

AGENDA
South Carolina Board of Barber Examiners Board Meeting
December 12, 2016, 9:00 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference Room 108
Columbia, South Carolina 29210

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the S. C. Board of Barber Examiners' office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.
- b. Rules of the Meeting Read by the Chairman
- c. Pledge of Allegiance

2. Introduction of Board Members and All Other Persons Attending

Chairman Paul E. Robinson called the meeting of the S.C. Board of Barber Examiners to order. Other Board members participating in the meeting included:

- ❖ Patricia Durkin
- ❖ Dr. Frederick M. G. Evans
- ❖ Edwin Barnes

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Sharon Wolfe, Office of Investigations and Enforcement (OIE); Tracey Perlman, Office of Disciplinary Counsel (ODC); Robbie Boland, Office of Investigations and Enforcement (OIE)

All Other Persons Attending:

Tina Behles, Court Reporter; Charlie Carter, Jr.; Richard Adams; Kitante London; Mary Washington; Levell Toney; Bert D. Lewis; Eddie Graham; Ellen Moss; Genia O'Bryant; Adam Emery; Timeka Felder; Elana Boyd Pee; George Jason Minus; Dale Horton

3. Approval of Excused Absences

Mr. Edwin Barnes made a motion to excuse the absence of Ms. Renee Patton who is in Charleston working on the next site for the National Association of Barber Boards of America (NABBA) conference. This motion was seconded by Dr. Frederick Evans. The motion carried.

4. Approval of Agenda

Dr. Evans made a motion to approve the agenda for today's meeting. The motion was seconded by Mr. Barnes and it carried.

5. Approval of Meeting Minutes

October 10, 2016

Dr. Evans made a motion to approve the meeting minutes from October 10, 2016, and it was seconded by Mr. Barnes. The motion carried.

6. Chairman's Remarks – Paul E. Robinson – MERRY CHRISTMAS!

7. Administrator's Remarks, For Information – Theresa Richardson

- a. **Budget** – For Information – Ms. Richardson stated that even with the drawdowns, there is a deficit and we have to keep in mind that this is not a renewal year as well. It is taking a longer time to come out of the deficit. The Board is coming out of the deficit, although it may not look so on paper.
- b. **OIE Report** – For Information - Sharon Wolfe – There were 101 incoming complaints since January 1st though December 1st of this year. The majority of the alleged issues are in reference to non-compliance, which is fraud, and unlicensed practice. There were 70 cases closed so far this year.

- c. **IRC Report** – For Approval - Sharon Wolfe – Dr. Evans made a motion to approve the IRC report and it was seconded by Mr. Barnes. The motion carried.

The question was raised about a cease and desist that was served in hand, which means that the investigator personally hand delivered the cease and desist order. The respondent still has to sign it and the investigator completes an affidavit stating so. An affidavit is completed if the respondent does not sign it as well. Mr. Barnes prefers that two (2) people hand deliver the cease and desist order, so that there is a witness there.

- d. **ODC Report** – For Information – Tracey Perlman
 - o 53 (Open Cases)
 - o 48 (Pending Cases)
 - o 5 (Hearings)

Ms. Perlman will get with Chairman Robinson to sign Consent Agreements on this afternoon. By September 30, 2016, eight (8) cases were closed. The vast majority of the cases pertain to late student reports. The late reports are no longer being investigated, but are fast-tracked from the Board of Barber Examiners to the Office of Disciplinary Counsel. If the respondents for the late reports do not believe that their reports were late and do not sign the Consent Agreement, they may contact Ms. Tracey Perlman directly. Ms. Theresa Richardson will find out if legal expenses are paid per case.

- e. **Inspection Report** – For Approval - Robbie Boland – There were 1,302 investigations attempted this year. Only 1,022 barbershops were actually inspected, whereas the other shops were closed.

8. Old Business

Professional Credential Services (PCS) will be reviewed as a testing agency for the Board of Barber Examiners. Chairman Robinson will get with Ms. Richardson in reference to it. Dr. Evans stated that there should be a survey conducted by the public for feedback on the discussion. The only difficulty in doing so, according to Ms. Richardson, is that most barbers do not have e-mail addresses on file with the agency, so she is unsure of how effective that would be. Dr. Evans suggested that the survey be placed on the website, so that a snapshot could be given of the services rendered by PCS. It would be important to add to the conversation and Board members should also visit the practical examination site(s) to identify problems as well.

