

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

BOARD OF BARBER EXAMINERS

BOARD MEETING MINUTES

October 20, 2008

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Barber Examiners met in Regular session on October 20, 2008, at the Department of Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Conference Room 1, Okemos, Michigan. The business meeting was called to order by Chairperson, Gerald Wall at 10:00 a.m.

ROLL CALL

Present:	Michael Glasscoe	- Professional Member
	Harry Green	- Professional Member
	Walter Lupu	- Professional Member
	George Pappas	- Professional Member
	Gerald L. Wall	- Public Member
Absent:	Dennis Sullivan	- Professional Member
Staff:	Joseph Campbell	- Licensing Administrator
	Joyce Karr	- Licensing Division Director
	Sarah Rock	- Assistant Licensing Administrator
	Sharon Murphy	- Recording Secretary
	Barrington Carr	- Enforcement Division Manager
	Ann Paruk	- Enforcement Division
	Jim Nelson	- Legal Affairs & FOIA Unit
	Jackie Boyd	- Administrative Assistant
	Paige Colley	- Testing & Education Services
Visitors:	Jalal Ghannam	- Petitioner
	Philip Minnella	- UFCW
	Bob Morey	- Flint Institute of Barbering
	Richard Pinkston	- Petitioner

APPROVAL OF PREVIOUS MINUTES HELD MAY 12, 2008

MOTION: Mr. Green moved to approve the minutes of May 12, 2008. The motion was seconded by Mr. Glasscoe, and carried unanimously.

PETITIONS

William Calbert, Student Barber License Denial, GMC

Mr. Calbert applied for student barber licensure on January 10, 2008. The department denied the application on May 2, 2008 for lack of good moral character. A petition for review was received on June 2, 2008. Mr. Calbert was not present at the meeting today. The board reviewed the petition. No supporting documentation was submitted to demonstrate rehabilitation.

MOTION: Mr. Lupu moved to uphold the denial issued by the department based upon Mr. Calbert's failure to demonstrate rehabilitation and his propensity to serve the public in a fair, honest, and open manner, as no supporting documentation was submitted to demonstrate good moral character. Mr. Pappas seconded the motion, which carried unanimously. The department concurred.

Jalal Ghannam, 17-01-001530, Barber Relicensure Denial, Exam Appeal

Mr. Ghannam applied for barber relicensure on August 14, 2008. The department denied the application on August 27, 2008 as Mr. Ghannam's barber license lapsed September 30, 1997 and he had not taken the barber examination as required by statute when a license has been lapsed over three years. The board waived the practical examination at their May 2005 meeting and required Mr. Ghannam to pass the theory exam within one year of that board meeting date to qualify for relicensure, which he failed to do. The board again waived the practical examination at their January 2007 meeting and required Mr. Ghannam to pass the theory exam within one year of that board meeting date to qualify for relicensure, which he again failed to do. A petition for review was received on September 8, 2008 requesting the board to waive both the theory and practical examinations based upon his continued competency in the profession, stating he could not pass the examination due to a language barrier and chronic health issues. Mr. Ghannam was present at the meeting today and addressed the board. The board reviewed the petition and heard the petitioner's statements. No supporting documentation was submitted to demonstrate continued competency in the profession, and Mr. Ghannam stated he had not taken the theory examination.

MOTION: Mr. Green moved to uphold the denial issued by the department as Mr. Ghannam has not taken the state board examination as required when a license has been lapsed for more than three years to demonstrate continued competency in the profession, and he failed to provide any documentation to demonstrate continued competency in the profession. The board and department expressed their disapproval that Mr. Ghannam had not even attempted to take the theory examination when allowed to do so twice before. However, it was also the decision of the board and the department to waive the practical examination a third time and allow Mr. Ghannam to take the theory portion of the barber examination within six months from the date of the October 20, 2008 board meeting, and upon successful completion of the barber theory examination, relicensure of his barber license will be granted. The board and department advised Mr. Ghannam of his option to request special accommodations when contacting PSI to schedule his theory exam date, suggesting a reader or word-to-

word dictionary may be allowed. Mr. Glasscoe seconded the motion, which carried unanimously. The department concurred.

Richard Pinkston, 17-01-014688, Barber Relicensure Denial, Exam Appeal

Mr. Pinkston applied for barber relicensure on August 4, 2008. The department denied the application on August 8, 2008, as Mr. Pinkston's barber license lapsed September 30, 2003 and he had not taken the barber examination as required by statute when a license has been lapsed over three years. A petition for review was received on August 4, 2008 requesting the board waive the theory and practical barber examinations as Mr. Pinkston has held a cosmetology license since 1982 and has remained current in the cosmetology profession. Mr. Pinkston was present at the meeting today and addressed the board. The board reviewed the petition and heard the petitioner's statements. No supporting documentation was submitted to demonstrate continued competency in the barber or cosmetology profession.

MOTION: Mr. Green moved to uphold the denial issued by the department as Mr. Pinkston has not taken the state board examination as required when a license has been lapsed for more than three years to demonstrate continued competency in the profession, and he failed to provide any documentation to demonstrate continued competency in the profession. However, it was also the decision of the board and the department to waive the practical examination and allow Mr. Pinkston to take the theory portion of the barber examination within nine months from the date of the October 20, 2008 board meeting, and upon successful completion of the barber theory examination, relicensure of his barber license will be granted. Mr. Glasscoe seconded the motion, which carried unanimously. The department concurred.

