

COMPLAINT

BEFORE THE STATE OF NEVADA BARBER'S HEALTH & SANITATION BOARD

STATE BOARD OF NEVADA BARBER'S
HEALTH & SANITATION BOARD,

Case No. C-2023-0002

Petitioner,

vs.

RAY LEWIS (Personal Barber License
No. 427, Instructor License No. 049),

Respondent.

**COMPLAINT AND
NOTICE OF HEARING**

Joe Foley, Vice President for the State Board of Nevada Barber's Health, and Sanitation Board ("Board"), submits this complaint for disciplinary action against RAY LEWIS, Personal Barber License No. 427, Instructor License No. 049, ("Respondent"). The hearing will be held pursuant to Chapter 233B, Chapter 643 of the Nevada Revised Statutes ("NRS") and Chapter 643 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 643.185 and/or NRS 643.1717 and/or NAC 643.521 and/or NAC 643.780 and/or NRS.622.400, and the discipline to be imposed, if violations of law are proven.

I. JURISDICTION

1. Respondent was at all relevant times mentioned in this Complaint licensed by the Board to practice as a barber and to practice as an instructor, at "The Art of Barbers School".

2. As a licensed barber, instructor and assigned manager of "The Art of Barbers School", Respondent did engage in the business and practice of barbering and is therefore subject to the jurisdiction of the Board and the provisions of NRS Chapter 643 and NAC Chapter 643.

1 NAC 643.355(1), NAC 643.355(2), NAC 643.355(4)(c), and NAC 643.570 . ¹ **See Exhibit**
2 **1. Findings of Fact, Conclusions of Law, and Order of Discipline served on**
3 **November 29, 2022.** After determining the violations, the Board imposed discipline
4 on Mr. Lewis by ordering him to pay a \$250.00 fine for each violation pursuant to NRS
5 643.185(1)(a)-(2)(c). *Id.* Following review of the itemized attorney statement and
6 documents to substantiate the board costs, Mr. Lewis was also ordered to pay attorneys'
7 fees in the amount of \$18,537.85 and board costs in the amount of \$15,187.25 pursuant
8 to NRS 622.400(1)-(3). *Id.* The deadline for payment for all fines, costs and attorneys'
9 fees was November 29, 2023. *Id.*

10 5. On or about December 22, 2022, Ray Lewis petitioned the District Court
11 for review of the administrative decision. **See Exhibit 2. Petition for Judicial**
12 **Review.** On October 4, 2023, in consideration of the entire record on appeal, all factual
13 matters and the legal authorities cited in the pleadings and, particularly, in its decision,
14 the Court denied Mr. Lewis' Petition for Judicial Review. **See Exhibit 3. Order**
15 **Denying Petition for Judicial Review as to Petitioner Ray Lewis.**

16 6. On or about November 27, 2023, Mr. Lewis was served a letter reminding
17 him of his outstanding fines, costs, and attorneys' fees owed to the Board. **See Exhibit**
18 **4. Letter.** In the letter, Mr. Lewis was further informed that he may be subject to
19 additional discipline regarding his barber license and his instructor license for failing
20 to comply with the Board's November 29, 2022 Order. *Id.*

21 7. As of date of this Complaint, Mr. Lewis has not issued any payment to the
22 Board for the outstanding fines, attorneys' fees and costs owed to the Board.
23 Additionally, Mr. Lewis has not contacted the Board to make any payment
24 arrangements. Furthermore, the deadline for Mr. Lewis' compliance with this Board
25 Order has now passed. **See Exhibit 1.**

27 ¹ The Board also found that Mr. Lewis violated NRS 643.185(1)(a). The Board conceded in its Answering
28 Brief that this finding was in error and will not be imposed on the Petitioner as this statute only serves as
authority for the Board to impose discipline for other statutory or regulatory violations.

1 **VIOLATIONS**

2 **First Claim for Relief**

3 8. Paragraphs 1-7 are incorporated here by reference.

4 9. Respondent was disciplined before the Board pursuant to NAC
5 643.710(1)(a) and NAC 643.710(1)(b) by failing to provide (1) adequate records of dates and
6 hours of attendance of students enrolled, suspended, expelled, or previously expelled and
7 later permitted to reenter in Respondent’s schools and (2) adequate records of all hours
8 devoted by Respondent’s students in the classroom, including those suspended, expelled,
9 or previously expelled and later permitted to reenter. By failing to comply with this Board’s
10 November 29, 2022 Order, Mr. Lewis is subject to additional discipline.

