

**STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
BUREAU OF HEARINGS**

**In the matter of**

**Docket No. 2001-1753**

**Bureau of Commercial Services,  
Petitioner**

**Agency No. 17-01-2677-00**

**v**

**Agency: Bureau of Commercial  
Services**

**Legends Barbers Shop  
Manhel Marrogi, Owner,  
Respondent**

**Case Type: Sanction**

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**Issued and entered  
this 11<sup>th</sup> day of January 2002  
by Gregory Holiday  
Administrative Law Judge**

**HEARING REPORT**

**PROCEDURAL HISTORY**

This proceeding was commenced with the filing of a Notice of Hearing upon a Formal Complaint dated August 9, 2001, charging Respondent with one or more violations of the Occupational Code, 1980 PA 299, as amended (Code), MCL 339.101 *et seq.* Pursuant to Section 92 of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 *et seq.*, Respondent was afforded an opportunity to demonstrate compliance prior to the commencement of formal proceedings. Respondent failed to satisfactorily demonstrate compliance and, as a result, the matter was set and noticed for a formal hearing.

The hearing was scheduled to be held on Tuesday, November 20, 2001 at 9:30 a.m., at the Bureau of Hearings of the Department of Consumer and Industry Services, 1200

Sixth Street, Eighth Floor, Detroit, Michigan, and the same proceeded at about 10:05 a.m. Gregory Holiday presided as Administrative Law Judge. Hal Ziegler, Authorized Agent, appeared on behalf of the Bureau of Commercial Services' Enforcement Division of the Department of Consumer and Industry Services (Petitioner). Neither Manhel Marrogi, nor anyone on behalf of Manhel Marrogi or Legends Barber Shop (Respondent) appeared for the hearing.

### **ISSUES AND APPLICABLE LAW**

The general issue presented is whether Respondent violated the Code, with respect to the practice of operating a barber shop. The specific issues are whether Respondent violated Sections 1118(c) and (h) of the Code, which provide, in pertinent part:

**Sec. 1118. In addition to other penalties prescribed by law, a licensee who commits 1 or more of the following shall be subject to the strictures set forth in article 6:**

**\*\*\***

**(c) Operating in an unsanitary manner; failure to abide by sanitation standards set forth in rules authorized under this article.**

**\*\*\***

**(h) Hiring or permitting an unlicensed person or student to work in a barbershop as a barber or permitting an unlicensed person to attend barber college as a student.**

**FINDINGS OF FACT**

1. On about April 12, 2001, an inspection was conducted of Legends Barbers Shop by an inspector from the Department of Consumer & Industry Services. A copy of the Barber Establishment Inspection Report was attached to the Formal Complaint as Exhibit 1. At the inspection, violations of the Code were observed as identified in paragraphs A through B below:

A. Respondent operated the barber shop in an unsanitary manner, contrary to MCL 339.1118(c); MSA 18.425(1118)(c).

B. Respondent permitted unlicensed persons to work in the shop as barbers, contrary to MCL 339.1118(h); MSA 18.425(1118)(h).

2. Although properly served with notice of these proceedings, Respondent did not appear for the hearing.

**CONCLUSIONS OF LAW**

The principles that govern judicial proceedings also apply to administrative hearings. 8 Callaghan's Michigan Pleading & Practice (2d ed) § 60.48, page 230. The burden of proof is upon Petitioner to prove, by a preponderance of the evidence, that grounds exist for the imposition of sanctions upon Respondent. 1990 AACS, R 339.1763.

The findings of fact are sufficient to establish that Respondent violated Sections 1118(c) and (h) of the Code as alleged in the Formal Complaint.

### **DECISION AND RECOMMENDED SANCTIONS**

It is the decision of this Administrative Law Judge that Respondent violated Sections 1118(c) and (h) of the Code as described in this Hearing Report. Petitioner recommended that sanctions include payment of a \$5,000.00 civil fine and revocation of Respondent's Barber Establishment license.

The sanctions imposed should be commensurate with the violations established. For that reason, it is recommended that the Board include the following as sanctions in this matter:

1. Payment of a civil fine in the amount of \$1,500.00.
2. License(s) should be placed on probation for up to one year conditioned upon satisfactory correction of all established violations.
3. In the event the civil fine has not been paid and all licensure violations corrected within 60 days following the issuance of a final order, then all Article 11 licenses should be suspended and no new or renewal licenses should be issued until the civil fine has been paid and all licensure violations have been corrected.

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**Gregory Holiday**  
**Administrative Law Judge**