

MINUTES
South Carolina Board of Barber Examiners
Board Meeting
10:00 A.M., July 20, 2009
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Meeting Called to Order

Edwin Barnes, chairman, of Lexington called the meeting to order at 10:00 a.m. Other Board members attending the meeting included: Paul Robinson, vice chairman, of Orangeburg; Dr. Fred Evans, of Columbia; and Renee Patton, of Inman.

Staff members participating during the meeting included: Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel, Office of General Counsel; Eddie Jones, Administrator; and Tracey McCarley.

Mr. Barnes noted that 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

New Business

1. Approval of Barber Hours
 - a. *Profile Barber College*

Mr. Bryant stated the Board has two vitally important incidents he wished to discuss with the Board.

Mr. Bryant reminded the members of the hearing held regarding Profile Barber College which resulted in the suspension of the school's license as well as the suspension of Mr. Rodrick Samuels' instructor's license. He briefed the members regarding a timeline involving the investigation: staff was alerted to the problems Profile Barber College and began an investigation into the matter. The investigators immediately attempted to seize the students' records; however, the real estate firm would not let staff into the building. The investigators eventually were able to obtain some of the students' records. The investigators knew Mr. Samuels was teaching barber students without the proper permits. Staff does not know where the money is which Mr. Samuels earned from the students he taught. Staff investigators spoke with school officials in the Charleston area who indicated they are at a loss like staff. The school officials placed their faith in Mr. Samuels who let the schools down. Mr. Bryant repeatedly met with Mr. Samuels attempting to retrieve the students' records and attempting to figure out what had been going on. No improprieties down by the investigative staff. Mr. Samuels had the opportunity to appear at this meeting but did not show. Mr. DeLeon Andrews, staff investigator, has been working diligently on the case.

Mr. Bryant stated Mr. Samuels was properly disciplined by the Board. He noted the students have paid to attend school and obtain hours and are now missing opportunities to work because of Mr. Samuels' actions. He is asking the Board to evaluate the evidence and allow the students be granted the hours they attended and continue their education.

Mr. Bryant presented the members with documentation regarding Profile Barber College.

Mr. Barnes asked where the agency received the information regarding the students at Profile Barber College. Mr. Andrews stated investigative staff pulled the information together from the information gathered from the school. He further stated some of the students' hours were located in the box and some of the hours were obtained from transcripts obtained from Mr. Samuels.

Mr. Barnes asked if the students signed documents accrediting the hours. Some of the students answered negatively.

Mr. Andrews stated Mr. Samuels did not follow procedure in regard to mailing the monthly reports regarding hours as a result of not registering the students in the class.

Mr. Bryant stated the agency is asking that the Board assist in protecting the victims of Mr. Samuels' failures to keep accurate student records.

b. Heyward Career and Technology Center

Mr. Bryant stated the career center's administration failed to obtain the permits for the students. He further stated it was not due to misappropriation of funds and that staff has fully cooperated with the Board and investigative staff in an attempt to discover what happened in this matter. He said the records have been well kept. He urged the Board to allow the student to obtain their permits.

Mr. Bryant stated he has spoken with the agency's director in this matter and has kept her apprised of these two matters. He further stated she also urges the Board to grant the hours in both situations.

Mr. Barnes returned to the issues presented by the missing Profile Barber College records and asked the students from Profile Barber College if they did not know they were supposed to sign monthly sheets regarding hours. One of the students replied negatively. He said they had to sign one sheet every day they attended class.

Mr. Barnes asked the students if any of them were ever told at any given time that they were supposed to sign a monthly sheet for any hours obtained. The students replied negatively.

Mr. Bryant introduced Mr. Jim Atkinson from the Low Country School District.

Mr. Barnes asked Mr. Atkinson if he knew that the students were supposed to sign a monthly sheet regarding hours. Mr. Atkinson replied he did not know the students were to sign a monthly sheet until the agency's investigators interviewed him. He also did not know that the students were to have student permits. Staff had good faith in Mr. Samuels. He knew that the students were in the barber class for three and one-half (3 ½) hours every day for 185 days.

