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APPROVED MINUTES
South Carolina Board of Barber
Board Meeting
9:00 a.m., April 8, 2013
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

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

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Meeting Called to Order

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Public notice of this meeting was properly posted at the S. C. Board of Barber Examiners, 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.

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Pledge of Allegiance: All present recited the Pledge of Allegiance.

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Rules of the Meeting Read by Chairman

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Public Notice:

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Chairman Robinson announced that public notice of this meeting was properly posted at the SC 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.

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Board Members Present

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

Approval of Excused Absences:

Motion:

Ms. Patton made a motion to approve the absence of Mr. Frederick M. G. Evans. Mr. Barnes seconded the motion, which carried unanimously.

Staff Members

Darra Coleman, Chief Advice Counsel; Tracey McCarley, Administrator; Jacquetta Wilson, Roz Bailey-Glover, Matteah Taylor, Administrative Staff; Cecelia P. Englert, Court Reporter; Andrew R. Rogers, Assistant General Counsel; Robbie Boland, Inspections Department; and Yolanda Rodgers, OIE. Holly Beeson,

Others participating in the meeting included:

Demetrice Fruster, Roderick Williams, Charles Harris, Eleanor Glover, Jerome Platt, Douglas McGirt.

49 **Approval of Agenda**

50

51 **Motion:**

52 Ms. Patton made a motion to approve the agenda for April 8, 2013 as printed. Mr. Barnes seconded the
53 motion, which carried unanimously.

54

55 **Approval of Meeting Minutes - February 4, 2013**

56

57 **Motion:**

58 Ms. Patton made a motion to approve the minutes from February 4, 2013 with one change. Mr. Barnes
59 seconded the motion, which carried unanimously.

60

61 **Chairman's Remarks – Paul E Robinson**

62 Mr. Robinson stated that he attended a meeting at the State House for the Hair Braiders and Mobile
63 Barber Bill. The second meeting will happen on Wednesday, April 10, 2013 at 9:00 a.m. The Braiders
64 Bill was approved by the subcommittee and will go to the full committee however the Mobile Barber
65 Shop Bill was tabled. Mr. Robinson expressed concern about the Hair Braiders Bill and stated the
66 Board would not support either bill. Mr. Robinson stated that Ms. Patton attended the national meeting
67 in San Antonio, TX. Ms. Patton and Mr. Barnes worked on a committee to revise the barber textbook
68 and the meetings were very productive. In addition, the National Barber Museum in Ohio opened with
69 replica's of an old shop for the museum.

70

71 **Administrator's Remarks, for Information – Tracey McCarley**

72 Ms. McCarley introduced Ms. Coleman to deliver the legislative update.

73

74 **Legislative Update – Darra Coleman**

75 There were the two bills already mentioned earlier, the Hair Braiders and Mobile Barber Bill. In
76 addition, on April 15, 2013 all Board recommendations regarding the Governor's Regulatory Review
77 Task Force must be completed to allow time to compile the agency's report for the Governor's office.

78

79 Mr. Robinson expressed concerns that the Hair Braider's Bill received support from Cosmetologists
80 who were present at the meeting. The Cosmetologists were business owners who wanted to hire hair
81 braiders in their shops. Regarding Mobile Barbers, Mr. Robinson's concern is where these mobile
82 shops decide to set up practice, particularly if they appear in front of already established barber shops.
83 The Bill did not cover kiosks or full barbering like the Master Hair Care professionals.

84

85 **OIE Report – Office of Investigations and Enforcement – Yolanda Rodgers**

86 Ms. Rodgers reviewed the report containing two cases. One case was dismissed and the other one turned
87 into a formal complaint, of which, she could not go into detail.

88

89 **Motion:**

90 Ms. Patton made a motion to accept the OIE Report as information. Mr. Barnes seconded the motion, which
91 carried unanimously.

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96 **OGC Report – Andrew Rogers**

97 Mr. Rogers reviewed the OGC report consisting of one closed case, one case marked as “do not open
98 case”, and “six pending OGC action.” There were a total of eight cases from January 1, 2013 – April 3,
99 2013.

