

**STATE OF MICHIGAN**  
**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**  
**BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION**  
2501 Woodlake Circle, Okemos, Michigan 48864-5955

**BOARD OF BARBER EXAMINERS**

**BOARD MEETING MINUTES**

May 11, 2009

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Barber Examiners met in Regular session on May 11, 2009 at the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Conference Room 1, Okemos, Michigan. The business meeting was called to order by Vice-Chairperson, Walter Lupu, at 10:01 a.m.

**ROLL CALL**

Present:	Paul Data	- Professional Member
	Sherry Freeman	- Professional Member
	Michael Glasscoe	- Professional Member
	Brian Lakkides	- Public Member
	Walter Lupu	- Professional Member
	Tawnya Marketti	- Public Member
	George Pappas	- Professional Member
	Dennis Sullivan	- Professional Member
	James VanDyken	- Public Member
Staff:	Joseph Campbell	- Licensing Administrator
	Joyce Karr	- Licensing Division Director
	Sarah Rock	- Assistant Licensing Administrator
	Sharon Murphy	- Recording Secretary
	Al Schefke	- Deputy Director for the Bureau
	Michael Lockman	- Assistant Attorney General
	Steve Gobbo	- Director – Legal Affairs
	Barrington Carr	- Enforcement Division Director
	Ann Paruk	- Enforcement Division
	Paige Colley	- Testing & Education Services
	Marty Gibbs	- Assistant Deputy Directory for the Department
	Tom Cantrell	- Information Technology
Visitors:	Bob Morey	- Flint Institute of Barbering
	Francisco Perez	- Petitioner
	DaRon Truesdale	- Petitioner
	Charles Warren	- Petitioner

## **ELECTION OF BOARD CHAIRPERSON/VICE-CHAIRPERSON**

Mr. Lupu was nominated and elected as board chairperson by a majority vote.

Mr. Pappas was nominated and elected as board vice-chairperson by unanimous vote.

## **AMENDMENTS TO AGENDA**

Add item 7.c. Michael Lockman – Assistant Attorney General – Orientation

Move item 7.a. Michigan Business One Stop Presentation to follow Approval of Minutes

## **INTRODUCTIONS/COMMENDATIONS**

Tawnya Marketti of Clarkston was appointed for a term commencing March 26, 2009 and expiring September 30, 2011 representing the general public, succeeding Gerald Wall whose term expired; and James VanDyken of Schoolcraft was appointed for a term commencing March 26, 2009 and expiring September 30, 2009 representing the general public, succeeding John Boynton whose term expired.

Commendations – Resolutions were signed for the following former board members: Gerald Wall, commending him for his 16 dedicated years of service to the board as public board member, vice-chairperson, and chairperson; John Boynton, commending him for his seven dedicated years of service to the board as public board member; Carl Grondin, commending him for his seven dedicated years of service to the board as licensed board member and vice-chairperson; and Harry Green, commending him for his seven dedicated years of service to the board as licensed board member.

## **APPROVAL OF PREVIOUS MINUTES HELD JANUARY 12, 2009**

MOTION: Ms. Freeman moved to approve the minutes of January 12, 2009. The motion was seconded by Mr. Glasscoe, which carried unanimously.

## **MICHIGAN BUSINESS ONE STOP PRESENTATION**

Mr. Campbell introduced Marty Gibbs, Assistant Deputy Director for the Department of Energy, Labor and Economic Growth and the department liaison for the Michigan Business One Stop (MBOS) project. Mr. Gibbs described the Michigan Business One Stop online service, developed in response to Governor Granholm's initiative to simplify and streamline the process of doing business in Michigan, which provides one place to obtain information, requirements, applications, permits, etc. required to conduct business in the State of Michigan. He stated the portal will continue to be expanded to offer additional business information and services. Mr. Gibbs introduced Tom Cantrell of the Department of Information Technology, who helped set up the service center, testing coordination, and conducts onsite demonstrations of the MBOS portal which recently launched in March 2009. Mr. Cantrell presented a live demonstration of the Business One Stop online process, and described the three sections of the site: starting, operating and changing a business. He stated MBOS links are placed on all department

websites for easy access, which tie into the MBOS portal, and a customer service center is also available to answer questions by phone or email. Mr. Cantrell distributed brochures outlining the Michigan Business One Stop program and provided the MBOS web address, which is Michigan.gov/business.

## **PETITIONS**

### **William Roney, 17-01-016061, Barber License Reinstatement, GMC**

Mr. Roney applied for barber license reinstatement on October 28, 2008. The department denied the application on April 1, 2009 for lack of good moral character. A petition for review was received on April 6, 2009, including copies of letters from his employer, parole officer, and family members dated in 2007 and 2008. Mr. Roney was not present at the meeting today. The board reviewed the petition and supporting documentation. Mr. Campbell advised the board that additional information had been obtained regarding Mr. Roney's ability to serve the public in the licensed area in a fair, honest and open manner, which will require further review and investigation by the department.

