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MINUTES
South Carolina Board of Barber Examiners
9:00 A.M., August 13, 2012
Synergy Business Park
Kingstree Building, Conference Room 108
110 Centerview Drive, Columbia, SC 29210

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8 **Video of this meeting can be viewed at the state's public website: www.llr.state.sc.us/POL/Cosmetology,**
9 **On the Board's home page click "Board Information" and follow the link to the video.**

10 *These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of the*
11 *meeting. A transcript of this meeting providing more detail will be available on the Board's website –*
12 *www.llr.state.sc.us/pol*

13 **Meeting Called to Order**

14 Chairman Paul Robinson called the meeting to order of the SC Board of Barber Examiners at 9:00 a.m. Other
15 members participating in the meeting included: Renee Patton Vice Chairman, Frederick M. G. Evans and
16 Edwin Barnes.

17 **Staff members participating in the meeting included:** Andrew Rogers, Assistant General Counsel, Sara
18 McCartha, Advice Counsel; Doris Cubitt, Administrator; Roz Bailey-Glover, Matteah Taylor, Malinda
19 Pressley, Glenda Legette, Administrative Staff. Robbie Boland and Sharon Wolfe, Office of Investigative
20 Services. Cecelia P. Englert, Court Reporter.

21 **Others participating in the meeting included:**

22 William D. Boseman, Thomas Patterson, John Campbell, Shannon Patterson, Jessica Patterson, Francine
23 Rananto, Delores Rush, Wayne Kindle, Catherine A. Kelly, Kimberly Scott, Williemon Scott III, Francine
24 Rananto.

25 **Public Notice:**

26 Chairman Robinson announced that public notice of this meeting was properly posted at the SC Board of
27 Barber Examiners Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons,
28 organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of
29 Information Act.

30 **Pledge of Allegiance:**

31 All present recited the Pledge of Allegiance.

32 **Approval of Agenda**

33 **Motion:**

34 Mr. Barnes made a motion to approve the agenda. Ms. Patton seconded the motion, which carried
35 unanimously.

36 **Approval of Excused Absences:**

37 All members were present at the June 11, 2012 meeting.

38 **Approval of the Meeting Minutes from June 11, 2012**

39 **Motion:**

40 Mr. Evans made a motion to approve the June 11, 2012 minutes. Mr. Barnes seconded the motion, which
41 carried unanimously.

43 **Chairman's Remarks – Paul Robinson, Jr.**

44 Chairman, Mr. Robinson informed the Board the Mr. Byron Ray is no longer the Board Administrator. Mr.
45 Robinson thanked Mr. Ray for his service, and welcomed Ms. Doris Cubitt as the Board Administrator. Mr.
46 Robinson asked that Ms. Cubitt ensure travel approval for two board members to attend the National
47 Convention in Louisville, Kentucky have been cleared by LLR. Mr. Barnes will also attend the convention,
48 but he will be driving his own vehicle to the event. Mr. Robinson stated the financial information he received
49 from Mr. Ray for the fiscal year covering the Barber Board was disturbing, and that he would like for Ms.
50 Cubitt to provide a copy of the budget information details, and clarify the board's expenses. Ms. Cubitt stated
51 she would provide the financial information to the board during the break. Mr. Robinson stated that an Ethics
52 Committee meeting must be scheduled before the next official board meeting.

53 Mr. Barnes let Ms. Cubitt know that the board needs a list for the national convention on what's happened
54 over the course of this fiscal year with the Barber Board. The list will be given to Ms. Patton and must
55 contain the number of barbers and schools operating in South Carolina. Mr. Barnes also mentioned that the
56 gifts need approval for the members attending the convention. The costs range from twenty to twenty-five
57 dollars. Mr. Barnes clarified that Ms. Patton and Mr. Robinson will be attending the convention. Ms. Cubitt
58 let the board know she would follow-up on the travel approvals. Mr. Robinson mentioned the advertising
59 information for the booklet was previously provided. Ms. Patton stated she would follow-up on the ad space
60 information. Mr. Barnes stated that LLR usually provides a check covering two board members for the
61 registration fee either in advance or the check should be given to Ms. Patton to hand deliver for the
62 registration.