9. New Business

- a. **Consideration of a 3rd Student Permit**
 - i. Ryan O'Neal Hudson

Mr. Hudson was not present for the hearing.

- ii. George Jason Minus

Mr. Minus is looking to obtain a third student permit. With his first permit, he was an hour away from his house and there were other personal issues. Currently, he is established on his terms. He will be a student at Genesis Hair Studio. Mr. Minus only has approximately 100 hours. Board members made it known that 4th permits are not given. Genesis Hair Studio and its instructor is in good standing. Mr. Dale Horton, owner of Genesis Hair Studio, along with Mr. Minus's instructor, Mr. Gary Deveaux, was present at the meeting. Chairman Robinson told them that there is no room for errors and that Mr. Minus has to make a full-time commitment. Monthly reports must be submitted. Dr. Evans stated that Mr. Minus would need 151 hours for 12 months. Genesis Hair Studio is only five minutes from Mr. Minus's home.

A motion was made by Dr. Evans to issue a third student permit for Mr. Minus and it was seconded by Mr. Barnes. The motion carried.

b. Consideration of Licensure with Criminal Background History

i. Kitante Oudante London

Mr. London was present and was seeking licensure as a Registered Barber Apprentice with criminal background history. He is currently on probation that will end in 2019. He had a letter of recommendation from a church member and his probation officer. Mr. London is living a new life and asked that the Board give him a second chance. He will be working at Logan's Barbershop and his goal is to take care of his family.

Dr. Evans made a motion to grant Mr. London his apprenticeship licensure and after one (1) year, he will be able to upgrade his apprentice license to a Registered Barber license. Mr. London will be on probation with the Board until January 2, 2019. Each year, he needs to submit a copy of the SLED report and if any additional infractions occur, he will need to come back before the Board. The motion was seconded by Ms. Patricia Durkin and it carried.

ii. Charlie Carter

Mr. Carter was present and seeking to gain licensure as a Registered Barber Apprentice. Barbering is a career that will help him provide for himself and his son. He loves barbering and it is what he wants to do. Mr. Richard Adams spoke on Mr. Carter's behalf as well. Mr. Adams is Mr. Carter's instructor, mentor, and motivational life coach. He stated that Mr. Carter has made exceptional strides and has done what he could for his newborn son and ailing mother. Mr. Carter has paid his debt to society and Mr. Adams will do anything that he can to help him. Probation for Mr. Carter ended in September and he has a barbershop that he may work in, if approved.

A motion was made by Dr. Evans to grant Mr. Carter the opportunity to obtain his licensure and it was seconded by Mr. Barnes. The motion carried.

c. Consideration of Reinstatement with Criminal Background History

i. Eddie B. Graham (BRB. 6575)

Mr. Graham was present and seeking reinstatement of his Registered Barber license. He was falsely accused of a crime and all charges have been dropped with credit given for time served. He may be off of probation in March if he is caught up on his fees. He has also been a part of different programs. Vocational Rehabilitation has supplied him with new barbering items, but he cannot receive them until he gets his license back. He helps cut hair every week with Alston Wilkes, on Mondays and Thursdays.

A motion was made by Mr. Barnes to go into executive session for legal advice and it was seconded by Ms. Durkin. The motion carried.

Mr. Barnes made a motion to come out of the executive session and it was seconded by Ms. Durkin. The motion carried.

A motion was made by Ms. Durkin to approve to reinstate Mr. Eddie Graham's Registered Barber license and it was seconded by Dr. Evans. The motion carried.

d. Barber College Instructors

This has been an ongoing issue from the Board. There is an insufficient number of instructors (Barber) that are available to the Barber Colleges/Schools and High Schools to adequately prepare students for their examinations. Crossover licensing was also a problem with cosmetologists not being properly trained on straight razor usage. Chairman Robinson asked for input on the licensing and training of Barber Instructors and crossover licensing.