Mr. Barnes asked Mr. Atkinson if the school district had records that the students were in class every day. Mr. Atkinson stated he did not bring the students attendance records but could pull that information to see if any student missed any class days. Mr. Barnes stated the Board would need a record of the fact that the students attended class. He stated the district did not realize Mr. Samuels was negligent in his record keeping.

Mr. Barnes stated Mr. Atkinson was notified one year ago that there was a problem with Mr. Samuels' class. Mr. Atkinson replied he did not think it was one year ago, but it could be approximately one year ago. Mr. Barnes asked Mr. Atkinson if the school officials notified Mr. Samuels that they were made aware of poor record keeping. Mr. Atkinson replied the school district knew the agency was working with Mr. Samuels in obtaining the records. He stated the district did not learn until later that the permits had not been applied for. Mr. Barnes stated he is concerned with the fact that the district did not approach Mr. Samuels regarding record keeping.

Mr. Bryant stated the agency was alerted to alleged misconduct once the school had been closed and the doors were locked. He went on to say staff traveled to the school district and notified the officials that they had a problem with the subcontracted employee teaching the barber class. He went on to say staff made diligent efforts in attempting to obtain the records and make them obtain the necessary student permits. He said at the time the investigation began Mr. Samuels was still employed with the school district; however, he is no longer employed with the district. He said staff had to go to Mr. Samuels and explain to him how to run the school. From that point forward staff is sure the hours were kept, but staff is unsure of the hours for the approximate two years prior to the start of the investigation.

Mr. Atkinson stated the district assumed all monitoring was being done by the agency and that Mr. Samuels was completing all of the elements he was supposed to be completing.

Ms. Patton stated she is concerned with the fact that no records were being properly kept even when the investigation was going full force. She asked why the hours were not submitted during the investigation. Mr. Bryant replied he is unsure that is a correct statement. He stated subsequent to the investigation the hours were being kept. Ms. Patton stated Ms. Hawsey had indicated during the last board meeting that the hours were not turned in from January 2009 to June 2009. She asked that staff research to see if those hours were submitted.

Ms. Frost spoke on behalf of her son. She stated her son graduated in 2009 and had hoped to further his profession by attending barber courses in high school followed by obtaining a two year degree in order to open his own business. They have since learned he has no recorded hours. She stated her son should have approximately 600 hours. The document reflects Mr. Frost has 178 hours. She also stated she is involved with her children's education and was concerned with Mr. Samuels' lack of instruction. She said she wrote a letter to Mr. Samuels in regard to the lack of instruction, although she did not send a copy of the letter to the district officials.

Mr. Robinson stated on the document the Board receive and asked a question regarding the number of hours obtained in column one and column two. He went on to say there are some names on the document with the grids and not on the other list. Mr. Andrews stated the information presented to the Board members is based on information which was in Mr. Samuels' possession. Mr. Robinson asked Mr. Andrews if the information contained receipts for monies paid to the school district for the students to attend Profile Barber College. Mr. Andrews replied negatively. Mr. Robinson asked if it would be too much trouble to ask if that information could be obtained. Mr. Bryant stated Mr. Atkinson's office could provide that information to the agency. Mr. Robinson stated it sounds as though the students will receive hours that could be accounted for by receipts of monies paid which is to be provided by the parents and the number verified attendance hours provided by the school district.

Mr. Robinson asked if the agency is asking that the Board accept the hours for the Profile Barber College students as presented. Mr. Atkinson stated he would like to research the students' hours to present to the Board. Mr. Robinson stated he has no problem granting verifiable hours to the

students; however it does not seem that the agency or the school has determined a solid number of hours for the students. He noted there are students on the list who do not have any hours listed. He said those students would be attending a Board meeting asking the Board to grant hours if the Board grants hours to the students with hours noted.

Mr. Bryant questioned the Board how they would propose the agency verify students' hours. He further stated the documentation presented to the Board members was not a proposal.

Mr. Robinson stated he would not have a problem granting hours to individuals who attended Profile Barber College and who are not high school students who can provide verifiable hours and receipts of monies paid on an as needed basis. He noted students who pay all funds up front but do not attend the entire time should submit course work such as testing to the Board. He would be willing to interview the students regarding the hours.