63 **Interim Administrator's Remarks, for Information – Doris Cubitt**

64 Ms. Cubitt stated that she will follow-up on the convention information and get back to the board. Ms. Cubitt
65 stated that staff is working on a tracking system to ensure barber instructors are turning in completed hours
66 for their on the job trainees. Staff will test the system starting with the July hours, and will have a report for
67 the board at the October meeting. Ms. Cubitt reminded board members to refer all calls regarding any issues
68 to the Administrator, so that board members won't have to recuse themselves if that issue must come before
69 the board.

70

71 **Advisory Opinions, if needed, Office of General Counsel – There were none.**

72

73 **Legislative Update, if needed, Legislative Liaison Office**

74 Ms. McCartha reminded the board that if there was anything in the regulations the board wanted review or
75 discuss, she could work with them on the regulations and provide guidance on the statutes at the next meeting.

76

77 **OIE Report – Office of Investigations and Enforcement**

78 Ms. Sharon Wolfe reported that of the cases received from January 1, 2012 – August 10, 2012, there were five
79 active cases, and twelve closed cases. For the same time frame last year, January through August 10, 2011,
80 they closed ten closed and had one active case. The board has not had an IRC meeting since the last board
81 meeting.

82

83 **OGC Report – Office of General Counsel**

84 Mr. Andrew Rogers provided the board with an OGC case list indicating four open cases, four pending, and
85 one closed case as of August 13, 2012. At the last board meeting Mr. Barnes asked for clarification on which
86 case was close. Mr. Rogers stated that the case against Mr. Douglas Harley was closed by consent agreement.

87

88 **IRC Report – Robbie Boland**

89 Mr. Boland provided the board with an inspection report indicating inspections completed for July were 329
90 and for the month of August they completed 250 inspections for a year to date total of 579 inspections. For
91 the violations, there's no report because the IRC has not met. The report previously given to the board
92 covering June 4, 2012 shows case #2012-3 and case #2011-18. Mr. Evans directed the boards attention to
93 case #2011-18 that appeared on the June 4, 2012 IRC report, and was addressed at the last board meeting, and
94 referenced in the June 11, 2012 minutes, line 97-103. Ms. Wolfe from the investigations department was not
95 present to answer board questions. Mr. Evans wanted clarification on the case because the college student
96 was issued a letter of caution for cutting hair based on a newspaper report. Ms. Cubitt stated that, based on
97 her understanding, the letter of caution should have been sent. Mr. Barnes clarified the policy which has

98 been in effect for many years that states: if you are a college student, and you are cutting hair at the college
99 for other students to help them, and if they want to give you money, you can receive the money without a
100 license as long as you are still a student. Mr. Barnes agreed that no letter of caution should have been issued
101 to the student because it's not illegal for the student to receive compensation. If, however, the person is not a
102 student, and going into a school/ college to cut hair then that person is acting illegally and should be issued a
103 citation. A student paying tuition can cut hair for a fee without a license, and it's legal. Ms. Cubitt stated that
104 the thought process behind the letter of caution was to inform the student that what he is doing is not illegal,
105 but cautioned him that in the future, he cannot cut hair for a fee once he is out of school without a license.
106 Mr. Evans stated that he understands the rationale, but the letter of caution is part of the disciplinary process.
107 Ms. Cubitt further explained that a letter of caution is the result of a disciplinary case being opened, but the
108 letter of caution is issued after a case is dismissed. The letter was sent to him to explain the situation. There
109 was no violation found. The letter was just a warning.

110

111 **Old Business**

112

113 Mr. Robinson asked the board to review the financial statement of total expenditures received from Ms.
114 Cubitt. Mr. Robinson wanted clarification regarding the yearly deficit carried over from year to year. Ms.
115 Cubitt stated she did not have any definitive answers at this time, but the board may want to review their
116 current fees. Legislatively it will be difficult to get fees raised. She would have to look at the procedures in
117 the board's statute regarding possibly raising fees. Mr. Robinson stated that the deficit is not sustainable, and
118 that the revenue coming is sufficient based on the size of the board, but that the expenditures appear to be way
119 out of line for the size of the board. The formula being used to calculate the expenditures does not appear to
120 be fair based on the size of the board. Mr. Robinson suggested forming a committee to address some of the
121 expenditure issues, and deal with the deficit situation between now, and the end of the year. Mr. Evans
122 requested that Ms. Cubitt supply the board with financial documentation covering previous years from 2007
123 to 2012 in order to determine where the deficit, and shift in expenses occurred. Ms. Cubitt stated that she
124 has already asked for the financial summaries from 2006 forward and will provide that information to the
125 board. Mr. Evans suggested waiting for the financial data to be received before the board forms a committee.

