

## MINUTES

South Carolina Board of Barber Examiners

Board Meeting

1:30 PM, February 10, 2003

Synergy Business Park

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Ed Barnes, Chairman, of Lexington, called the regular meeting of the Board of Barber Examiners to order at 1:30 p.m. Other board members present for the meeting included: Don Norris, Vice Chairman, of West Columbia; Fred Evans, of Columbia; and Paul Robinson, of Orangeburg.

Staff members participating during the meeting included: Harlon Campbell, Inspector; Sandra Dickert, Administrative Assistant; Lisa Hawsey, Program Assistant; Shonda Johnson, Administrative Specialist; Eddie Jones, Administrator; Kent Lesesne, Attorney, LLR-Office of General Counsel and Kathy Stephens, Investigator.

Members of the public attending the meeting included: Marshal Ashford, Mark N. Barrett, Shanekia Byrd, Dirk Clark, Spencer Harris, Viola Harris, Larry Irby, Christopher L. Javis, Mary Neal, Shanita Peppers, Derrick B. Pressey, and Alford Stone.

Mr. Barnes announced that public notice of this meeting was properly posted at the S. C. Board of Barber Examiners office, Synergy Business Park, Kingstree Building, Room 108 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. He noted that a quorum was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

All present recited the Lord's Prayer.

Approval of the October 14, 2002 Meeting Minutes

MOTION

Mr. Robinson moved the Board approve the minutes of the October 14, 2002 meeting as presented. Mr. Norris seconded the motion, which carried unanimously.

Chairman's Remarks - Edwin Barnes

Mr. Barnes stated the national association is looking at South Carolina to host the convention in 2005 or 2006. He asked Mr. Jones to research this matter and advise him of the possibility of South Carolina hosting the convention.

Mr. Barnes questioned staff on how many Board members would be able to attend the

national convention in September 2003. Mr. Jones stated the new director is proposing that funds be made available for two members to travel. He went on to say that should three members wish to attend the convention, the members would have to split some of the expenses.

#### Administrator's Remarks, For Information - Eddie Jones

1. Governor Sanford's Cabinet Nominee for the Dept. of LLR - Adrienne R. Youmans  
Mr. Jones stated Governor Sanford has nominated Adrienne Youmans as director of LLR. She is Acting Director of the agency until such time she is confirmed by the Senate, which is scheduled for February 11, 2003.

2. Exam Results for October 2002, November 2002, December 2002 and January 2003  
The exam results for October 2002, November 2002, December 2002 and January 2003 were presented to the Board members for their review. (These results are herewith attached and become a permanent part of this record.)

Mr. Jones stated he was unable to coordinate a representative from Experior and NIC to speak at today's meeting in regard to the instructor's exam.

#### Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the February 10, 2003 meeting.

#### Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during the February 10, 2003 meeting.

#### Action Items

##### Ratification of Mail Ballots

a. Ballot 1 - Approval of Granting 60 Credit Hours to Dirk Clark, Senyell Westfield Mims and Judy Wilkes (Approved)

On October 23, 2003 the Upper Savannah Workforce Development Board mailed a request to the Board asking for approval of additional credit hours to Dirk Clark, Senyell Westfield Mims and Judy Wilkes. Staff requested the Board grant 60 credit hours to these individuals. The request, along with affidavits from Mr. Clark, Ms. Mims and Ms. Wilkes, and mail ballots were mailed to the members for their approval or disapproval in this matter. The Board voted to approve granting 60 credit hours to Mr. Clark, Ms. Mims and Ms. Wilkes. The members were informed that the ballot would be ratified at the December 9, 2002 meeting. However, since the Board did not meet on December 9, 2002 the mail ballot was brought forward to the February 10, 2003 meeting for ratification.

#### MOTION

Mr. Norris moved the Board ratify the mail ballot regarding the credit hours for Dirk Clark, Senyell Westfield Mims and Judy Wilkes. Mr. Evans seconded the motion, which carried unanimously.

b. Ballot 2 - Approval of Master Hair Care Apprentice License to Jamie Terrell Malbrough

(Approved)

On October 17, 2002 staff received a Master Hair Care Apprentice application from Jamie Terrell Malbrough. Mr. Malbrough answered yes to the question that asks if the applicant has currently, or within the past five years, been arrested, indicted, convicted, pled guilty, or pled nolo contendere for violation of any federal, state or local law. Mr. Malbrough was arrested and charged with the theft of cable service and use of an illegal decoder on July 12, 2000. Since the Board was not scheduled to meet again until December 9, 2002 the members were mailed a ballot, along with the pertinent information and asked to cast their voted in this matter. The members were informed that the ballot would be ratified at the December 9, 2002 meeting. However, since the Board did not meet on December 9, 2002 the mail ballot was brought forward to the February 10, 2003 meeting for ratification. The members voted to grant Mr. Malbrough a Master Hair Care Apprentice license.

