



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9026 • Olympia, Washington 98507-9026

Robert D. Martin
The Stag Barber Shop
1401 North Avenue D
Snohomish, WA 98290

**Subject: Temporary Cease and Desist Order In the Matter of Robert D. Martin
DOL No. 2020-05-0701-00COS**

Dear Robert D. Martin:

Enclosed for service upon you are copies of the following documents:

1. Declaration of Carol Arias;
2. Declaration of Pat Semler;
3. Motion for Ex Parte Order of Temporary Cease and Desist;
4. Ex Parte Temporary Cease and Desist Order;
5. Answer to Temporary Cease and Desist Order;
6. Notice of Legal Rights; and
7. Attachment A.

Your response to the enclosed Temporary Cease and Desist Order is due to the Department no later than **20 calendar days** from the date this notice was **mailed or hand delivered** to you.

You may fax your Answer to Temporary Cease and Desist Order to my attention at (360) 570-7848.

The Department of Licensing recognized that this is a very serious matter, and will consider fully any information you may wish to bring to our attention.

Ron Brosey
Regulatory Compliance Manager
Professional Licensing Support Services

Enclosures

For language assistance call the phone number above.

[Arabic] للحصول على المساعدة اللغوية اتصل على رقم الهاتف أعلاه.

若需語言協助，請撥打上文電話。 [Chinese]

언어 지원이 필요하면 위의 전화번호로 연락하십시오. [Korean]

Для помощи на другом языке звоните по телефону, указанному выше. [Russian]

Para obtener ayuda con el idioma, llame al número de teléfono que aparece arriba. [Spanish]

Để được hỗ trợ ngôn ngữ, hãy gọi số điện thoại ở trên. [Vietnamese]

We are committed to providing equal access to our services.
For information visit dol.wa.gov/access. (TDD/TTY call 711).

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION**

In the Matter of the Unlicensed Practice as a
Salon Shop of:

ROBERT D. MARTIN, Owner, (Operator
License No. 26605) doing business as THE
STAG BARBER SHOP

Respondent.

No. 2020-05-0701-00COS

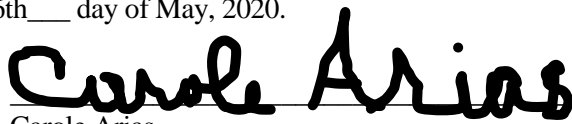
DECLARATION OF CAROLE ARIAS

I, Carole Arias, state under penalty of perjury under the laws of Washington State the following is true and correct and based on my personal knowledge:

1. I am over the age of 18 and am otherwise competent to testify.
2. I currently work for the Department of Licensing (DOL) in Olympia, Washington as an Investigator 2 of the Cosmetology Program. I have held this position since December 1, 2012.
3. On May 4, 2020, I sent by email a notice to Robert Martin informing him a complaint was filed with the Governor's office for operating his salon shop in violation of Proclamation 20-25.
4. On May 5, 2020, I sent by email a second notice to Respondent informing him a complaint was filed with the Governor's office for operating his salon shop in violation of Proclamation 20-25.

I declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

DATED in Olympia, Washington, this 6th day of May, 2020.


Carole Arias

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION**

In the Matter of the Unlicensed Practice as a
Salon Shop of:

ROBERT MARTIN, Owner, (Operator
License No. 26605) doing business as THE
STAG BARBER SHOP

Respondent.

No. 2020-05-0701-00COS

DECLARATION OF
PAT SEMLER

I, Pat Semler, state under penalty of perjury under the laws of Washington State the following is true and correct and based on my personal knowledge:

1. I am over the age of 18 and am otherwise competent to testify.
2. I currently work for the Department of Licensing (DOL) in Olympia, Washington as an Investigator 3 in the Transportation Services Program. I have held this position since October 1, 1990.
3. On May 5, 2020, at the request of Assistant Administrator Bill Dutra, I conducted a no contact site visit of the business known as The Stag Barber Shop. At approximately 4:00 p.m. I observed The Stag Barber Shop open for business as evidenced by the open front door and the approximately 6 to 7 apparent potential customers waiting outside in a line going into the barbershop.
4. On May 6, 2020, at the request of Assistant Administrator Bill Dutra, I conducted another no contact site visit of the business known as The Stag Barber Shop. At approximately 1:40 p.m. I observed The Stag Barber Shop open for business as evidenced by the open front door and at least 7 apparent potential customers waiting outside in a line going into the barbershop.

I declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

DATED in Everett, Washington, this 6th day of May, 2020.



Pat Semler

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION**

In the Matter of the Unlicensed Practice as a
Salon Shop of:

ROBERT MARTIN, Owner, (Operator License
No. 26605) doing business as THE STAG
BARBER SHOP

Respondent.