126

127 Mr. Barnes stated that the committee creating guidelines for application hearings and disciplinary hearings
128 has not had an opportunity to meet to finalize the guidelines. Ms. McCartha and Mr. Barnes will connect
129 after the board meeting to finalize some dates on the calendar to meet again.

130 **New Business**

131

132 **Approval of Third Student Permit - Williemon Scott, III**

133 Mr. Scott was not present at the time his name was called and would come in at a later time.

134 Based on documentation, Mr. Scott completed 1264.25 hours at Fort Dorchester High School. The first
135 permit was granted on June 8, 2010. The second permit was granted on June 8, 2011 to Fort Dorchester High
136 School even though the school was not in session, but would use the permit starting in August 2011. The third
137 permit application was received on July 23, 2012 with a letter from Top of the Line Barber College.

138

139 Mr. Scott appeared before the board with his mother Ms. Kimberly A. Scott who was sworn in to testify. Mr.
140 Scott stated that from 2009-2010 he was a student at Fort Dorchester High School. He took up barbering in
141 the last semester of high school. Mr. Ginyard gave him hours for being a teacher's assistant at the school. Mr.
142 Scott stated that he did not receive any books or barber learning at the time and is disputing the 1264.25
143 hours. Mr. Scott stated that he enjoys the barber field, and cuts hair for the senior citizens at his grandfather's
144 complex for practice. Ms. Scott spoke on behalf of her son. She stated that he needed two years to complete
145 the program and went to Mr. Gillard's shop to look on only. Mr. Scott wants to now go to Top of the Line
146 Barber College with Anthony Gibson to complete his hours.

147

148 Mr. Scott stated that he could not go back to high school to get the remainder of his hours because he had
149 already graduated. Mr. Scott stated that he never used the second permit. As a point of discussion, Mr. Evans
150 suggested that maybe a letter of caution should be issued to Fort Dorchester High School for issuing false
151 hours. In addition, based on the testimony, the second permit was not used, because Mr. Scott had already
152 graduated high school. If Mr. Scott could submit an affidavit from Fort Dorchester High School stating he was
153 not a student after June 8, 2011 that perhaps the second permit can be reissued. Mr. Robinson confirmed with

154 Mr. Scott that the 1264.25 hours were reported the first year. Mr. Scott stated that the second year no hourly
155 reports were given to him, so he did not know he had accumulated so many hours. Mr. Scott stated that he
156 was volunteering during the school term on the second permit, and was not given any hours. The school
157 hourly report was signed by the instructor, Mr. Ginyard. The high school transcript did not show any barber
158 hours earned. However, Mr. Scott stated that he received about 600 hours.

159

160 **Motion:**

161 Mr. Evans made a motion that Mr. Scott be granted the opportunity to submit an affidavit from the school
162 stating he did not attend Fort Dorchester High School after graduation on June 8, 2011, and once the
163 affidavit is received by the board that a second permit be given granted by the board. Ms. Patton seconded
164 the motion, which carried unanimously.

165 Mr. Robinson clarified to Mrs. Scott, and her son Mr. Scott that once the affidavit from the school is
166 received, bring the affidavit back to the Barber Board with the application, and a second permit will be
167 issued. Ms. Scott stated that she will have a copy of the letter to the board.