100
101 **Motion:**

102 Ms. Patton made a motion to accept the OGC Report as information. Mr. Barnes seconded the motion,
103 which carried unanimously

104
105 **Inspection Report – Robbie Boland**

106 Mr. Boland reviewed the Inspections Report and let the Board know that many of the inspections were
107 re-inspections. For the month of January, 2013, there were 190 inspections. February, 2013 there were
108 127 inspections, and for March, 2013, there were 130 inspections. The total covering July, 2012
109 through March, 2013, were 1,636 inspections completed. The Board accepted the inspections as
110 information only.

111
112 **Signature Authority for Consent Agreement – Andrew Rogers**

113 Mr. Rogers handed out the OGC Report to the Board members. The report indicated there were 35
114 open cases, 9 consent agreements, 24 pending review and 2 final orders. In February, 2013, one case
115 was closed. Mr. Rogers stated he had two cases to present to the Board today, one for Mr. Sammie
116 Smalls, and the other for Roy Keitt.

117
118 Mr. Rogers stated that for Mr. Sammie Smalls, OIE Case #2012-20, this is a Consent Agreement with a
119 \$250 fine. If the Board votes to send the cases to the Chairman for signature, the case will not be
120 presented to the full Board. If the Board decides not to send the case to the Chairman for signature, the
121 case will be presented before the full Board at a later date. OGC needs something on the record that
122 gives the Board Chairperson permission to receive the IRC Consent Agreements. Ms. Coleman pointed
123 out to the Board that an electronic signature from the Chairperson could be used after the Chair is
124 approved by the Board to sign the agreements. In addition, Boards usually delegate the Cease and Desist
125 signature authority to the Board Administrators.

126
127 Mr. Robinson expressed his concerns that many changes in LLR’s administration provided very
128 different directions to the Board. Ms. Coleman stated that she recognizes the inconsistencies per Board
129 and that LLR is trying to clarify what the Boards and the Administrators are charged to do.

130
131 **Motion:**

132 Ms. Patton made a motion to give the Chairman authority to sign Consent Agreements electronically. Mr.
133 Barnes seconded the motion, which carried unanimously.

134
135 **Motion:**

136 Ms. Patton made a motion to give the Administrator electronic signature authority for Cease and Desist
137 letters. Mr. Barnes seconded the motion, which carried unanimously.

138
139 The Administrator will notify the Chairman when his signature is being used.

140
141 Regarding Mr. Sammie Smalls, both Mr. Robinson and Mr. Barnes felt the \$250 fine was very light.

142
143 **Motion:**

144 Ms. Patton made a motion to reject the Consent Agreement in the matter of Mr. Sammie Smalls. Mr. Barnes
145 seconded the motion, which carried unanimously.

146

147 Mr. Rogers stated that the second OIE Case #2012-22 was a Consent Agreement against Mr. Roy Keitt.
148

149 **Motion:**

150 Ms. Patton made a motion to reject the Consent Agreement in the matter of Mr. Roy Keitt. Mr. Barnes
151 seconded the motion, which carried unanimously.
152

153 Mr. Rogers stated that the next set of cases will be emailed to the Board Chair for determination.
154

155 **Statutes and Regulations – Holly Beeson**

156 Ms. Beeson, General Counsel for LLR Community and Governmental Affairs covered two topics with
157 the Board regarding responding to the public concerns and statute and regulation fees. Ms. Beeson
158 stated that Ms. Lesia Kudelka is the Ombudsman for LLR. Ms. Beeson stated that Statute 40-70-50 B
159 (1) establishes Board fees by regulation, and pointed out that the Barber Board does not have the fees in
160 their regulations, at this time. She stated that the regulation was drafted and submitted last year, and in
161 addition, the Practice Act requires one year for renewals. Ms. Beeson stated that the Board would need
162 to make a motion to determine how the Board wants to proceed with the fees and the renewal period.
163 Ms. Beeson stated that if the Board wants to change to a two year renewal cycle, Senator Massey
164 offered to sponsor the Barber Board for the two year renewal change. Mr. Robinson stated that he was
165 in favor of continuing the two year renewal process.
166

167 **Motion:**

168 Ms. Patton made a motion to authorize the 3-M Committee to make the change to the Practice Act to
169 continue the biennial renewal. Mr. Barnes seconded the motion, which carried unanimously.
170

