



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			Action Taken On Personal License	
	1 st	\$250/item	\$250/item		\$150/item
	2 nd	\$500/item 2 yr. probation Up to 2 random inspections & costs	\$500/item 2 yr. probation Up to 2 random inspections & costs		\$300/item 1 yr. probation
	3 rd	Refer to Screening Panel	Refer to Screening Panel		Refer to Screening Panel
B	3 or more Safety or Sanitation Violations			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

	Violation Type	School	Salon	Booth Renter	Personal License BAR, COS, EST, INST, MAN
	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			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 (does not include working on expired licenses)			Action Taken On Personal License	
	1 st	\$250	\$100		N/A
	2 nd	\$350	\$200		N/A
	3 rd	\$550	\$300		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 category in question; e.g., one past violation of aiding and abetting does not qualify for a second violation of practicing on an expired license. Within the category of safety and sanitation violations, the prosecutor will only charge subsequent violations for discrete types of safety and sanitation violations—e.g., general cleanliness of the premises; equipment; sanitation and disinfection protocol violations; etc. Similarly, subsequent offenses of prohibited items will only be charged when the same type of prohibited item is discovered—e.g., MMA.

(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) Unless otherwise specified (e.g., prohibited items), all fourth offenses are to be referred to the screening panel for possible disciplinary action.

(6) In addition to pursuing discipline against a salon, school, or shop license, when the evidence clearly attributes a violation occurring in a salon to an individual person holding a license, the board may also pursue disciplinary action against an individual for the same violation.

(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.