MOTION: Mr. Pappas moved to table Mr. Roney's petition until October 19, 2009 to allow the department additional time to review and investigate new information received regarding Mr. Roney's rehabilitation process and his ability to serve the public in a fair, honest and open manner. Ms. Freeman seconded the motion, which carried unanimously. The department concurred.

### **Charles Warren, 17-01-023941, Student Barber Renewal, GMC**

Mr. Warren applied for student barber license renewal on August 20, 2008. The department denied the application on January 15, 2009 for lack of good moral character. A petition for review was received on February 18, 2009, including letters from his parole officer, therapist, employer, barber college owner, minister, barber business owner, and friends. Mr. Warren was present at the meeting today and addressed the board. The board reviewed the petition, supporting documentation, and heard the petitioner's statements.

MOTION: Mr. Glasscoe moved to uphold the denial issued by the department based upon Mr. Warren's failure to demonstrate to the satisfaction of the board and department his present ability to serve the public in the licensed area in a fair, honest, and open manner, as he has not demonstrated rehabilitation. Mr. Pappas seconded the motion, which carried unanimously. The department concurred.

### **Daron Truesdale, Student Barber License, GMC**

Mr. Truesdale applied for student barber licensure on December 12, 2008. The department denied the application on March 24, 2009 for lack of good moral character. A petition for review was received on April 22, 2009, including letters from his current employer, attorney, community representative, business owner, and college training certificates. Mr. Truesdale was present at the meeting today and addressed the board. The board reviewed the petition, supporting documentation, and heard the petitioner's statements.

MOTION: Mr. Pappas moved to overturn the denial issued by the department based upon Mr. Truesdale's demonstration of rehabilitation and the likelihood he will serve the public in the licensed area in a fair, honest, and open manner. Mr. Lakkides seconded the motion, which carried unanimously. The department concurred.

**Francisco Perez, Student Barber License, GMC**

Mr. Perez applied for student barber licensure on February 27, 2009. The department denied the application on April 28, 2009 for lack of good moral character. A petition for review was received on May 4, 2009, including letters from his current employer, potential employer, college instructor, secretary from Department of Corrections (disciplinary status report), friends, family members, and a copy of associate degree from college. Mr. Perez was present at the meeting today and addressed the board. The board reviewed the petition, supporting documentation, and heard the petitioner's statements.

MOTION: Mr. VanDyken moved to overturn the denial issued by the department based upon Mr. Perez's demonstration of rehabilitation and the likelihood he will serve the public in the licensed area in a fair, honest, and open manner. Mr. Data seconded the motion, which carried unanimously. The department concurred.

**STIPULATIONS**

**The Male Room Barbershop, Katina Ludwick, 17-02-060464, C#308762**

The board reviewed the Stipulation in the matter of The Male Room Barbershop in Battle Creek, Michigan for engaging in the practice of barbering without possessing a license as a barber shop; and failure to ensure that soiled towels and rubbish did not accumulate on the premises or in adjacent areas.

In accordance with the Stipulation, the respondent consents to pay a fine of \$750.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in a suspension of all licenses, denial of any license renewals, and denial of future applications for licensure until compliance is made with all terms and conditions of the Stipulation.

MOTION: Mr. Data moved to accept the stipulation. Ms. Freeman seconded the motion, which carried unanimously.

**Swank Salon LLC, 17-02-060668, C#310877**

The board reviewed the Stipulation in the matter of Swank Salon LLC in Southfield, Michigan for permitting an unlicensed person to work in the barber shop as a barber.

In accordance with the Stipulation, the respondent consents to pay a fine of \$750.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in a suspension of all licenses, denial of any license renewals, and denial of future applications for licensure until compliance is made with all terms and conditions of the Stipulation.

MOTION: Mr. Sullivan moved to accept the stipulation. Mr. Pappas seconded the motion, which carried unanimously.

### **HEARING REPORT**

MOTION: Mr. Lakkides moved to receive the following Hearing Report. Mr. Sullivan seconded the motion, which carried unanimously.

The following actions were taken on the Hearing Report presented to the Board:

#### **Bonita's Unisex Hair Salon, 17-02-060559, C#309605, D#2008-1267**

The board reviewed the Hearing Report in the matter of Bonita's Essence of Beauty Unisex Hair Salon, Detroit, Michigan, for failure to keep outside openings properly screened; failure to keep floors, walls, ceilings, fixtures, and furnishings clean; failure to keep waste receptacles cleaned and disinfected every 24 hours; failure to ensure that small items of equipment were maintained in a sanitary condition; failure to display all licenses of individuals and the establishment in a prominent place visible to the public; hiring or permitting an unlicensed person or student to work in the barber shop as a barber; and violating a rule conduct in practicing an occupation.