171 **Budget – January and February 2013**

172 The budget report was given to the Board for review. The Board accepted the report as information.
173

174 **Old Business - Evans Correctional Institute**

175 Ms. Taylor stated that she was unsuccessful in making contact with Evans Correctional Institute to
176 answer questions from PCS, the testing service. Mr. Robinson stated that he already spoke with Mr.
177 Parker and sent the email containing the response to the questions from PCS to Ms. Taylor. Apparently
178 Evans Correctional Institute is now waiting for LLR to respond to them.
179

180 Mr. Robinson stated that there will be ten (10) students ready to test at a time. At present, there are only
181 eight (8) students, and the Institute is ready and approved by the Board. They can test one to two times
182 per year, and have all of the supplies they need. The candidates will pay their own exam fees and the
183 prison identification number will be used instead of the social security number. The proof of age and
184 identification is on the prison ID card. The TB test will be done at the prison and the proof of 9th grade
185 education will be supplied. The Affidavit of Eligibility will be signed by the instructor indicating that
186 the inmate meets all of the requirements for examination. All of the questions Ms. Taylor had are
187 included on the last page of the email that Mr. Robinson already sent to Ms. Taylor for PCS.
188

189 PCS had some issues regarding the submission of names in advance and background checks on the
190 individuals who entered the testing site. Mr. Robinson also stated that there's no date set for the live
191 shave for the Institute. If additional security is required in the testing area, PCS will ask for it directly
192 with the Institution. Regarding the live shave, Mr. Robinson stated that the Board asked for a 9-12
193 month lead time before the live shave could be approved by the Board to get the facilities and tests in
194 order.
195

196

197 **New Business - Governor Nikki Haley Executive Order – Darra Coleman**

198 Ms. Coleman offered the audience an overview of the Regulatory Review Process for all Boards and the
199 Governor’s Executive Order. Ms. Coleman summarized the Executive Order and stated that the order
200 was a result of complaints from licensees and from the general public, and that the internal processes of
201 the Boards must serve the needs of the licensees. Ms. Coleman also stated that many Boards would like
202 the ability to have electronic applications available to their licensees. Ms. Coleman stated that any
203 advice from LLR Counsel should be consistent, and that any suggestions the Board has for improving
204 communication is welcome. OGC is working on making the Board processes uniformed. Ms. Coleman
205 asked the Board if there were any other regulatory review concerns that Board may have. There were
206 none.

207
208 Ms. Coleman asked the Public attendees if they had any comments, and there were none. Ms. Coleman
209 let the public know that they are free to make comments regarding the Governor’s Executive Order via
210 email at: regulationcomments@llr.sc.gov and that a copy of the Executive Order will be available on
211 LLR’s webpage for public review.

212
213 **Old Business**

214 **Approval of Third Student Permit - Roderick Williams**

215 Mr. Williams appeared before the Board to obtain a third student permit to complete his training. Mr.
216 Williams stated he had severe health problems and had to stop attending school. He is better now, and
217 would like to finish his hours at Top of the Line Barber College where he has completed 1,379.50
218 hours.

219
220 **Motion:**

221 Ms. Patton made a motion to approve the third permit. Mr. Barnes seconded the motion, which carried
222 unanimously.

223
224 Mr. Robinson let Mr. Williams know that the school submitted a letter regarding the third permit, but
225 the school must submit the application to the Board before the third permit can be awarded.

226
227 Mr. Robinson also let LLR staff know that the Board noticed that the letter sent to Mr. Williams and all
228 others appeared on the Cosmetology Board letter, and this is the second time this error has happened.
229 Mr. Robinson stated that this was not correct and asked the Administrator to ensure that letters to
230 Barbers appear on the Barber Board letterhead, and not the Cosmetology Board letterhead.

231
232 **Approval of Third Student Permit - Dytaevius Armstrong**

233 Mr. Armstrong was sent a letter to appear before the Board regarding his request for a third permit. Mr.
234 Armstrong was not present. The Board did not make any determination.