11 **Second Claim for Relief**

12 10. Paragraphs 1-7 are incorporated here by reference.

13 11. Respondent was disciplined before the Board pursuant to NAC 643.680(2)
14 when Respondent adopted and enforced rules outside the scope of NRS 643 and/or NAC
15 643 that governed the conduct of students enrolled in either of Respondent’s schools
16 without Board approval and (2) when Respondent enforced rules either outside the scope
17 of NRS 643 and/or NAC 643 or within the scope NRS 643 and/or NAC 643, but enforced
18 said rules in an arbitrary and capricious manner without Board approval. By failing to
19 comply with this Board’s November 29, 2022 Order, Mr. Lewis is subject to additional
20 discipline.

21 **Third Claim for Relief**

22 12. Paragraphs 1-7 are incorporated here by reference.

23 13. Respondent was disciplined before the Board pursuant to NRS 643.177(1)(e)
24 for failing to comply with the provisions of NAC 643.710(1)(a) and NAC 643.710(1)(b),
25 and/or NAC 643.680(2) in Respondent’s operation of the “Art of Barbers School”. By failing
26 to comply with this Board’s November 29, 2022 Order, Mr. Lewis is subject to additional
27 discipline.

1 **Fourth Claim for Relief**

2 14. Paragraphs 1-7 are incorporated here by reference.

3 15. Respondent was disciplined before the Board pursuant to NRS 643.1716 for
4 failing to comply with the requirements of NAC 643.710(1)(a) and NAC 643.710(1)(b)
5 and/or NAC 643.680(2) as a licensed barber, and/or licensed instructor. By failing to
6 comply with this Board's November 29, 2022 Order, Mr. Lewis is subject to additional
7 discipline.

8 **Fifth Claim for Relief**

9 16. Paragraphs 1-7 are incorporated here by reference.

10 17. Respondent was disciplined before the Board pursuant to NRS 643.200(1)(f)
11 for failing to properly immerse and/or instruct students to properly immerse all barbering
12 utensils used on patrons/members of the public in either boiling water, a solution of 2
13 percent carbolic acid, or its equivalent after daily use. By failing to comply with this
14 Board's November 29, 2022 Order, Mr. Lewis is subject to additional discipline.

15 **Sixth Claim for Relief**

16 18. Paragraphs 1-7 are incorporated here by reference.

17 19. Respondent was disciplined before the Board pursuant to NAC 643.355(1),
18 NAC 643.355(2), and NAC 643.355(4)(c) for (1) failing to ensure that utensils were cleaned
19 with disinfectant meeting the requirements of NRS 643.200(1)(f); (2) failing to ensure that
20 electric equipment were cleaned with disinfectant meeting the requirements of NRS
21 643.200(1)(f); and (3) failing to use disinfectant meeting the requirements of NRS 643.200
22 (Barbicide) in accordance with the instructions on the manufacturer's label. By failing to
23 comply with this Board's November 29, 2022 Order, Mr. Lewis is subject to additional
24 discipline.

25 **Seventh Claim for Relief**

26 20. Paragraphs 1-7 are incorporated here by reference.

27 21. Respondent was disciplined before the Board pursuant to NAC 643.570 for
28 failing to comply with the requirements of NAC 643.355 by failing to ensure that all

1 implements used were cleaned, disinfected, and stored as required under NAC 643.355.
2 By failing to comply with this Board's November 29, 2022 Order, Mr. Lewis is subject to
3 additional discipline.

4 **III. DISCIPLINE AUTHORIZED**

5 **22. NRS 643.185 provides the grounds for disciplinary action,**
6 **authorized disciplinary action, and provides as follows:**

- 7 1. The following are grounds for disciplinary action by the Board:
8 (a) Violation by any person licensed pursuant to the provisions of this
9 chapter of any provision of this chapter or the regulations adopted by the
10 Board.
11 (b) Conviction of a felony relating to the practice of barbers.
12 (c) Malpractice or incompetency.
13 (d) Continued practice by a person knowingly having an infectious or
14 contagious disease.
15 (e) Advertising, practicing, or attempting to practice under another's name
16 or trade name.
17 (f) Having an alcohol or other substance use disorder.
- 18 2. If the Board determines that a violation of this section has occurred it may:
19 (a) Refuse to issue or renew a license;
20 (b) Revoke or suspend a license; and
21 (c) Impose a fine of not more than \$1,000.

