

NORTH DAKOTA STATE BOARD OF BARBER EXAMINERS

FILING A COMPLAINT

Anyone can file a complaint if you suspect unlicensed activity or if you think the law has been violated by a licensed professional or a business.

You should know:

- * Complaints must fall within the Boards legal authority
- * Complaints cannot be kept confidential
- * Complaints must be filed in writing (Use the complaint form online or provided by the board)
- * Complaints must clearly identify the problem in detail
- * As the complaining party, you must attach any pertinent documents or evidence to support the complaint.

The complaint may be filed by filling out the complaint form found online at www.ndbarbers.org under Accreditation or by asking the Board for a form. Print the form, have it notarized and mail it to:

North Dakota State Board of Barber Examiners
122 8th Ave. NW
Minot, ND 58703

COMPLAINT PROCEDURE

The State Board of Barber Examiners take complaints seriously. A complaint is handled as soon as it is received by the secretary of the board, who will acknowledge its receipt.

First, we make a determination on whether the alleged facts show a violation of existing laws or regulations. If we determine that a violation of law or rule did occur, an investigation will begin.

We inform the person who the complaint is made on, conduct interviews and gather evidence. The board reviews the gathered information and evidence and decides whether to negotiate a settlement, file a formal complaint, or dismiss the case for lack of evidence. At any time during this procedure, a settlement may be reached. You will be informed on the board's decision.

If a formal complaint is filed, the person in question is intitled to a formal hearing. During this hearing both sides may present evidence and witnesses, and lawyers will be present.

43-04-12 GENERAL POWERS OF BOARD

The board is an instrumentality of the state and shall act for the purpose of administering the provisions of chapters 43-04 Barbers, and has such specific powers as are necessary to administer and enforce the same. The board has the following additional powers:

1. To supervise and regulate barbering practice in the state of North Dakota in the manner and for the purposes provided herein.
2. To investigate as conditions permit and regulate as conditions require all matters pertaining to the proper supervision and control of the barbershops and the work of all barbers in this state, in conformity with the intents and purposes of this chapter.
3. To act as mediator and arbitrator in any controversy or issue that may arise among or between barbers as between themselves, or that may arise between them as groups., in harmony with and supplementary to any lawfully constituted medium of arbitration now existing or hereafter created, having jurisdiction of such matters.
4. To issue subpoenas and to administer oaths.
5. The board shall sponsor an educational program to carry out the purposes of protecting the public health and safety by encouraging barbershops that are clean, healthful and sanitary with capable, skilled, professional barbers.

43-04-13. INVESTIGATIONS

The practice and procedure of the board with respect to any investigation by the board authorized by this chapter must be in accordance with rules and regulations to be promulgated by the board, which must provide for at least twenty days' notice in writing to all persons affected by orders to be made by the board after such investigations, and an opportunity to be heard either in person or by counsel and to introduce testimony in their behalf at a public hearing to be held for that purpose. Notice of any such investigation or hearing must be given to all persons to be directly affected thereby in the manner and form provided in section 43-04-41. For the purpose of such investigation or hearing which the board is authorized or required to conduct, the board or any members thereof, and its secretary, may conduct such hearing, administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and testimony. In case of failure of any person to comply with any order of the board or a subpoena issued by the board, or by any of its members, or its secretary, or on the refusal of a witness to testify to any matter regarding which the witness may be lawfully interrogated, the district judge of the county in which the person resides, on the application of any member of the board, or its secretary, by order duly entered, may require the compliance of such person with any such order, and may enforce such compliance as in the case of disobedience of the requirements of a subpoena issued from such court, or of a refusal to testify therein. Each officer who serves a subpoena shall receive the same fees as a sheriff and each witness who appears in obedience to a subpoena, before the board or a member, or its secretary, shall receive for attendance the fees and mileage provided for witnesses in civil cases in the courts of this state, which must be audited and paid in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board. No witnesses subpoenaed at the instance of a party other than the board, or one of its members, or its secretary shall be entitled to compensation unless the board certifies that this testimony was material to the matter investigated.