would he not receive a citation. His request was granted as he renewed the license within a few hours.

Chairman Roberts asked if there was any other discussion, seeing none, he made a motion for the consent agreement for the \$500.00 civil penalty to Ms. Martinez and her school and that she would have twenty-one days to respond to that order and if she decides to pay the fine she will have sixty days in which to pay, and with that order adding the inclusion of a reprimand to not see her here again before this Board or receive any violation or face the consequences of possibly losing her school license. The motion was seconded by Mr. Lewis with 3 ayes and 1 nay coming from Mr. Knox, the motion passes.

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

REPORT FROM THE ATTORNEY GENERAL

Assistant Attorney General Frankie Shinn-Eckberg discussed two items. The first was ARS 32-4303 regarding Military Waiver for prior experienced individuals in the barbering profession and how that would relate to the securing of licensure here in the State of Arizona.

This decision would be by a Board ruling after consideration of each applicant’s professional barbering background as to which exam or exams they are willing to waive.

The other information Ms. Shinn-Eckberg shared was the pamphlets that will be passed out with each inspection containing the small business bill of rights and contact information for any ombudsman issues.

REPORT FROM THE EXECUTIVE DIRECTOR

Director Barcelona gave an update on the online system that still shows many malfunctions pertaining to licensing for the constituents and their displeasure with the system.

Director Barcelona would like the Board to be pro-active with possibly writing a letter of concern to the necessary authorities. Mr. Sandler doesn’t understand why there seems to be no resolve to these online problems and his concern was whoever is responsible for these problems should be fixing or repairing all this so that the system can become user friendly.

Director Barcelona also mentioned the DES apprentice program is in its ninth month and still popular.

Director Barcelona announced that now that the Legislature has closed this session, many bills including SB1328 that has to do with reciprocity and the lowering of hours for some barbering programs will be active in ninety days. (To review bills online, go to azleg.gov, then go to the tab “Bills,” and then to “Bill Tracking,” and put the bill number in the box and it will give you status and other information on the bill.)

Director Barcelona also stated that many schools are taking advantage and ignoring the required rules they have originally agreed to in dealing with timely matters on beginning student online registration and sending monthly student hours to the Board office. Director Barcelona said that they will be issuing citations to schools that continue to fall behind with these agreed to requirements.

DISCUSSION OF FUTURE MEETING DATES

Next meeting: Monday July 29th 2019, Board Room B at 9:30 am

Chairman Roberts stated he would like to make an appointment with staff to go over the situations with the online system problems and the barber school problems and discuss this at the next meeting in July for putting together letters of concern.

MOTION TO ADJOURN

Chairman Roberts made a motion to adjourn which was seconded by Mr. Lewis. Motion passed

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

Meeting adjourned at 11:33 a.m. on May 28th, 2019.

Gary Roberts, Chairman

Sam Barcelona, Executive Director