22 **23. NRS 643.1717 provides grounds for suspension, revocation, and**
23 **other disciplinary action against licensees previously authorized to**
24 **operate a barbershop, and provides as follows:**

25 1. The Board may immediately suspend a license to operate a barbershop for
26 violation of any of the applicable provisions of this chapter or regulations adopted by
27 the Board until the violation is cured.

28 2. Except for immediate suspensions authorized pursuant to subsection 1, the
Board may suspend or revoke a license to operate a barbershop for a violation of the
provisions of this chapter or any regulation adopted by the Board only in a manner
consistent with the provisions of chapter 622A of NRS.

3. When a license to operate a barbershop has been suspended or revoked for

1 a violation of the provisions of this chapter or the sanitary requirements of the Board,
2 the Board shall post a notice on the shop stating the fact of suspension or revocation
3 and the reason therefor.

4
5 **24. NAC 643.521 provides the schedule of fines and provides as**
6 **follows:**

7 1. Any barber school licensed pursuant to chapter 643 of NRS and found to be in
8 violation of:

9 (a) Any provision of NRS 643.177 may be fined:

10 (1) For the first offense in any licensing period, an amount not to exceed \$100;

11 (2) For the second offense in any licensing period, an amount not to exceed
12 \$250; and

13 (3) For the third offense in any licensing period, an amount not to exceed
14 \$500.

15 (b) Any provision of NAC 643.530 to 643.650, inclusive, may be fined:

16 (1) For the first offense in any licensing period, an amount not to exceed \$75;

17 (2) For the second offense in any licensing period, an amount not to exceed
18 \$150; and

19 (3) For the third offense in any licensing period, an amount not to exceed
20 \$300.

21 2. Each violation discovered upon inspection constitutes a separate count for the
22 purposes of imposing the fines set forth in this section.

23
24 **25. NAC 643.780 states the penalties which the Board is authorized**
25 **to impose, and provides as follows:**

26 1. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation
27 of any provision of NRS 643.140 may be fined:

28 (a) For the first offense in any licensing period, an amount not to exceed \$80; and

(b) For the second offense in any licensing period, an amount not to exceed \$160.

For the third offense, the barber will be brought before the Board for the revocation of his
or her license.

2. Any person licensed pursuant to chapter 643 of NRS and found to be in violation
of any provision of NRS 643.150 may be fined:

(a) For the first offense in any licensing period, an amount not to exceed \$30;

(b) For the second offense in any licensing period, an amount not to exceed \$100; and

(c) For the third offense in any licensing period, an amount not to exceed \$500.

3. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation
of any provision of paragraph (e) of subsection 1 of NRS 643.185 may be fined:

(a) For the first offense in any licensing period, an amount not to exceed \$250;

(b) For the second offense in any licensing period, an amount not to exceed \$500; and

1 (c) For the third offense in any licensing period, an amount not to exceed \$1,000.

2 4. Any person licensed pursuant to chapter 643 of NRS and found to be in violation of
3 any provision of NRS 643.190 may be fined:

4 (a) For the first offense in any licensing period, an amount not to exceed \$250;

5 (b) For the second offense in any licensing period, an amount not to exceed \$500; and

6 (c) For the third offense in any licensing period, an amount not to exceed \$1,000.

7 5. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation of
8 any provision of NRS 643.200 may be fined:

9 (a) For the first offense in any licensing period, an amount not to exceed \$100;

10 (b) For the second offense in any licensing period, an amount not to exceed \$250; and

11 (c) For the third offense in any licensing period, an amount not to exceed \$500.

12 6. Any barber licensed pursuant to chapter 643 of NRS and found to be in violation of
13 any provision of NAC 643.320 to 643.415, inclusive, may be fined:

14 (a) For the first offense in any licensing period, an amount not to exceed \$75;

15 (b) For the second offense in any licensing period, an amount not to exceed \$150; and

16 (c) For the third offense in any licensing period, an amount not to exceed \$300.

17 7. Each violation discovered upon inspection constitutes a separate count for the
18 purposes of imposing the fines set forth in this section.

19 **26. NRS 643.170 provides the grounds for which the Board may refuse to
20 renew a license:**

21 1. The Board shall not refuse to issue or renew any license, **unless:**

22 (a) Before taking that action the Board gives written notice thereof to the accused
23 stating the specific reason for its adverse action; and

24 (b) The accused is granted the opportunity to appear before the Board for a hearing
25 within 20 days after the date of the notice.