STIPULATIONS

Discussions: Board members discussed the disparity in fines imposed for unlicensed activity, stating the minimum sanction recommended by the board for any unlicensed activity is a \$1,000.00 fine per violation. Mr. Lupu expressed his disapproval of respondents negotiating with the department the removal of unlicensed activity violations in lieu of the obscure 'rule of conduct' violation warranting a lower fine, and he requested that violations for unlicensed activity not be negotiated or eliminated by the department. Mr. Pappas requested clarification for the inconsistency in fines imposed for the same types of violations, and Mr. Green asked that the department assess fines consistent with the recommended minimum sanctions to avoid future rejections of stipulations by the board.

Corporate Cuts Barber Shop, Willie Carey Jr., 17-02-060589, C#309291

The board reviewed the Stipulation in the matter of Corporate Cuts Barber Shop in Bay City, 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 \$500.00 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 within sixty (60) days from the date of mailing of the Final Order shall result in a suspension of all licenses or the denial of future license

applications until compliance occurs. Failure to comply with the Final Order within six months from the date of mailing of the final order shall result in revocation of all licenses and denial of future applications for licensure until compliance occurs.

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

Donnell's Unisex Salon, 17-02-060471, C#308731

The board reviewed the Stipulation in the matter of Donnell's Unisex Salon in Detroit, 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 \$400.00 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. Pappas moved to accept the stipulation. Mr. Glasscoe seconded the motion, which carried unanimously.

Guero's Barber Shop Inc, 17-02-060253, C#306823

The board reviewed the Stipulation in the matter of Guero's Barber Shop Inc in Detroit, Michigan for violating a rule of conduct in practicing an occupation.

In accordance with the Stipulation, the respondent consents to pay a fine of \$300.00 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 revocation 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. Pappas moved to table the stipulation until the January 12, 2009 board meeting to obtain further explanation and reasoning for the lower fine which is inconsistent with the recommended minimum sanctions for similar violations. Mr. Green seconded the motion, which carried unanimously.

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 or attempting to engage in the practice of an occupation without possessing a current barber shop license.

In accordance with the Stipulation, the respondent consents to pay a fine of \$100.00 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. Lupu moved to **reject the stipulation** based upon the number and severity of violations found during the inspection of the establishment, warranting the assessment of a larger fine in accordance with the recommended minimum sanctions outlined by the board. Mr. Glasscoe seconded the motion, which carried unanimously.

Gene Morgan Jr., 17-01-020859, C#308732

The board reviewed the Stipulation in the matter of Gene Morgan Jr in Detroit, Michigan for engaging in the practice of barbering without possessing a license.

In accordance with the Stipulation, the respondent consents to pay a fine of \$1,000.00 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. Green moved to accept the stipulation. Mr. Pappas seconded the motion, which carried unanimously.

Split Ends Salon, Double O Salon, Inc., 17-02-060370, C#308560

The board reviewed the Stipulation in the matter of Split Ends Salon, Double O Salon, Inc. in Hamtramck, Michigan for using an unlicensed person to perform barber services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$300.00 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. Green moved to accept the stipulation. Mr. Lupu seconded the motion, which carried unanimously.

HEARING REPORTS

MOTION: Mr. Lupu moved to receive the following Hearing Reports. Mr. Pappas seconded the motion, which carried unanimously.

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

Cut "Em" Up Barber Shop, Avery Montgomery, 17-02-060483, C#308115

The board reviewed the Hearing Report in the matter of Cut "Em" Up Barber Shop, Avery Montgomery, Big Rapids, for hiring or permitting an unlicensed person or student to work in a barber shop as a barber.

MOTION: Mr. Green moved to assess a fine in the amount of \$1,000.00 in accordance with the recommended minimum sanctions outlined by the board for unlicensed activity

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 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 Final Order. Mr. Glasscoe seconded the motion, which carried unanimously.

Envisions Barber & Beauty Salon, Wyoming/Fenkell, 17-02-058758, C#306765

The board reviewed the Hearing Report in the matter of Envisions Barber & Beauty Salon, Wyoming/Fenkell, Detroit, for hiring or permitting an unlicensed person or student to work in a barber shop as a barber.

MOTION: Mr. Green moved to assess a fine in the amount of \$1,000.00 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 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 Final Order. Mr. Pappas seconded the motion, which carried unanimously.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS/STAFF

Testing Services – Ms. Colley reported examination pass rate statistics over the past 12 months for barber and instructor candidates, stating there have been no changes to the examination and first time candidates are doing well overall. Mr. Pappas asked in which categories of the examination are candidates having the most difficulty passing. Ms. Colley stated the schools receive an individualized report from PSI which outlines pass rates by topics to identify problem areas. The board requested statistical examination information by categories or topics, which Ms. Colley stated she would provide at the next meeting.

Mr. Lupu stated his concern with the length of time it takes for barber instructors to receive their instructor license, which is about one month after successfully completing their exam. He stated PSI is not sending the form timely to candidates to submit to the state for their instructor license, and he has called PSI several times just to get the form sent. Ms. Colley stated she will check with PSI on their procedure for sending the application forms once instructors have passed the exam.

2009 Board Meeting Schedule

The board is scheduled to meet on January 12, May 11, and October 19, 2009.

PUBLIC COMMENT

Mr. Morey asked how long a student is considered to belong to a particular school. Ms. Rock stated if the school endorsed their exam application, that student/candidate's statistics will go to that school.

Mr. Morey asked who to contact for practical examination procedure questions, as his students are having difficulty with proper placement of items needed during the exam. Ms.

Colley stated she would notify him of an email site PSI has set up with an individual staff person who coordinates the practical examinations, advising Mr. Morey to direct questions specific to the practical examination to PSI for their response.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Barber Examiners will be held on January 12, 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 11:25 a.m.

Gerald Wall /s/ _____
Board Chairperson

1/12/2009 _____
Date

Sharon Murphy /s/ _____
Recording Secretary

1/12/2009 _____
Date