168 **Approval of Third Student Permit - Rhonda Staley**

169 Ms. Staley appeared before the Board to answer questions regarding the request for a third student permit.
170 The first permit was issued on September 2, 2011 to Harley's Barber & Beauty Career Institute however the
171 permit was subsequently cancelled by the school. The student monthly report shows she completed 69.77
172 hours. The second permit was issued on September 2, 2012, for on-the-job training to Mr. Christopher D. Hall
173 at the Nu2 U Barber Shop. Ms. Staley stated that she was never given instruction by Mr. Hall. According to
174 Ms. Staley she completed at least 200 hours at Harley's Barber & Beauty Career Institute. Ms. Staley stated
175 that she needs a third student permit to obtain training at Anthony's Barber Shop, but did not have the name
176 of the barber instructor. Ms. Staley stated that she spoke with staff member, Ms. Pressley, who told her that
177 she could just come before the board to request the third permit. Ms. Staley did not realize she had to submit
178 a new application. Mr. Evans stated that the second permit was issued on September 2, 2012, but apparently
179 not used based on Ms. Staley's testimony. Ms. Staley stated she never received any instruction from Mr. Hall
180 under the second permit. Mr. Robinson let Ms. Staley know that the board would defer their decision until
181 Ms. Staley submits an application for another permit indicating the instructor's name on the application, and
182 the shop. In addition, Ms. Staley must also obtain an affidavit from Mr. Christopher D. Hall stating he did not
183 provide any on-the-job instruction to Ms. Staley, and did not use the second permit. The affidavit must
184 accompany the new application. Mr. Evans stated that if Ms. Staley could not obtain the affidavit from Mr.
185 Hall, she would be required to come back to the board for a determination. This matter is deferred and no
186 motion is required.

187

188 **Approval of Apprentice Licenses with Background Report - Thomas Derrick Patterson**

189 Mr. Patterson appeared before the board with an examination application for a barber apprentice license, and
190 a criminal background report showing multiple charges, felonies, and convictions from 1988-2006. Mr.
191 Patterson stated that it has been six years since his last charge, and he is clean of drugs and alcohol. Mr.
192 Patterson stated that he now does community outreach, and hair cuts for the under privileged. He is also a
193 licensed electrician. Mr. Patterson stated that he went to barber school, completed his examinations, and is
194 ready to become a barber. Mr. Patterson stated that his five year parole period will be complete in September,
195 2012 and that none of the crimes he committed took place in or near a barbershop. Mr. Patterson stated that
196 he also completed the Morris Village, and Phoenix Center programs.

197

198 **Motion:**

199 Mr. Evans made a motion to approve the apprentice license with a two year probationary period. During the
200 probation Mr. Patterson must submit a current SLED report to the board at the end of each year at his own
201 expense. Any further violations of the law will result in a suspension of the barber license. Ms. Patton
202 seconded the motion, which carried unanimously.

203

204

205 **Approval of Apprentice Licenses with Background Report - William D. Boseman**
206 Mr. Boseman appeared before the board with an examination application for a barber apprentice license, and
207 a criminal background report showing multiple charges, felonies, and convictions from 1997-2011. Mr.
208 Boseman stated that his past problems with the law, does not define the person he is today. Mr. Boseman
209 stated that barbering saved his life. He wants to do the right things now. He is not on parole, and completed
210 counseling programs two years ago. He stated that the kidnapping charge was dismissed.

211
212 **Motion:**

213 Ms. Patton made a motion to approve the apprentice license. Mr. Evans seconded the motion, which
214 carried unanimously.

215
216 **Approval of Registered Barber License - John R. Campbell**
217 Mr. Campbell appeared before the board because he had a current Order with the Board during the period of
218 April 25, 2011- April 25, 2012. During his board probationary period he was arrested, but Mr. Campbell
219 stated that those charges were pending with Charleston County during the time he appeared before the Barber
220 Board. Mr. Campbell didn't inform the board members that he had pending charges against him at the April
221 11, 2011 board meeting. Mr. Campbell also stated he is on probation for eight (8) years with the Department
222 of Probation.

223 Mr. Campbell stated that his teacher, Mr. Gibson was in the audience to support him. At the time of the board
224 meeting, he did have a pending charge in March. He thought the case would be thrown out but it was not. In
225 that case he took a plea bargain that placed him on probation for four years. If he fails to uphold the probation
226 requirements, he could go to jail for eight years. Mr. Campbell stated that he is paying the consequences for
227 what he did and that he is going to church, but no counseling. Mr. Robinson pointed out that the charge from
228 2011 was not revealed to the board when he appeared before the board on April 11, 2011. Mr. Campbell
229 stated that he did not tell the board because his attorney told him that the charges would be dismissed. The
230 charges were not dismissed and Mr. Campbell apologized to the board.