Ms. Genia O'Bryant (Barber Instructor) stated that it is a challenge for a cosmetologist to cross over. In cosmetology school, they are not taught how to hold a razor, nor do they know the strokes. It needs to be legalized that they know those things. A lot of cosmetologists do not know how to do the clipper

over comb as well. True barbers need to know how to do the clipper over comb, along with other barber techniques. Her opinion is that cosmetologists take between 150 and 350 hours of barbering, before crossing over. Three hundred seventy-five (375) hours have been recommended already by the Board, but 600 hours are required for a student to obtain financial aid, which could be a three (3) month program, part-time. As far as instructors, a Master Hair Care Specialist could fill in for an instructor for a day to help out and a Methods of Teaching course for instructors may be useful as well. The Methods of Teaching course would help instructors teach more efficiently and give instructors the ability to take the information and make it their own.

Ms. Timeka Felder (Barber Instructor at Howard's Barber College) and Ms. Elana Pee (Administrator at Howard's Barber College) both spoke to give their input. They do not think that 600 hours are needed and that it would be overbearing. Five (5) weeks of training has been effective for their school, in reference to crossover licensing. Six (6) weeks would be adequate. They agree with the current measures in place and feel as though students should take the initiative to become the master of their craft. Chairman Robinson stated that our standard needs to be close to the national standard. Ms. Richardson stated that a bill has passed that if you have practiced for less than two (2) years as a cosmetologist, you are required to take 375 hours before being licensed as a Master Hair Care Specialist. This includes an examination as well.

A break was given for ten minutes.

e. Board Member Elections

A motion was made by Mr. Barnes to wait until Ms. Renee Patton was present at a meeting and it was seconded by Ms. Durkin. The motion carried.

10. Hearings – Tracey Perlman

- i. 2016-10
- ii. 2016-18

Cases 2016-10 and 2016-18 are companion cases in the matter of Bert Lewis and Hair Master Barber Shop. Mr. Bert Lewis was present. The respondent for Hair Master was not present, but was served with notice of the hearing. Ms. Mary Washington filed a complaint on behalf of her son, Mr. Levell Toney, who was a student with Mr. Lewis. Mr. Toney was referred to as 'Marquel' throughout the hearing. 'Marquel' is his middle name. Ms. Washington was the first witness called. Mr. Travis Prescott, a barber in the Hair Master Barber Shop, introduced Ms. Washington to Mr. Lewis. Mr. Prescott went to Ms. Washington's home to speak to Mr. Toney about on-the-job training and becoming a barber. Mr. Toney then met with Mr. Lewis who explained the on-the-job training and gave Mr. Toney a listing of the tools needed, that included the cost of the tools and overall training, which was \$10,000. Ms. Washington gave Mr. Lewis a check for \$5,000 in March of 2015. She gave another check for the same amount in July of 2015. Training for Mr. Toney was supposed to begin after the first payment. Mr. Toney had already received a kit and was at the barbershop every day. A textbook was not received until March of 2016. Prior to being given that textbook, Mr. Toney was given an outdated (2006) workbook to study from that Mr. Lewis gave him, but the answers were already listed. No attempt of repayment has been initiated by Mr. Lewis, as Ms. Washington took a big loss. She also filed a civil complaint. Mr. Levell Toney (Marquel) was called as the second witness. Becoming a barber was something new to him and he needed a job. The training began after the first payment was made. Training was conducted for about a year before Mr. Toney began getting fed up with using a workbook that had the answers already marked. He felt as though he could not learn that way. The textbook was not received until the threat of court came into play. Several items were paid for out-of-pocket by Mr. Toney and the items he received from Mr. Lewis were not worth the funds listed on the paperwork. The student permit is now expired. Mr. Toney has 680 hours at this time. Mr. Lewis stated that he used the funds for personal matters and to renovate the building. He asked the Board members to be lenient as he cannot afford to lose his employment and will try to make reparations to the Washington family. Ms. Perlman stated that Mr. Lewis took the money in bad faith and several violations occurred.

Ms. Durkin made a motion to go into a closed session and it was seconded by Mr. Barnes. The motion carried.

A motion was made by Mr. Barnes to go into executive session for legal advice and it was seconded by Dr. Evans. The motion carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Mr. Barnes. The motion carried.

