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BEFORE THE STATE BOARD OF BARBER EXAMINERS

STATE OF IDAHO

In the Matter of the License of: SCOTT R. LUSK, License No. B-2464, Owner, CUTTING EDGE License No. BS-1646, Respondent.	Case No. BAR-2005-3 BAR-2005-4 **FINAL ORDER**

THIS MATTER is before the Board pursuant to the Findings of Fact, Conclusions of Law and Recommended Order issued by Jean R. Uranga, the designated Hearing Officer. The State appeared in person and by its attorney of record, Emily A. MacMasters, Idaho Deputy Attorney General. Respondent, Scott R. Lusk appeared in this matter in person and through his attorney, Lowell Hawkes.

This matter then came before the Idaho State Board of Barber Examiners at a specially scheduled meeting of the Board. The Board, having conducted an independent review of the record and having considered the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and all other matters of record, and good cause appearing therefor, the Board adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by reference.

2. That the Respondent's conduct in operating his barbershop without a valid license or practicing barbering without a valid license constitute a violation of Idaho Code Sections

54-501, 54-515, 54-516(6), (7) and (8), and 54-519(1) and (7), as set forth in the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order. Pursuant to Idaho Code Sections 54-516, 54-521, and IDAPA 24.02.01.575, the Board possesses the authority to impose the following disciplinary sanctions upon the Respondent, Scott R. Lusk.

a. That Respondent shall be placed upon probation for a period of two (2) years from the date of this Order. That during his probation, Respondent shall comply with all laws and rules governing the practice of barbering and further meet the requirements of this Order. Failure to comply with the terms of Respondent's probation shall subject Respondent to further discipline.

b. The Respondent shall pay the costs and attorney's fees incurred by the State. The State shall submit an Affidavit of Costs and Attorney Fees incurred in this matter within fifteen (15) days from the date of this Order. Respondent shall submit any objection to the costs and fees submitted by the State and request a hearing within fifteen (15) days from the receipt of the State's Affidavit. Thereafter, the Board shall determine the amount of costs and fees awarded against Respondent. The costs and attorney fees shall be paid within ninety (90) days as determined by the Affidavit.

3. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the

Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (See Section 67-5247(4), Idaho Code.)

b. Pursuant to Section 67-5270 and 57-5272, Idaho Code, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See Section 67-5273, Idaho Code.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent's attorney and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 5th day of December, 2006.

STATE BOARD OF BARBER EXAMINERS

By Kevin J. Moriarty
KEVIN MORIARTY, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of December, 2006, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Scott R. Lusk Cutting Edge P.O. Box 838 Aberdeen, ID 83210	X U.S. Mail X Certified Mail __ Federal Express __ Fax Transmission
Lowell N. Hawkes Attorney at Law 1322 East Center Pocatello, ID 83201 Attorney for Respondent	X U.S. Mail __ Hand Delivered __ Federal Express X Fax Transmission (208) 235-4200
Emily A. MacMaster Deputy Attorney General Office of the Attorney General P.O. Box 83720 Boise, Idaho 83720-0010 Attorneys for the State Board of Barber Examiners	__ U.S. Mail __ Hand Delivered X Statehouse Mail __ Fax Transmission

Rayola Jacobsen

Rayola Jacobsen, Bureau Chief

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