235
236 **Approval of Barber School Opening - AMIkids Barber School**

237 Mr. Douglas McGirt and Mr. Jerome Platt appeared before the Board seeking approval for the AMIkids
238 Barber School. Mr. Platt stated that AMIkids is a non-profit program with a contract for services with
239 the Department of Juvenile Justice (DJJ). Mr. Platt would like to include a vocational program into their
240 current program for students age 14-20 since becoming a barber was high on the students list of careers.
241 At this time, Mr. McGirt is the only instructor and the facility is on DJJ property. Mr. Robinson let Mr.
242 Platt know that all inspections conducted by the Board must be pre-approved by the Warden. Mr. Platt
243 clarified that AMIkids is a re-integration program where there’s no Warden on site. Mr. Platt stated that
244 he runs the facility where the kids are housed in a dormitory setting until they are able to reenter the
245 community. Mr. Barnes stated that the Board would still have to approve the backgrounds of the
246 individuals in the AMIkids program and the Board has the final decision about who enters the program.
247 Mr. Platt pointed out the there are some restrictions or legalities surrounding the records of a juvenile

248 versus an adult's background records. Ms. Coleman pointed out to Mr. Platt that the enrollment into
249 the program may not guarantee licensure.

250

251 Mr. McGirt stated that he owns a barber college already and that his son and his wife are also barbers.
252 While he is working with the AIMkids program, his son will become an instructor in order to run his
253 existing school.

254

255 Mr. Robinson let Mr. Platt know that the Board would need a list of instructors to ensure that they are in
256 good standing. Mr. Robinson stated that it is unlikely Mr. McGirt can manage being a full time
257 instructor in two places at the same time. The challenge would be for Mr. Platt to find a fulltime
258 instructor for the AIMkids School. Since Mr. McGirt is the owner of his own school, and instructing
259 fulltime, presents a conflict with AIMkids School full time schedule.

260

261 Mr. Robinson stated that the Board will visit the school before the inspector however the school must
262 first have a fulltime instructor.

263

264 **Motion:**

265 Ms. Patton made a motion to deny the school application for the AIMkids School until more information is
266 given to the Board regarding all of the instructors. Mr. Barnes seconded the motion, which carried
267 unanimously.

268

269 Mr. Robinson stated that Mr. Platt must resubmit the application along with the names of all instructors
270 and substitutes for consideration.

271

272 **Approval of Barber School Opening - Greenwood Barber College**

273 Mr. Charles B. Harris appeared before the Board seeking approval for Greenwood Barber College. Mr.
274 Harris stated that this would be his third location. Mr. Robinson stated that the inspection reports show
275 the old location was closed during the last inspection on January 13, 2013. Mr. Harris apparently
276 moved the school and did not notify the Board he was moving. Mr. Harris stated that, unfortunately the
277 heating system in the building went out and for three weeks the students were sitting in the cold so he
278 had to move because the owner would not replace the unit, and wanted Mr. Harris to pay for it. On
279 February 14, 2013 the school failed inspection. The LLR inspector was Mr. Raymond Lee. Mr. Harris
280 stated that Mr. Lee told him that he was supposed to report the move to the Board. Mr. Harris stated he
281 moved to 602 Edgefield Street in Greenwood and that he failed inspection because all items were not in
282 place when the inspector arrived. Mr. Robinson pointed out that on February 14, 2013 there were no
283 books for the students. Mr. Harris stated that the majority of the students had books already and he was
284 only waiting for two (2) books to come in. Mr. Harris stated he has 7-8 students and has five (5)
285 applications to submit for entrance. Some discussion ensued about why Mr. Harris stopped recording
286 hours for the current students.

287

288 **The Board took a five (5) minute recess.**

289

290 The Board members observed that Mr. Harris was not given any fines for the violations. Ms. McCarley
291 stated that there were currently no citation and no investigation was initiated. Mr. Harris stated that the
292 students moved to the new location with the school, and that he has one graduate. The Board required
293 that staff contact inspector Raymond Lee for questioning. Mr. Harris stated he has been at the new
294 location since February 4, 2013.