26 2. The Board may:

27 (a) Summon witnesses.

28 (b) Require the production of books, records, and papers for the hearing.

1 (a) Subpoenas must be issued by the Secretary-Treasurer of the Board directed to the
2 sheriff of the proper county to be served and returned in the same manner as subpoenas in
3 criminal cases. The fees and mileage of the sheriff and witnesses must be the same as is
4 allowed in criminal cases and must be paid from the money of the Board as other expenses
5 of the Board are paid.

6 4. If the accused prevails at the hearing, the Board shall grant him or her the proper
7 relief without delay.

8 5. Any investigation, inquiry or hearing thus authorized may be entertained or held
9 by or before a member or members of the Board, and the finding or order of the member or
10 members, when approved and confirmed by the Board, shall be deemed the finding or order
11 of the Board.

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IV. RELIEF SOUGHT

27. Based upon the allegations contained herein, the Investigating Board Member prays for relief as follows:

(1) That on April 1, 2024, if the Board has **not** received full payment from Mr. Lewis for all outstanding attorneys' fees, board costs and fines; or Mr. Lewis has not entered into an agreeable payment plan for all outstanding attorneys' fees, board costs and fines, then it is further requested that the Board does not renew his barber license **and** that the Board does not renew his instructor license pursuant to NRS 643.185(2)(a).

(2) Following any action taken against Mr. Lewis' barber license and/or instructor license, it is further requested that only upon the filing of a formal petition by Respondent to the Board, will the Board then consider for possible action the reinstatement of any of Respondent's licenses.

(3) That pursuant to NRS Chapter 622, the Board imposes the costs of the proceeding upon Respondent, including investigative costs and attorneys' fees, if the Board otherwise imposes discipline on Respondent.

(4) Further, the Investigating Board Member requests that the Board take such disciplinary action as it deems proper and just under the circumstances.

1 evidence against you. You have the right to respond and to present relevant
2 evidence and argument on all issues involved. You have the right to call and
3 examine witnesses, introduce exhibits, and cross-examine opposing
4 witnesses on any matter relevant to the issues involved.

5 You have the right to request that the Board issue subpoenas to
6 compel witnesses to testify and/or evidence to be offered on your behalf. In
7 making the request, you may be required to demonstrate the relevance of
8 the witnesses' testimony and/or evidence.

9 Other important rights you have are listed in NRS 643.010 through
10 643.240 NRS Chapter 233B, and NAC 643.005 through 643.780. The purpose
11 of the hearing is to determine if the Respondent has violated NRS 643 and/or
12 NAC 643 and if the allegations contained herein are substantially proven by
13 the evidence presented and to further determine what administrative
14 penalty, if any, is to be assessed against the Respondent, pursuant to NRS
15 643.185 and/or NRS 643.1717 and/or NAC 643.521 and/or NAC 643.780 and/or
16 NRS.622.400.

17 DATED this 30th day of November, 2023.

18 By: /s/ Joe Foley
19 Joe Foley
20 Investigating Board Member
21 Represented by Chricy E. Harris, Esq.
22 Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State Board of Nevada Barber’s Health &
3 Sanitation Board, and that on November 30, 2023, I submitted for personal service and
4 service via Certified Mailing, a true and correct copy of the foregoing **COMPLAINT AND**
5 **NOTICE OF HEARING**, addressed to the following:

6 RAY LEWIS
7 8016 Cherish Avenue
8 Las Vegas, Nevada 89128

9 RAY LEWIS
10 Nevada’s First Barber School
11 1401 N. Decatur Boulevard, Suite 8 & 9
12 Las Vegas, Nevada 89169

13 RAY LEWIS
14 The Art of Barbers School
15 3528 Maryland Parkway Suite: 3610
16 Las Vegas, Nevada 89169

17 I further certify that a copy of the Complaint and Notice of Hearing was submitted
18 via Certified Mailing addressed to the following:

19 JUSTIN PATRICK STOVALL, ESQ.
20 Nevada Bar No. 11723
21 The Law Office of Justin Patrick Stovall, Esq., LLC
22 2301 Palomino Lane
23 Las Vegas, NV 89107
24 T: (702) 586-4744
25 F: (702) 446-9297
26 E: justin@jpstovall.com
27 Attorney for Royal Byron

28
By: /s/ Antinette Maestas
Antinette Maestas
Executive Secretary and Treasurer
for The State of Nevada
Barbers Health & Sanitation Board