No. 2020-05-0701-00COS

EX PARTE MOTION FOR TEMPORARY
CEASE AND DESIST ORDER

The Cosmetology Program, by and through Michelle Carr, Assistant Attorney General, moves for a Temporary Cease and Desist Order against Respondent based upon the facts alleged below. The Program does not request oral presentation in support of this motion. This motion is based on the following:

1. BASIS OF THE MOTION

The Director is authorized under RCW 18.235.150 (6) of the Uniform Regulation of Business Professions Act to issue a Temporary Cease and Desist Order when Respondent has engaged in unprofessional conduct under RCW 18.235.130 (4). Respondent is operating an unlicensed salon shop in violation of Governor Jay Inslee's Proclamation 20-25 (Proclamation 20-25), requiring the temporary closure of all non-essential businesses.

On May 1, 2020, KING 5 published an on-line story¹ about Respondent's barbershop being open for business despite the issuance of Proclamation 20-25. The article describes how Respondent previously accepted clients in a clandestine manner but after Sheriff Adam Fortney's announcement that he wouldn't enforce the lockdown, calling it unconstitutional, Respondent was emboldened to fully reopen the shop. Additionally, Respondent is quoted as saying "I don't agree with the order, I think it should be lifted because it's not as dangerous as people want to make us believe that it is."

Between May 1, 2020, and May 5, 2020, approximately 165 complaints were submitted, stating the Respondent's unlicensed salon shop remained open in violation of Proclamation 20-25.

On May 4, 2020, the Department sent a notice to Respondent informing him a complaint was filed with the Governor's office for operating his salon shop in violation of Proclamation 20-25.

On May 5, 2020, at approximately 4:00 p.m. Department Investigator Pat Semler conducted a no contact site visit of the business known as The Stag Barber Shop, noting it was open for business as evidenced by the open front door and the approximately 6 to 7 apparent potential customers waiting outside in a line going into the barbershop.

¹ The article is available at <https://www.king5.com/article/news/health/coronavirus/snohomish-barber-openly-defies-washingtons-stay-home-orders/281-61bada1a-109d-47bf-867d-ad24a0b5b59d>

On May 5, 2020, the Department sent a second notice to Respondent informing him a complaint was filed with the Governor's office for operating his salon shop in violation of Proclamation 20-25.


On May 6, 2020, at approximately 1:40 p.m. Department Investigator Pat Semler conducted another no contact site visit of the business known as The Stag Barber Shop noting it was open for business as evidenced by the open front door and at least 7 apparent potential customers waiting outside in a line going into the barbershop.

Because Respondent continues to operate the unlicensed salon shop during a time when non-essential businesses are temporarily closed due to public health concerns, the public interest will be irreparably harmed by delay in issuing an order to the Respondent to cease and desist the practice of operating an unlicensed salon shop in the state of Washington.

2. NECESSARY ACTION

Based on the above, the Cosmetology Program requests the Director to issue a Temporary Cease and Desist Order to the Respondent for the unlicensed salon shop, The Stag Barber located at 1401 North Avenue D in Snohomish, Washington, from engaging in the commercial practice of operating a salon shop, pending proceedings for a Permanent Cease and Desist Order and/or other disciplinary measure taken pursuant to RCW 18.235.110 and RCW 18.16.210.

DATED this 6 day of May 2020.


Michelle Carr, Bar No. 53647
Assistant Attorney General

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION**

In the Matter of the Unlicensed Practice as a
Salon Shop of:

ROBERT MARTIN, Owner, (Operator License
No. 26605) doing business as THE STAG
BARBER SHOP

Respondent.

No. 2020-05-0701-00COS

EX PARTE MOTION FOR TEMPORARY
CEASE AND DESIST ORDER

The Cosmetology Program, by and through Michelle Carr, Assistant Attorney General, moves for a Temporary Cease and Desist Order against Respondent based upon the facts alleged below. The Program does not request oral presentation in support of this motion. This motion is based on the following:

1. BASIS OF THE MOTION

The Director is authorized under RCW 18.235.150 (6) of the Uniform Regulation of Business Professions Act to issue a Temporary Cease and Desist Order when Respondent has engaged in unprofessional conduct under RCW 18.235.130 (4). Respondent is operating an unlicensed salon shop in violation of Governor Jay Inslee's Proclamation 20-25 (Proclamation 20-25), requiring the temporary closure of all non-essential businesses.

On May 1, 2020, KING 5 published an on-line story¹ about Respondent's barbershop being open for business despite the issuance of Proclamation 20-25. The article describes how Respondent previously accepted clients in a clandestine manner but after Sheriff Adam Fortney's announcement that he wouldn't enforce the lockdown, calling it unconstitutional, Respondent was emboldened to fully reopen the shop. Additionally, Respondent is quoted as saying "I don't agree with the order, I think it should be lifted because it's not as dangerous as people want to make us believe that it is."

