ORIGINAL

BEFORE THE STATE BOARD OF BARBER EXAMINERS

STATE OF IDAHO

In the Matter of the License of: JOSEPH LOTT, License No. B-2455, and JOE'S BARBER SHOP, License No. BS-1399, Respondent.	Case No. BAR-B4-02B-04-3 **FINAL ORDER**

THIS MATTER is before the Board pursuant to the Findings of Fact, Conclusions of Law and Recommended Order issued by Michelle R. Points, the designated Hearing Officer. The State appeared in person and by its attorney of record, Kenneth F. Stringfield, Idaho Deputy Attorney General. Respondent, Joseph Lott has failed to appear in this matter in person or through an attorney.

This matter then came before the Idaho State Board of Barber Examiners at a specially scheduled meeting of the Board on September 13, 2004. The Board, having conducted an independent review of the record and having considered the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and all other matters of record, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by reference.

2. That the Respondent's conduct has violated Idaho Code Section 54-516(3) and (8), and Board Rules (IDAPA 24.02.01) 550.02-04, 550.10-13, as set forth in the Hearing Officer's

Findings of Fact, Conclusions of Law, and Recommended Order. Pursuant to Idaho Code Sections 54-516, 54-521, and IDAPA 24.02.01.575, the Board possesses the authority to impose the following disciplinary sanctions upon the Respondent, Joseph Lott.

a. That Respondent's Establishment License No. BS-1399 for Joe's Barbershop shall be suspended for a period of thirty (30) days from issuance of this Order. After the thirty (30) day suspension has expired, the Establishment License No. BS-1399 may be reinstated upon completion of a sanitary inspection verifying that the establishment meets all sanitary requirements of the Board's laws and rules.

b. The Respondent shall pay the costs and attorney's fees incurred by the prosecution in this matter, for a total amount due of Two Hundred Fifty Dollars ($250.00).

3. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (See Section 67-5247(4), Idaho Code.)

b. Pursuant to Section 67-5270 and 57-5272, Idaho Code, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of

the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See Section 67-5273, Idaho Code.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent's attorney and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 4th day of October, 2004.

STATE BOARD OF BARBER EXAMINERS

By Leslie Thorson
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of October, 2004, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Joseph Lott Joe's Barber Shop 106 Madison Caldwell, ID 83605	X Certified Mail X U.S. Mail ___ Hand Delivered ___ Federal Express ___ Fax Transmission
Kenneth F. Stringfield Deputy Attorney General Office of the Attorney General P.O. Box 83720 Boise, Idaho 83720-0010 Attorneys for the State Board of Barber Examiners	___ U.S. Mail ___ Hand Delivered ___ Federal Express ___ Fax Transmission X Statehouse Mail

Rayola Jacobsen

Rayola Jacobsen, Bureau Chief

M:\GENERAL REPRESENTATION\BUREAU OF OCCUPATIONAL LICENSES\BARBERS\4773_05 LOTT FINAL ORDER.DOC