231 Mr. Robinson explained to Mr. Campbell the purpose of being sworn in before a hearing at the board. Mr.
232 Robinson made it clear t Mr. Campbell that on page 2 of the Order it clearly states "Applicant's license may
233 be immediately temporarily suspended until further Order of the Board following hearing into the matter".
234 Mr. Robinson pointed out that Mr. Campbell was sworn in, and the lack of truthfulness has been established.
235 Mr. Campbell apologized to the board again, and has stayed out of trouble with the law.

236
237 **Motion:**

238 Mr. Evans made a motion to go into executive session. Ms. Patton seconded the motion, which carried
239 unanimously.

240 The board returned from executive session where no votes were taken, and no motions were made.

241 **Motion:**

242 Ms. Patton made a motion to immediately suspend the license for six months, until March 13, 2013. After
243 such time, Mr. Campbell will come back to the board with a current SLED report to be possibly reinstated.
244 Mr. Evans seconded the motion, which carried unanimously.

245
246 **Palmetto Unified Barber School – Approval to Administer On Site Examinations at the Evans**
247 **Correctional Center.**

248 Mr. Alan Parker with Evans Correctional Center requested to appear before the board seeking permission for
249 the barber examinations to be administered on site since the students cannot leave the facility. Mr. Parker
250 indicated that during a phone conversation with former administrator, Mr. Ray that the Palmetto Unified
251 School district would be willing to take care of whatever financial requirements would be needed to have the
252 examinations given on site at their facility.

253
254 Mr. Parker appeared before the board and stated that he was the superintendent for the district and a licensed
255 barber in North Carolina for twenty-five years. Mr. Parker stated that in March of 2012 the Barber Board
256 provided the opportunity for the Evans Correctional Center to operate a school within the facility for student

257 inmates. The Correctional Center wants to take that opportunity one step further to provide examinations at
258 the Palmetto Unified Barber School. They are considering just his district for now and looking forward to
259 expanding the opportunity to other sites. Certainly the inmates cannot receive a license while incarcerated.
260 North Carolina already has the examination option in place. The cost of a license examination would be
261 covered by the facility. A discussion ensued. Mr. Parker pointed out that unlike other private or public
262 schools, the inmates are in a facility where they cannot leave so the examination should fall under deregulated
263 testing. Currently the written examination is allowed at other site and given by Professional Credential
264 Services (PCS). Ms. Francine Rananto from PCS stated that PCS does the testing in other states where the
265 inmates are allowed to use razors, scissors etc. PCS gets the proper clearance for the barber team to go on site
266 for the examinations. Clearance must be made with the Warden ahead of time. There is no computer testing,
267 only paper and pencil examinations in the morning and the practical examination in the afternoon. The
268 examinations are given about twice per year. Ms. Rananto stated that the same application fees apply and the
269 site costs would be covered by the facility. This would not cost the board any extra money. PCS allows at
270 least six months of pre-planning for examinations of this type. Mr. Robinson stated that the Board would take
271 the proposal under advice.

272

273 **Discussion - Professional Credential Services**

274

275 **Motion:**

276 Mr. Evans made a motion to close the meeting regarding the testing service to the general public, under
277 Section 70 A (2) of the Freedom of Information Act. Ms. Patton seconded the motion which was carried
278 unanimously.

279 Board returned from executive session where no votes were taken or motions made.

280 **Motion:**

281 Mr. Barnes made a motion to return to public session. Mr. Patton seconded the motion which was carried
282 unanimously.

283 **Board Member Reports – There were none.**

284 **Public Comments – There were none.**

285 **Adjournment**

286 **Motion:**

287 Mr. Barnes made a motion for adjournment. Mr. Patton seconded the motion which was carried
288 unanimously.

289 **The next meeting of the South Carolina Board of Barber Examiners will be October 8, 2012**

290