STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

In the Matter of:
David Ongoro
Fadez Cuts Barber & Beauty Shop
Registration #17000907
RESPONDENT

TO: David Ongoro, Owner
Fadez Cuts Barber & Beauty Shop
4371 Highway 13 W
Savage, MN 55378-1479

STIPULATION AND ORDER
Board File No. 2020-011

The Minnesota Board of Barber Examiners ("Board") is authorized pursuant to Minnesota Statutes sections 214.10 and 154.001 to 154.28 (2020) to regulate the barbering profession and take disciplinary action whenever appropriate. The Board is authorized by Minnesota Statutes section 154.162 (2020) to issue administrative penalties.

The Board received information concerning Respondent as a result of a routine barber inspection. Pursuant to Board Resolution 2013-1, the Board’s Complaint Committee ("Committee") is authorized to issue administrative penalties and to enter into settlement agreements when appropriate. The Committee reviewed the information regarding the above referenced inspection. 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. Respondent has held a barber shop registration for Fadez Cuts Barber & Beauty Shop since October 11th, 2018. 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 November 12th, 2020 the Board’s Inspector conducted a routine inspection of Fadez Cuts Barber & Beauty Shop located at 4371 Highway 13 W. Savage, MN 55378.
   b. The Inspector observed several sanitation violations. He observed dip sanitizer containers that were dirty and low on solution, combs, brushes and clippers that were dirty and contained hair, and excessive hair on barber station backboards and in drawers.
   c. Bernard Ampong was providing barbering services. At that time, Mr.
Ampong held a student permit #17003894 and was not a registered barber.

3. **Violations.** Respondent admits that the facts specified above constitute violations of Minnesota Statutes 2020, section 154.01, subdivision (b), and Minnesota Rules 2017, part 2100.8100, subpart 1 and subpart 2, and are sufficient grounds for the action specified below.

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

   a. **Respondent shall pay an administrative penalty in the amount of five-hundred dollars ($500.00) of which three-hundred dollars ($300.00) will be stayed, provided that Respondent complies with this order.** If within 60 days of the signed order the remaining two-hundred dollars ($200.00) is not paid in full, the stay shall be lifted and the full five-hundred dollar ($500.00) administrative penalty shall become due and payable and may be reduced to a judgement against Respondent in any appropriate district court. In the event the Board determines to lift the stay and impose the stayed administrative penalty, Respondent may request a hearing to challenge the factual basis for lifting the stay, but may not challenge the amount of the stayed monetary penalty.

   b. **Respondent shall cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.** This includes, but is not limited to, ensuring that all persons providing barber services in Fadez Cuts Barber & Beauty Shop are active registered barbers in the state of Minnesota and are following all sanitation laws and rules. If the Respondent has any same or similar violations during the next year, from the date of the signed order, the stay shall be lifted and the remaining three-hundred dollars ($300.00) shall immediately become due.

   c. **Respondent shall submit to, and successfully complete, a re-inspection of Fadez Cuts Barber & Beauty Shop and pay a one-hundred dollar ($100.00) reinspection fee within 90 days of the signed order. Failure to do so shall cause the stay to be lifted and the remaining three-hundred dollars ($300.00) shall immediately become due.**

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 imposed by this stipulation and order in a contested case proceeding pursuant to Minn. Stat. ch. 14 (2018). 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. 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 propose 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. If this stipulation and order is not approved and the Committee initiates a contested case proceeding pursuant to Minn. Stat. ch. 14 (2018), Respondent agrees not to object to the Board hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and order and the record.

7. **Unrelated Violations.** This stipulation and order shall not limit the authority of the Board to proceed against Respondent by appropriate means on the basis of any conduct 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 shall constitute the entire record of the proceedings herein upon which the order is based.

9. **Data Classification.** Under the Minnesota Government Data Practices Act, this stipulation and order will be classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 5 (2018). All documents in the record shall maintain the data classification to which they are entitled under the Data Practices Act, Minn. Stat. ch. 13 (2018). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A link to this stipulation and order will appear on the Board’s website.

10. **Voluntary Agreement.** Respondent hereby acknowledges that he has read, understands, and agrees to this stipulation and order and is freely and voluntarily signing it without threat or promise by the Board or any of its members, employees, or agents. Respondent further acknowledges that he is aware that the stipulation and order must be approved by the Board. The Board may approve the stipulation and order as proposed, propose changes, or reject it. If the changes are unacceptable to Respondent or the Board rejects the stipulation, it will be of no effect except as specified herein.

11. ** Entire Agreement.** The Stipulation contains the entire agreement between the parties. 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 fully signed 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 or designee of the chair.

**RESPONDENT**

David Ongoro  
9/25/2021  
Respondent  
Date

**STATE OF MINNESOTA**  
**COUNTY OF HENNIPIN**

This instrument was acknowledged before me on this_______day of______________, 20____
by_____________________________.
Printed name of respondent

(Notary Public)  
My Commission Expires:

**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______day of______ , 20____

**MINNESOTA BOARD OF BARBER EXAMINERS**

Board Chair