

STATE OF NEW YORK  
DEPARTMENT OF STATE

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In the Matter of the Complaint of

**DEPARTMENT OF STATE  
DIVISION OF LICENSING SERVICES,**

Complainant,

**DECISION**

-against-

**TATYANA KANTOROVICH,**

Respondent.

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This matter came on for hearing before the undersigned, Roger Schneier, on April 18, 1995 at the office of the Department of State located at 270 Broadway, New York, New York.

The respondent, of York Barber Shop, 981 Lexington Avenue, New York, New York 10021, did not appear.

The complainant was represented by Compliance Officer William Schmitz.

**COMPLAINT**

The complaint alleges that the respondent failed to conspicuously post a license to engage in the practice of barbering in the barber shop in which she was cutting the hair of a customer.

**FINDINGS OF FACT**

1) Notice of hearing together with a copy of the complaint was served on the respondent by certified mail on March 17, 1995 (State's Ex. 1).

2) On April 7, 1994 License Inspector Juanita Davis conducted an inspection of York Barber Shop, 981 Lexington Avenue, Manhattan. She observed the respondent cutting the hair of a customer and asked to see her license. The respondent stated that she was licensed as a barber, but had left her license at home.

The respondent was not, in fact, licensed at the time. She had been licensed as a hairdresser and cosmetologist from January 11, 1993 until July 7, 1993, pursuant to a temporary license, but had not renewed that license upon its expiration (State's Ex. 2).

**OPINION AND CONCLUSIONS OF LAW**

Pursuant to General Business Law (GBL) §439[3], a license to engage in the practice of barbering must be posted in a conspicuous place in the barber shop in which the licensee is engaged in that practice. The respondent in this case was never licensed as a barber, did not have a license to post and, therefore, cannot be held to have violated that section.<sup>1</sup> Accordingly, the complaint should be dismissed.

**DETERMINATION**

**WHEREFORE, IT IS HEREBY DETERMINED THAT** the charge that Tatyana Kantorovich failed to conspicuously post a license to engage in the practice of barbering is dismissed.

These are my findings of fact together with my opinion and conclusions of law. I recommend the approval of this determination.

Roger Schneier  
Administrative Law Judge

Concur and So Ordered on:

ALEXANDER F. TREADWELL  
Secretary of State  
By:

Michael E. Stafford, Esq.  
Chief Counsel

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<sup>1</sup> The equivalent provision of the GBL relating to hairdresser/cosmetologists, as in effect at the time of the inspection, was §407[3]. Setting aside the fact that the statute referred to posting in beauty parlors, not barber shops, since the respondent's license as a hairdresser/cosmetologist had expired at the time of the inspection, and, therefore, she did not then have a license to post, she could not be properly charged with violating that section.