STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

In the Matter of
Baraka C. Bye

STIPULATION AND ORDER

License No.
Apprentice 13000902

Board File No.20141217

TO: Baraka C Bye
1673 Barclay
St. Paul, MN 55126

The Minnesota Board of Barber Examiners ("Board") is authorized pursuant to Minnesota Statutes sections 214.10 and 154.001 to 154.26 (2014) to review complaints against barbers and to take disciplinary action whenever appropriate.

The Board received information concerning Baraka Bye. 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. Respondent has held a license to practice barbering as an apprentice barber from the Board since February 5, 2013. 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. Respondent was first licensed to practice as an apprentice barber in the State of Minnesota on February 5, 2013.

b. On January 5, 2015 the Board notified the Respondent of a complaint received by the Board alleging the Respondent practiced barbering services in an unlicensed location and without the direct supervision of a registered (master) barber.

c. In a written response to the Board received on January 12, 2015, the Respondent stated: "I did give hair cuts to one man … at his home." "I realize as an apprentice I

am to do hair cuts under the direct supervision of a Master Barber."

3. Violations. Respondent admits that the facts specified above constitute violations of Minn. Stat. §§ 154.01 and 154.03 (2014) and Minn. R. 2100.7700 (2013) 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. Censure and Reprimand: Respondent is censured and reprimanded for the foregoing conduct

b. Civil Penalty: Respondent shall pay to the Board a civil penalty of Five Hundred Dollars ($500.00). Upon the Board's approval of this Stipulation and Order, Respondent shall pay the civil penalty according to the following schedule: Respondent shall submit One Hundred Dollars ($100.00) by check or money order to the Board on or before the first day of each month beginning on June 1, 2015. Respondent shall submit additional payments of One Hundred Dollars ($100.00) each by check or money order to the Board on or before July 1, 2015; August 1, 2015; September 1, 2015; and October 1, 2015.

c. 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 (2014) 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 (2014), 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 (2014). All documents in the record shall maintain the data classification to which they are entitled under the Data Practices Act, Minn. Stat. Ch. 13 (2014). 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 minutes.

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.

Received By
MAR 10 2015
MN Barber Board

RESPONDENT

Baraka C. Bye

3-6-15
Date

STATE OF MINNESOTA
COUNTY OF Ramsey

SUBSCRIBED and sworn to before me on this 6th day of March, 2015.

SAMANTHA ANN SANCHEZ
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/18

Notary Public

01/31/2018
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 23rd day of March, 2015.

MINNESOTA BOARD OF BARBER EXAMINERS

Jon Stone, Chair

3/25/2015
Date