MOTION: A motion was made by Mr. Data, seconded by Mr. VanDyken and carried unanimously to impose a fine of \$1,200.00 due to the number of violations and in accordance with the board's recommended sanctions for such violations, to be paid to the department within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the final order shall result in the denial of future license applications and suspension of all licenses or registrations until compliance occurs.

### **ITEMS FOR CONSIDERATION FROM BOARD MEMBERS/STAFF**

Michael Lockman, Assistant Attorney General – Mr. Campbell introduced Mr. Lockman, Assistant Attorney General to address the board. Mr. Lockman stated he has been representing the occupational code boards for over 20 years, and Ms. Karr invited him to attend the occupational board meetings to provide information and answer questions regarding the AG's office and their function in relation to department and board processes, as the statute requires the department to provide a comprehensive orientation to the occupational code boards. Mr. Lockman stated there are 14 occupational code boards at this time, all with similar relationships to the department—volunteer board members appointed in an advisory capacity, with the ultimate authority placed on the department. He described the relative ability of boards to make policy when reviewing stipulated agreements, whereby they consider the alleged violations in the formal complaint in relation to the violations admitted to by respondent, then decide if the fine agreed upon between the department and respondent is commensurate with the board's recommended sanctions. Mr. Lockman stated policy is made when the board determines a penalty on the basis of the administrative law examiner's hearing report which state the findings of fact and conclusions of law, which cannot be challenged, but the board may assess a penalty based upon the violations cited in the hearing report. He also stated that the minutes should reflect the discussion and board input when assessing sanctions since that information is used

by the AG's office if licensee appeals a board's decision in circuit court. Mr. Lockman discussed the minimum recommended sanctions documents provided by each board which make policy in assessing sanctions during complaint investigations, compliance conferences, hearings, etc. He discussed the Former Offenders Act which requires the department and board to consider current proof of rehabilitation for license applicants with a prior conviction history who demonstrate their ability to serve the public in the licensed area in a fair, honest and open manner, and advised the board to also consider the relationship between the offense and the licensed area. Mr. Lockman stated the AG's office provides legal council for the department, represent the boards when they get sued, represent the department in appeals of final decisions by the board, and also provide legal advice to all the boards. He advised board members that the procedure to obtain legal advice is through their department licensing administrators for their review to first determine if legal council is necessary, or if an answer is already known. If legal council is needed, the request is submitted through the proper channels, with the AG's office issuing a memorandum which would then be shared with the board. The board and department thanked Mr. Lockman for his attendance and for the information he presented.

Mr. Lockman suggested the board may want to seek departmental support for seeking legislative changes that will allow the occupational boards to determine the findings of fact and conclusions of law resulting from hearings, which they cannot currently do per statute.

Testing Services – Ms. Colley provided statistical examination information for the prior 12 months for all categories of barber licensure, with scores remaining steady. Ms. Colley stated she attended a training session last week conducted by PSI for the practical examination modifications which take effect July 15, 2009. She also distributed the barber candidate information bulletin and discussed the minor changes to the practical exam which involve procedural modifications with safety criteria ratings within each service. Ms. Colley stated the individual services have not changed. She distributed a handout with PSI chief board examiner contact information for the practical exam, and she advised schools to contact Lynn Thomas directly by phone or email with questions or concerns regarding the practical exam. Ms. Colley provided her email address and asked that she be copied on messages sent to Ms. Thomas.

## **PUBLIC COMMENT**

Mr. Pappas asked that the board and department send a commendation to Mr. Wall for his many years of service to the board. Mr. Campbell stated it was already prepared for signature today.

Mr. Lupu stated his concerns with good moral character issues where applicants are denied licenses but are continuing to practice unlicensed in shops. He is concerned with public health and safety issues and the influence upon others by unlicensed activity, especially by those applicants who are denied based upon lack of good moral character who may never get a license to practice legally.

Mr. Carr, Director of Enforcement, stated the issue of unlicensed activity is often discussed by many of the licensing boards; however, the department does not have the authority to pursue completely unlicensed activity. He stated that unlicensed activity is considered a misdemeanor

and, when identified by the department, those cases are referred to the local prosecutor's office. The board and department discussed other avenues of regulating unlicensed activity.

**NEXT MEETING DATE**

The next regularly scheduled meeting of the Board of Barber Examiners will be held on October 19, 2009 at 10:00 a.m.

**ADJOURNMENT**

MOTION: There being no further business to be brought before the Board at this time, the meeting was adjourned at 12:10 p.m.

Walter Lupu /s/  
Board Chairperson

10/19/2009  
Date

Sharon Murphy /s/  
Recording Secretary

10/19/2009  
Date