Ms. Durkin made the following motion for cases 2016-10 and 2016-18:

- S.C. Code of Regulations Chapter 17: Barber Board (Section 17-8c): The State proved their case and there will be a fine of \$500 to be paid within 90 days.
- S.C. Code of Laws Title 40 Chapter 1 Professions and Occupations (Section 40-1-110-1e): The State did not prove their case.
- S.C. Code of Laws Title 40 Chapter 1 Professions and Occupations (Sections 40-1-110-1f, 40-1-110-1g): The Barber Instructor license will be revoked from Mr. Bert Lewis, and in reference to the barbershop, the case will be dismissed because the barbershop is not liable for training students.

Dr. Evans added that the state did prove their case in sections 40-1-110-1f and 40-1-110-1g of the code of laws and he seconded the motion. The motion carried.

A Board order will go out to Mr. Lewis with the information of the motion.

iii. 2016-32

iv. 2016-33

Cases 2016-32 and 2016-33 were companion cases. These cases were in the matter of the Sharper Image Barber Shop and Ms. Ciara Harris, manager of aforementioned barbershop. There were no respondents or representatives present, but they were properly notified. Mr. Robbie Boland was called as a witness. An inspection was conducted on March 16th at the Sharper Image Barber Shop and the violations were submitted to Mr. Boland. The barbershop was operating without a license. There was no application for the shop at all. Ms. Harris had an expired apprentice license as well. An attempt was made for lesser disciplinary actions, but no responses had been given to Ms. Perlman. Ms. Richardson was called a witness as well. She stated that once an apprentice license had expired, it does not become valid for another year. An upgrade application has to be completed to upgrade the apprentice license. That application may be found on the agency's website.

A motion was made by Dr. Evans to go into executive session for legal advice and it was seconded by Ms. Durkin. The motion carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Ms. Durkin. The motion carried.

A motion was made by Chairman Robinson for cases 2016-32 and 2016-33 by stating that both cases be dismissed as the Board has no jurisdiction over unlicensed practice. The motion was seconded by Dr. Evans and it carried.

v. 2016-34

This case was in the matter of Q-Cuts (barbershop). The respondent was not present and this was the second call for this case. It was first called in October of 2016. The respondent was sent a notice of the hearing. Mr. Kevin Eckard was called as a witness for this case. Mr. Eckard inspected Q-Cuts in May of 2016, which was a re-inspection from previous issues. There were sanitation issues, dirty tools, no licenses posted, tears/wears in chairs, hair over the floor, and cluttered work stations. Ms. Jennifer Stillwell, another inspector, accompanied Mr. Eckard. Mr. Barnes, upset, questioned why the barbershop still passed the inspection with all of the issues

given, along with photos. It is Mr. Barnes's opinion that it should have been a failed inspection. It was explained that the inspection report is on the barbershop as a whole and not individual licensees.

Dr. Evans made a motion to go into executive session for legal advice. The motion was seconded by Mr. Barnes and it carried.

Mr. Barnes made a motion to come out of the executive session and it was seconded by Ms. Durkin. The motion carried.

Dr. Evans made a motion that the State proved its case in reference to case 2016-34 with the following violations:

- 40-1-110-1f
- 17-50-3
- 17-50-4
- 17-50-8
- 17-50-9

The State did not prove its case in the violations listed below:

- 17-50-10
- 17-50-11

A public reprimand will also be issued. This motion was seconded by Ms. Durkin and it carried.

11. Discussion

Ms. Perlman asked a question about a previous case's motion in regards to 40-7-115 that references jurisdiction. Ms. League stated that the Board does not have jurisdiction over acts committed by non-licensees for discipline, which is seen in the Engine and Practice Act. The code states that it is for acts committed during the period of licensure.

A motion was made by Dr. Evans to direct the office to obtain the affidavit of costs for inspections and attorney fees prior to hearings, so that it may be added to any violations that are proven in the hearings. This may only be done with investigations/prosecutions, per statute 40-7-170, according to Ms. League. The motion was seconded by Mr. Barnes and it carried.

Mr. Boland needed clarification on inspections and Chairman Robinson stated that if a dirty mess was seen and only one booth/area is clean, then that barbershop should not pass the inspection. Also, if the issues are grave enough to come to a hearing, then it should be a failed inspection.

12. Board Member Reports

None.

13. Public Comments

Happy Holidays!

14. Adjournment

Dr. Evans made a motion to adjourn the meeting and it was seconded by Mr. Barnes. The motion carried.

The meeting adjourned at 1:15 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for February 6, 2017.