Between May 1, 2020, and May 5, 2020, approximately 165 complaints were submitted, stating the Respondent's unlicensed salon shop remained open in violation of Proclamation 20-25.

On May 4, 2020, the Department sent a notice to Respondent informing him a complaint was filed with the Governor's office for operating his salon shop in violation of Proclamation 20-25.

On May 5, 2020, at approximately 4:00 p.m. Department Investigator Pat Semler conducted a no contact site visit of the business known as The Stag Barber Shop, noting it was open for business as evidenced by the open front door and the approximately 6 to 7 apparent potential customers waiting outside in a line going into the barbershop.

¹ The article is available at <https://www.king5.com/article/news/health/coronavirus/snohomish-barber-openly-defies-washingtons-stay-home-orders/281-61bada1a-109d-47bf-867d-ad24a0b5b59d>

On May 5, 2020, the Department sent a second notice to Respondent informing him a complaint was filed with the Governor's office for operating his salon shop in violation of Proclamation 20-25.


On May 6, 2020, at approximately 1:40 p.m. Department Investigator Pat Semler conducted another no contact site visit of the business known as The Stag Barber Shop noting it was open for business as evidenced by the open front door and at least 7 apparent potential customers waiting outside in a line going into the barbershop.

Because Respondent continues to operate the unlicensed salon shop during a time when non-essential businesses are temporarily closed due to public health concerns, the public interest will be irreparably harmed by delay in issuing an order to the Respondent to cease and desist the practice of operating an unlicensed salon shop in the state of Washington.

2. NECESSARY ACTION

Based on the above, the Cosmetology Program requests the Director to issue a Temporary Cease and Desist Order to the Respondent for the unlicensed salon shop, The Stag Barber located at 1401 North Avenue D in Snohomish, Washington, from engaging in the commercial practice of operating a salon shop, pending proceedings for a Permanent Cease and Desist Order and/or other disciplinary measure taken pursuant to RCW 18.235.110 and RCW 18.16.210.

DATED this 6 day of May 2020.


Michelle Carr, Bar No. 53647
Assistant Attorney General

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION**

In the Matter of the Unlicensed Practice as
a Salon Shop of:

ROBERT D. MARTIN, Owner, (Operator
License No. 26605) doing business as
THE STAG BARBER SHOP
Respondent.

No. 2020-05-0701-00COS

ANSWER TO TEMPORARY CEASE
AND DESIST ORDER

TO: Robert D. Martin
The Stag Barber Shop
1401 North Avenue D
Snohomish, WA 98290

Correct Name: _____
Correct Address: _____

Correct Phone: _____

THIS IS AN IMPORTANT NOTICE ABOUT YOUR RIGHT TO A HEARING. Please read this notice carefully. If you have questions regarding your legal rights, contact an attorney.

1. GENERAL INSTRUCTIONS AND INFORMATION

Use this form to request a hearing and to respond to the Temporary Cease and Desist Order. 1) Correct your name, address and telephone number above if necessary; 2) provide your responses in sections 2 through 5 below; 3) sign and date this form; and 4) return it to:

Department of Licensing;
Regulatory Compliance Unit
Attn: Ron Brosey
PO Box 9026
Olympia, WA 98507-9026

This form must be **RECEIVED** no later than **20 calendar days** from the date this notice was **mailed or hand delivered** to you.

If you do not return this Answer form within the time allowed, **you will be in default and will lose your right to a hearing. The Disciplinary Authority will enter a final order without input from you, which may impose any sanction authorized by law.**

If you request a hearing within the time allowed, you will be **notified at least seven days prior to the hearing** of the time and place to appear.

2. REQUEST FOR HEARING

Choose one of the following:

- ☐ **I request a hearing, but first wish to discuss settlement options.** The Disciplinary Authority will contact me to set the time for a settlement conference.
- ☐ **I request a regular hearing** in this matter.
- ☐ **I request a prompt hearing** in this matter (hearing will be held as soon as possible after receipt of the request).
- ☐ I know that I have a right to request a hearing, but **I do not request a hearing.** I understand that the Disciplinary Authority will enter a final order, without further input from me.

3. REPRESENTATION

Choose the appropriate response and provide all requested information:

- ☐ I will not be represented by an attorney, I will represent myself.
- ☐ I will be represented by the attorney listed below:

Name: _____

Address: _____

Phone: _____

Your attorney must file a Notice of Appearance with the Disciplinary Authority before representing you in this case.

4. RESPONSE TO ALLEGATIONS

Indicate below whether you admit or deny each of the allegations contained in the numbered paragraphs in the Temporary Cease and Desist Order. Check one response for each numbered paragraph:

Paragraph Number	Admit	Deny
1.3		
1.4		
1.5		
1.6		

Choose the appropriate response:

- ☐ I have attached a statement explaining circumstances I want Disciplinary Authority to consider.
- ☐ I have not attached a statement in my defense.

