

**STATE OF MINNESOTA**  
**BOARD OF BARBER EXAMINERS**

Received By

JUN 25 2014

MN Barber Board

In the Matter of:  
Devaries Dillard

**STIPULATION AND ORDER**

Board File No. 20140114

Registration No. : 08074303

TO: Devaries Dillard  
4603 Dupont Avenue N.  
Minneapolis, MN 55412

The Minnesota Board of Barber Examiners ("Board") is authorized pursuant to Minnesota Statutes sections 214.10 (2012) and 154.001 to 154.26 (2012) to review complaints against barbers and to take disciplinary action whenever appropriate.

The Board received information concerning Devaries Dillard ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

**STIPULATION**

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Board initially issued a license to practice barbering in March of 2009. Respondent currently has a certificate of registration issued by the Board as a registered (master) barber. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

a. On March 26, 2009 the Board issued a certificate of registration as a registered (master) barber to Respondent.

b. Respondent's registration was suspended by Board Order on February 8, 2013, pursuant to Minnesota Statutes Section 518A.66 for not being in compliance with a court order for child support.

c. On February 6, 2014 the Board notified the Respondent of a complaint received by the Board on January 14, 2014, alleging that Respondent was practicing barbering in a barbershop in the State of Minnesota on January 3, 2014.

d. In a written response received on March 4, 2014, the Respondent stated: "On the date in question January 3<sup>rd</sup>, 2014, I keep good books and that was after the first of the year and it was slower in the shop. I had (4) clients that came in that day (2) of which were kids."

e. During a conference on May 19, 2014, the Respondent informed the Committee that he closed the Big Cutz Barber Shop in February 2014 and was currently working at Sharp Clips on 42<sup>nd</sup> and Lyndale.

f. The Board received a notice from the county child support office that Respondent was eligible to have his registration reinstated, and Respondent's barber registration was reinstated on May 20, 2014.

3. Violations. Respondent admits that the facts specified above constitute violations of Minn. Stat. § 154.01 (2012); Minn. Stat. § 154.161, subd. 4(a)(1) (2012); and Minn. R. 2100.7800 (2013), and are sufficient grounds for the action specified below. Specifically, Respondent performed barbering services in Minnesota during the time his registration as a registered (master) barber was suspended.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

a. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Hundred Dollars (\$100.00). Respondent shall submit a civil penalty of One Hundred Dollars (\$100.00) by check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

b. Respondent shall cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

5. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, and to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minn. Stat. Ch. 14 (2012) imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

6. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. Ch. 14 (2012), Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

7. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

8. Record. The Stipulation, related investigative reports, and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

9. Data Classification. Under the Minnesota Government Data Practices Act (“Data Practices Act”), this Stipulation and Order is classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 5 (2012). All documents in the record shall maintain the data classification to which they are entitled under the Data Practices Act, Minn. Stat. Ch. 13 (2012). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board’s newsletter.

10. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

11. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

12. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

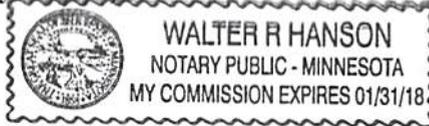
RESPONDENT

Devaries Dillard  
Devaries Dillard

Dated: June 24/2014

SUBSCRIBED and sworn to before me on  
this 24<sup>th</sup> day of JUN, 2014.

Walter R Hanson  
(Notary Public)



My Commission Expires: 1-31-2018

COMPLAINT COMMITTEE

Jon Stone  
Chair: Jon Stone

Dated: 7/28/2014

### ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records, and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 28<sup>th</sup> day of July, 2014.

**MINNESOTA BOARD OF  
BARBER EXAMINERS**

Jon Stone  
Chair: Jon Stone