MOTION

Mr. Norris moved the Board ratify the ballot on Jamie Terrell Malbrough. The motion was seconded by Mr. Evans and unanimously carried.

c. Ballot 3 - Approval of the December 9, 2002 DRC Reports (Approved)

On December 9, 2002 the DRC met and approved the DRC Report, the Complaints Approval Report, the Disciplinary Report and the Case Disposition Report. Since the December 9, 2002 Board meeting had been cancelled the members were mailed a ballot along with the reports and asked to approve or disapprove the reports. The members were informed that the ballot would be ratified during the February 10, 2003 meeting.

MOTION

Mr. Evans made a motion, seconded by Mr. Norris and unanimously carried, to ratify mail ballot three.

d. Ballot 4 - Approval of Licensure for Joan's Barber College (Approved)

On November 25, 2002 the Board received a Barber College application from Joan's Barber College in Dillon. This application was submitted to change the location of the barber college. Mr. Raymond Lee and Mr. Ronnie Blackmon, staff inspectors/investigators conducted an inspection of the school on December 5, 2002 and indicated the school passed the inspection. Since the December 9, 2002 meeting had been cancelled and the Board would not meet again until February 10, 2003 the members were mailed a ballot along with the pertinent information and asked to approve or disapprove granting a license to this barber school. The members were informed that the mail ballot would be ratified during the February 10, 2003 meeting. The members voted to approve the school for licensure.

MOTION

Mr. Robinson moved to ratify mail ballot four. The motion was seconded by Mr. Evans and unanimously carried.

## Unfinished Business

There was no unfinished business discussed during the February 10 2003 meeting.

## New Business

### 1. Approval of Third Student Permit - Derrick B. Pressey

Derrick B. Pressey is requesting a third student permit as a result of being involved in an accident in December 1999 during the time he was learning under his second permit.

## MOTION

Mr. Evans moved the Board approve Mr. Pressey's request for a third student permit. The motion was seconded by Mr. Robinson and unanimously carried.

### 2. Approval of Fourth Student Permit - Larry Irby

Mr. Irby has failed the exam four times and fees he needs further training to pass the exam. He has already had three student permits. He would like to train under his first instructor.

## MOTION

Mr. Robinson moved that a fourth permit not be extended to Mr. Irby. Mr. Norris seconded the motion, which carried unanimously.

### 3. Approval of Work Permit - Christopher L. Jarvis

Mr. Jarvis is requesting which would allow him to work in a barbershop while he studies for a re-exam. He previously received on-the-job training under a barber who did not attend the OJT class. Mr. Jarvis has since been employed with a company, which is closing within two months. He would like to resume a career as a barber.

The Board determined it would discuss this matter in executive session.

### 4. Approval of Apprentice Barber Examination - Dirk P. Clark

Mr. Clark is requesting the Board's approval to take the apprentice barber examination. Mr. Clark answered yes to the question that asks if he has been arrested or convicted. Staff has not received a copy of Mr. Clark's SLED report.

The Board determined it would discuss this matter in executive session.

### 5. Interpretation of Work Permit at Age 16 - Shanita Peppers, B-Unique Barber Academy

Ms. Peppers, owner of B-Unique Barber Academy has a student, Shanekia Byrd (her daughter), who would like to attend her barber college. However, the student is 15 years old and staff returned her application because of her age. Ms. Peppers is asking the Board to explain why training with a work permit cannot begin at 15 years of age.

Ms. Peppers presented the members with a copy of the South Carolina child labor laws.

## Recess

The Board took a short recess to allow Mr. Lesesne the opportunity to review the

information Ms. Peppers presented to the Board for review.

#### Return to Public Session

Mr. Lesesne stated the Board has always required an individual to be 16 years of age to obtain a student permit.

The Board determined it would discuss this matter in executive session.

#### 6. Approval of Mobile Barbershop - Mark N. Barrett

Mr. Barrett is interested in beginning a mobile barbershop and would like the Board's approval in this venture.

Mr. Barnes stated the issue the Board has with mobile barbershops is that an inspector would not be able to find the shop to conduct an inspection.

