



Montana Department of LABOR & INDUSTRY

Board of Barbers & Cosmetologists' Disciplinary Sanction Matrix

INSPECTION-GENERATED VIOLATIONS					
	<i>Violation Type</i>	<i>School</i>	<i>Salon</i>	<i>Booth Renter</i>	<i>Personal License BAR, COS, EST, INST, MAN</i>
A	1 or More Prohibited Items (no opportunity to cure)			Action Taken On Personal License	
	1 st	\$250/item	\$250/item		\$150/item
	2 nd	\$500/item	\$500/item		\$300/item
	3 rd	\$1000/item 2 yr. probation Up to 2 random Inspections & costs	\$1000/item 2 yr. probation Up to 2 random Inspections & costs		\$600/item 2 yr. probation Up to 2 random Inspections & costs
B	Safety or Sanitation Violations (if failure to respond or cure or pattern of conduct)			Action Taken On Personal License	
	1 st	\$100 base + \$50 per additional violation	\$100 base + \$50 per additional violation		\$50 base + \$50 per additional violation
	2 nd	\$200 base + \$ 50 per additional violation	\$200 base + \$ 50 per additional violation		\$100 base + \$50 per additional violation
	<i>Violation Type</i>	<i>School</i>	<i>Salon</i>	<i>Booth Renter</i>	<i>Personal License BAR, COS, EST, INST, MAN</i>

	3 rd	\$400 base + \$50 per additional violation 2 yr. probation Up to 2 random inspections & costs	\$400 base + \$50 per additional violation 2 yr. probation Up to 2 random inspections & costs		\$200 base + \$50 per additional violation 1 yr. probation
C	Failure to Respond to Inspection Violation Order (no opportunity to cure)			Action Taken On Personal License	
	1 st	\$200	\$100		\$100
	2 nd	\$300	\$200		\$200
	3 rd	\$500	\$300		\$300
D	Aiding & Abetting Unlicensed Practice (hiring unlicensed persons and failing to cure for working on expired licenses)			Action Taken On Personal License	
	1 st	\$250	\$250		N/A
	2 nd	\$500	\$500		N/A
	3 rd	\$1,000	\$1,000		N/A

COMMENTARY

(1) The intent of the matrix is to address numerous and recurrent technical violations arising from inspections in a consistent and efficient manner. Prosecutors and adjudication panel members are cautioned against deviation from the guidelines in all cases except when the conduct in the matrix is accompanied by other conduct which constitutes an imminent threat to the public health, safety, or welfare.

(2) The cost of inspection at the time of this procedure is \$125 per facility license (including booth rentals) under inspection. The random inspections may, but are not required to, be in addition to the annual inspection.

(3) In order to charge subsequent violations, the conduct must fall under the same violation type. Within the violation type of safety and sanitation violations, the prosecutor will exercise discretion in charging subsequent violations for discrete types of safety and sanitation violations—e.g., general cleanliness of the premises; equipment; sanitation and disinfection protocol violations; etc. Subsequent offenses of prohibited items will be charged regardless of the type of prohibited item discovered.

(4) The first, second, and third offenses will be cumulative over the licensee's licensure history as of the initial date of the adoption of this matrix, October 19, 2015.

(5) All fourth offenses are to be referred to the screening panel for possible disciplinary action.

(6) When the board pursues action against a salon, school, or shop license, it will **generally** not pursue action against the operator license of any owner or employee in the salon, school, or shop unless the evidence indicates a particular individual has acted willfully or intentionally, such as in the case of an owner who hires an unlicensed person or an owner who possess or uses a prohibited item.

(7) The board will pursue disciplinary action only against the personal license of a booth rental license holder, because a personal license is a pre-requisite to obtaining a booth rental license. Further, this distinction is necessary to avoid confusion in self-reporting the institution of legal or disciplinary action.

(8) If there is a complete failure to respond (Violation Type C), it is assumed the violation is not corrected and the individual may be sanctioned, in addition to paragraph C, under paragraphs B, D, or both B and D, as the case may be.

(9) Staff will open complaints and process consent orders against salon, shop, or school licenses or the personal license of a booth rental when there is an alleged violation of:

(a) 1 or more prohibited items,

(b) failure to respond to an inspection violation order to correct safety or sanitation violations or working on an expired or terminated license,

(c) failure to adequately correct a safety or sanitation violation or renew or reapply for a license, or

(c) hiring unlicensed persons, except in cases involving harm or a pattern of conduct. Such cases will be referred to the screening panel after an investigation, or

(d) pattern of conduct of safety or sanitation violations, which occurs when a salon or shop, within a three year period, has two or more inspection reports that include safety or sanitation violations.

***In cases where methyl methacrylate monomer (MMA) is found on the premises, there will be an additional cost of \$130/gallon to dispose of the product safely.