

BOARD OF BARBER EXAMINERS  
STATE OF MINNESOTA

In the Matter of the  
Proposed Amendment of  
the Rule of the State  
Board of Barber Examiners  
Governing the Transfer of  
a License, Change of Location,  
or Expansion of a Barber School.

STATEMENT OF NEED  
AND REASONABLENESS

The Board of Barber Examiners proposes to amend Minn. Rules pt. 2100.5500, subpt. 2 (1987) by deleting the requirement of a hearing for the transfer of a license, change of location, or expansion of a barber school. The circumstances regarding the proposed rule relate to two recent applications under the existing rule. In one case, the school applied to change its locations, and in another case the school is contemplating a change of ownership. In both cases, the requirement of a contested case hearing has imposed a burden on the existing schools because of the additional costs and time associated with a contested case hearing. In the Board's opinion, such a hearing regarding a change in the licensing status of an existing school does not serve any significant purpose since the Board is already familiar with the management and operation of those schools. The questions of whether the license of the school should be transferred to another person, the location of the school should be changed, or the school should be expanded can all be addressed through a written application that is reviewed according to the standards of Minn. Stat. § 154.07 (1986) and Minn. Rules pts. 2100.5100 - 2100.5200.

As a result, the proposed rule is both necessary and reasonable. It deletes the requirement of a hearing while requiring that the application be considered pursuant to the standards of Minn. Stat. § 154.07 (1986) and Minn. Rules pts. 2100.5100 - 2100.5200 (1987). In addition, it allows an applicant whose application has been denied to request a contested case hearing.

Pursuant to Minn. Stat. § 14.115, subd. 2 (1986), the Board has considered the impact of the proposed rule on small businesses. The greatest impact will be on barber schools, although the proposed rule may also have an impact on barbershops. The proposed rule will significantly reduce the burden on existing barber schools that desire to change the status of their license. The proposed rule may also have an impact upon neighboring barbershops since there would not be a public hearing at which they could offer their views on the proposed transfer of a license, change of location, or expansion of a barber school pursuant to Minn. Rules pt. 2100.5200, subpt. 2.B. (1987). However, under the proposed rule, the Board still must consider the effect that the proposed action by the existing barber school will have on existing barbershops and barber schools in the community. Thus, the impact upon barbershops should not be very significant.