#### MOTION

Mr. Evans made a motion, seconded by Mr. Robinson and unanimously carried, that Mr. Barrett's request be denied.

#### 7. Approval of Waiver for Barbershop - Terry Alcock

Mr. Alcock is requesting the Board's approval to waive the barbershop requirement to cut hair in a private country club.

Mr. Lesesne stated staff had requested a legal opinion from Ms. Sharon Dantzler who indicated that the facility would be subject to inspection such as a shop in a nursing care facility. He further stated the establishment would have to pass the necessary inspection requirements for a shop. He indicated the establishment would not have to be licensed as a barbershop since it would not be open to the public would not be open to the public.

Mr. Barnes stated he disagrees with Ms. Dantzler's opinion in this matter.

#### MOTION

Mr. Robinson moved the Board receive further information from Ms. Dantzler prior to taking action in this matter. Mr. Norris seconded the motion, which carried unanimously.

#### 8. Approval of Barber School Application - Woods Barber College - C. T. Woods, Instructor

Ms. Viola Harris, owner of Woods Barber College, and Carnie Woods, Instructor, are requesting Board approval to open a barber college at a different location in Columbia. The facility is close to 1,500 feet including the storage area. Ms. Harris is the owner of the college and is also a student. Ms. Harris indicated that a part-time instructor has been hired to assist in the instruction of students.

#### MOTION

Mr. Evans moved the Board approve the application, pending inspection of the school. The motion was seconded by Mr. Norris and unanimously carried.

## Discussion Items

Items of Concern from C. T. Woods, Instructor, Woods Barber College

- Continuing Education
- Laws and Barber
- Barber Training
- Instructor Training

Ms. Carnie Woods presented the Board with items of concern in the barber industry and then she also presented proposals regarding these concerns to the Board.

Mr. Barnes informed Ms. Woods that the Board has increased its fine schedule and that these funds go to the General Assembly.

## Request for Third Student Permit - Alford Stone

Mr. Jones stated he was going to present a request for a third student permit from Mr. Alford Stone. He noted, however, that the Board could not take action on this matter at this meeting, as this matter was not placed on the agenda in accordance with the F.O.I. A. requirements. He asked the Board to allow staff to complete a mail ballot in this matter.

## MOTION

Mr. Robinson moved the Board take action on this matter by mail ballot.

## Public Comments

There were no public comments made during the February 10, 2003 meeting

## Executive Session

The Board entered executive session to discuss disciplinary actions and to seek legal advice.

## Return to Public Session to Report on Executive Session

Mr. Barnes noted for the record that no motions were made and no votes taken during executive session.

Larry Irby

## MOTION

Mr. Robinson moved Mr. Irby's request for a work permit be denied. Mr. Norris seconded the motion, which carried unanimously.

Christopher L. Jarvis

## MOTION

Mr. Robinson made a motion, seconded by Mr. Evans and unanimously carried, that Mr. Jarvis' request for a work permit be denied.

## Eligibility to Take Exam - Dirk Clark

Mr. Barnes questioned Mr. Clark regarding his arrest record. Mr. Clark stated he remains

on probation for one more year and until he pays restitution.

#### MOTION

Mr. Evans moved that the Board accept Mr. Clark's petition to obtain approval for the barber apprentice examination. Mr. Norris seconded the motion, which carried unanimously.

Interpretation of Work Permit at Age 16 - Shanita Peppers, B-Unique Barber Academy  
Mr. Robinson stated after studying the law with General Counsel in executive session the Board has concluded that Ms. Peppers' daughter would be allowed to enroll in the barber college and for that matter anyone could enroll in a barber college as long as they have successfully completed the ninth grade. He further stated that upon completion of her hours, she would have an apprentice period of one year and she would not be able to sit for the Registered barber or Master Hair Care exam until she reaches the age of 17.

#### MOTION

Mr. Evans moved the Board allow Shanekia Byrd be enrolled in the B-Unique Barber Academy. Mr. Norris seconded the motion, which carried unanimously,

Approval of February 10, 2003 DRC Reports

#### MOTION

Mr. Evans moved the DRC reports of February 10, 2003 be approved.

#### Election of Officers

Mr. Evans moved Edwin Barnes be elected chairman. Mr. Robinson seconded the nomination. There being no further nominations, Mr. Barnes was elected chairman by acclamation.

Mr. Evans nominated Mr. Norris be elected vice chairman. There being no further nominations, Mr. Norris was elected vice chairman by acclamation.

#### Adjournment

The meeting adjourned at 4:40 p.m.