295

296 Mr. Raymond Lee was sworn in to testify along with Inspector, Ms. Sandy Beaty. Mr. Lee stated the
297 school was having financial problems and had to move. The monthly student hour reports from
298 October were recorded by LLR and scanned. For several months, however, Mr. Harris told Mr. Lee that

299 he retained the student hours in his head and did not report the hours to LLR. Mr. Lee made it clear that
300 was not correct and the hours must be reported to the Board. Mr. Barnes wanted to know why Mr.
301 Harris was not given a fine back in October, 2012, and if students were receiving hours at the time when
302 Mr. Harris was having problems? Mr. Lee stated that the IRC requests are submitted now as they could
303 not issue citations in the field at the time. Mr. Harris does have students and they all have text books.
304 Mr. Harris stated that he now sends in the student hours monthly. Mr. Lee stated that all student permits
305 were valid so he did not issue a Cease & Desist. Mr. Barnes expressed his concerns that in February,
306 2013, students were present and the school was doing business before it was permitted to operate. Mr.
307 Lee stated that during that time, no student hours were submitted. Mr. Barnes pointed out that until Mr.
308 Harris obtains approval to open his school, those student hours are in jeopardy since students have been
309 paying and not receiving hours.

310
311 Mr. Harris stated that one student graduated on March 23, 2013, but his hours have not been reported
312 yet. Mr. Robinson stated that from the date Mr. Harris left the old location and moved to the new
313 location, all of those student hours are in jeopardy. If the school is not approved, all hours are in
314 jeopardy. On the other hand, if the school is approved from the date you moved until now, the hours are
315 still not valid. Ms. Coleman stated that Mr. Harris can offer the students free instruction as an
316 alternative.

317
318 Mr. Robinson stated that the students are not at fault, and that any penalty will be to the school owner
319 and not the students. Mr. Lee stated that if he closed Mr. Harris' school there are no other schools in the
320 area for the students to attend without going to another county. Mr. Robinson clarified that the Board
321 must first approve or disapprove the school. Next there must be an investigation so Mr. Harris comes
322 back before the Board. Mr. Robinson also suggested that the Cease and Desist process get started now.
323 Mr. Patton had concerns about how to stop other schools from doing the same thing (moving and not
324 reporting to the Board) but not penalize the students. Mr. Robinson stated that the Board will simply
325 have to close some schools. Mr. Lee stated that Mr. Harris' school is the only school in Greenwood and
326 that Mr. Harris is approved for VA benefits to provide training. Mr. Harris stated that he has struggled
327 to keep the school open because he does not receive financial aid. Mr. Lee stated that up until the
328 inspection problem, there have not been any complaints about the school.

329
330 **Motion:**

331 Ms. Patton made a motion to grant a conditional approval with an inspection made within thirty (30) days
332 and the school must pass inspection. In addition the hours for each student must be checked from January –
333 April 2013. Mr. Robinson seconded the motion. Mr. Barnes was opposed. The motion carried.

334
335 Mr. Robinson let Mr. Harris know that the inspection of the building and student hours will happen in
336 thirty (30) days and that Mr. Harris must get his paperwork in order. Students who moved with Mr.
337 Harris are not to be harmed any further. The building and the paperwork regarding all students must be
338 ready for inspection. Mr. Harris stated that the school was small so he should be able to comply.

339
340 **Seeking Clarification Regarding School Regulation - Charlene McCleod – Styletrends Barber and**
341 **Hairstyling Academy**

342 Ms. McCleod requested an appearance before the Board stating their school experienced some changes
343 with the state board that they were not aware of, and wanted clarification. Ms. McCleod was not
344 present when called. The Board did not take any action.

345
346 Mr. Robinson stated that the start date for the live shave will be January 14, 2014. There will be an
347 instructors meeting in June to notify them of the change.

348
349
350

351 **Discussion**

352 Mr. Barnes asked Mr. Robinson if he needed any assistance with the Mobile Barber Shop issue. There
353 was a brief discussion.

354

355 **Board Member Reports: There were none**

356

357 **Public Comments: There were none.**

358

359 **Adjournment**

360

361 **Motion:**

362 Ms. Patton made a motion to adjourn. Mr. Barnes seconded the motion, which carried unanimously.

363

364 **The next meeting of the S.C. Board of Barber Examiners is scheduled for June 10, 2013.**

365

366