Ms. Dantzler stated the statute states the Board must issue licenses based on hours of training. She further stated the question is how the Board determines the verification of hours. She noted the regulations reflect a presumptive way to verify the hours which is not working in these issues. She further stated it is the duty of the applicant to show the Board he or she is qualified to become licensed and compared it to the duty to explain a "yes" answer concerning a criminal background. In this case the students will have to use an alternative way of showing proof to the Board. She believes the school system can assist the students by providing certified attendance records through the school system. She suggested the students provide the Board with independent corroboration that they were at the school during the time provided by the school system. She went on to say it will be more difficult for the private students who attended Profile Barber College. She noted nothing could probably be done for the private students until they provide documentation to the Board. It would then be up to the Board and the agency to determine what can be done for those students. She said the burden of proof is on the applicant to show he or she attended school. She suggested the documentation submitted be signed and sworn before a notary public. She said that an interview with a Board member for private students who are willing to provide sworn documentation a good idea. She stated the Board should put together evidence it can rely on since information from Mr. Samuels is not reliable.

Ms. Sherry Rivers, principal of Heyward Career and Technology Center, thanked the Board for allowing her and the students attend this special meeting. She is asking that the Board grant the students their hours. She noted the students and the instructor were caught up in the situation due to the delay in the arrival of the furniture. She is asking that the Board grant the students the hours earned and documented.

Mr. Barnes asked if the students of Heyward Career and Technology Center signed documents regarding monthly hours. One of the students stated the students signed sheets every day of attendance and entered their names in a computer. He noted he has a student permit.

Mr. Robinson stated he was under the impression the students did not have permits because the school did not have a permit. Ms. Rivers stated she is asking that the Board grant hours for the time the school did not have a permit. Mr. Robinson stated the students would have obtained just over 200 hours during the time the school and the students were not permitted. He asked Ms. Rivers if the students were issued permits during the time the school was not permitted. Ms. Rivers answered negatively. She stated technically there was no program prior to the receipt of the school permit.

Mr. Makili Terry, the barber instructor employed by Richland School District One, stated he had the students sign in on tablets at the beginning of the year. He further stated he then had the students sign in on sign in sheets and also has documentation on the days the students were not in attendance at the school. He showed the Board sheets the students signed for the months in question.

Mr. Robinson asked Mr. Terry if he was aware there was no school permit. Mr. Terry replied affirmatively. He noted he was hired by the district and knew he had to teach the students in his class. He said the official forms were not sent to him until after the school received the permit.

Mr. Barnes asked Mr. Terry if he informed the school that the students were probably not receiving hours of training. Mr. Terry replied affirmatively. He noted two students left the program.

Ms. Patton asked the students of Heyward Career and Technology Center if any of them could tell her how many hours of training they have obtained. None of the students could give Ms. Patton the information.

One of the students from Heyward Career and Technology Center spoke to the Board. He noted all of the students have worked hard and have assisted each other to become the best barbers they could be. He went on to say not all of the students plan to attend college after high school. He noted the students enjoy the barber profession.

Executive Session

The Board entered executive session to seek legal advice on these issues.

Return to Public Session

The Board returned to public session.

Heyward Career and Technology Center

Ms. Patton made a motion the Board consider the students' hours after which the Board will report to Heyward Career and Technology Center during the regularly scheduled Board meeting on August 10, 2009. The Board is instructing staff to investigate the instructor and the school for operating without a license. Mr. Robinson seconded the motion, which carried. Dr. Evans did not vote in this matter.

Profile Barber College

Mr. Robinson made a motion the Board is directing the staff to accept the affidavit of hours from the students affected by Profile Barber College and Fort Dorchester program enrolled in that program. If the hours are confirmed by the school district and/or this office, then the hours will be granted. Private students who attended Profile Barber College or on the campus of Fort Dorchester must submit certified documentation after which he will personally interview those individuals to verify the documented information to determine the number of hours to be granted. However, those students must come forward on their own. Dr. Evans seconded the motion, which carried unanimously.

Adjournment

MOTION

Dr. Evans made a motion the meeting be adjourned. Mr. Robinson seconded the motion, which carried unanimously.

The July 20, 2009 meeting of the SC Board of Barber Examiners adjourned at 11:45 a.m.