5. INTERPRETER REQUEST

You may request an interpreter if English is not your primary language and/or if you have a hearing or speech impairment. To request an interpreter, complete the information below and one will be appointed at no cost to you.

- ☐ I request that a qualified interpreter be appointed to interpret for me or for my witness(es). The primary language is _____.
- ☐ I request that a qualified interpreter be appointed to interpret for me or for my witness(es). The hearing or speech impairment requires an interpreter able to communicate in the following language/manner: _____.

Please sign and date this document.

DATED this _____ day of _____, 20_____.

Signature of Respondent

PRINT name of Respondent

For language assistance call the phone number in the enclosed documents.

[Arabic] للحصول على المساعدة اللغوية اتصل على رقم الهاتف الموجود في الوثائق المرفقة.

如需语言援助，请拨打附件中的电话号码。 [Chinese - S]

언어 지원이 필요하시면, 동봉한 서류에 있는 전화번호로 전화하여 주십시오. [Korean]

Para recibir ayuda con el idioma, llame al número de teléfono en los documentos adjuntos. [Spanish]

Để được hỗ trợ về ngôn ngữ, hãy gọi đến số điện thoại có trong các tài liệu đính kèm. [Vietnamese]

NOTICE OF LEGAL RIGHTS

(Keep this document for future reference)

The Director of the Department of Licensing (“Disciplinary Authority”) has issued a Temporary Cease & Desist Order (“Charging Document”).

The Charging Document claims you have violated the laws regulating your business license or engaged in unlicensed activity. The Charging Document starts the legal process to determine whether you have violated the laws. The Disciplinary Authority will determine sanctions if these violations are proven.

WHAT THIS MEANS TO YOU

- As of the date of the Charging Document, **you cannot conduct any activity related to the business license identified in the Charging Document.**
- To dispute the Charging Document, **you must respond within 20 calendar days** from the date these documents were **mailed** or **hand delivered** to you.
- If you do not respond within 20 calendar days, you will **lose the right to a hearing and the Disciplinary Authority will issue a final order** without your input. The final order may impose monetary fines or suspend or revoke your license.

HEARING OR SETTLEMENT CONFERENCE

To request a hearing or settlement conference, return the Answer to the Statement of Charges on Temporary Cease & Desist (“Answer form”) you received with this document. To maintain your right to a hearing, the Disciplinary Authority must receive the Answer form **within 20 calendar days** from the date the Charging Document was **mailed** or **hand delivered** to you.

Hearing

For the hearing, you may represent yourself or hire an attorney at your own expense to defend against the statements in the Charging Document. To maintain your legal rights, you must participate in all steps of the hearing process.

The hearing process is described in chapter 34.05 of the Revised Code of Washington and chapters 308-08 and 10-08 of the Washington Administrative Code.

Prompt Hearing: A prompt hearing will be held as soon as possible after we receive the request. You may request a standard hearing instead.

Standard Hearing: A standard hearing will be scheduled within a few weeks after we have received your request. You will be notified of the time and place of the hearing at least seven days before it is held.

Settlement Conference

You may request a settlement conference when you request a hearing. The Disciplinary Authority will contact you to schedule the conference. Most settlement conferences are held by phone and you can be represented by an attorney. If we reach agreement during the conference, the hearing will be canceled.

INTERPRETER REQUEST

You may request an interpreter if English is not your primary language or if you have a hearing or speech impairment. To request an interpreter, complete the information on the Answer form included with the Charging Document. We will appoint an interpreter at no cost to you.

CONTACT INFORMATION

To ask questions about the Charging Document, call the appropriate licensing program. You can find the program's telephone number on the cover letter to these documents, or go to dol.wa.gov/contact/professions.html and find the appropriate program. We can put an interpreter on the phone to assist you. We cannot provide legal advice.

For language assistance call the phone number in the enclosed documents.

[Arabic] للحصول على المساعدة اللغوية اتصل على رقم الهاتف الموجود في الوثائق المرفقة.

如需语言援助，请拨打附件中的电话号码。 [Chinese - S]

언어 지원이 필요하시면, 동봉한 서류에 있는 전화번호로 전화하여 주십시오. [Korean]

Para recibir ayuda con el idioma, llame al número de teléfono en los documentos adjuntos. [Spanish]

Để được hỗ trợ về ngôn ngữ, hãy gọi đến số điện thoại có trong các tài liệu đính kèm. [Vietnamese]

We are committed to providing equal access to our services. For information visit dol.wa.gov/access. (TDD/TTY call 711)

ATTACHMENT A

RCW 18.235.130

Unprofessional conduct—Acts or conditions that constitute.

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;