

1 APPROVED MINUTES  
2 South Carolina Board of Barber Examiners  
3 Board Meeting  
4 9:00 a.m., August 12, 2013  
5 Synergy Business Park  
6 Kingtree Building  
7 110 Centerview Drive, Conference Room 108  
8 Columbia, South Carolina 29211  
9

10 *These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of*  
11 *the meeting. A transcript of this meeting providing more detail will be available upon request to the*  
12 *Board.*

13 **Public Notice:**

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

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

19 **Rules of the Meeting Read by Chairman**

20  
21 **Introduction of Board Members Present**

22 Chairman Paul Robinson called the meeting to order of the SC Board of Barber Examiners at 9:00 a.m.  
23 Other Board members participating in the meeting included: Renee Patton Vice Chairman, Frederick M.  
24 G. Evans, and Edwin Barnes.  
25

26 **Staff Members**

27 Sarah McCartha, Advice Counsel; Mary League, Advice Counsel; Tracey McCarley, Administrator; Roz  
28 Bailey-Glover, Matteah Taylor, Bridgett Richardson, Administrative Staff; Robbie Boland, Inspections;  
29 Sharon Wolfe, Yolanda Rogers, Sandy Beatty, George Barr, DeLeon Andrews, Investigations; Andrew  
30 Rogers, OGC; Prentiss Shealey, OGC; Cecelia P. Englert, Court Reporter.  
31

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

33 Dyriea Golden, Paxton Simpson, Alex White, Gregory Fielder, Eleanor R. Glover, Janet Seglahi, Mustafa  
34 A., Charlene Messer, Alex White, Chandra White, Catherine A. Kelly

35 **Approval of Excused Absences – There were none.**  
36

37 **Approval of Agenda**  
38

39 **Motion:**

40 Mr. Barnes made a motion to approve the agenda as written. Ms. Patton seconded the motion, which  
41 carried unanimously.  
42

43 **Approval of Meeting Minutes – June 10, 2013**  
44

45 **Motion:**

46 Mr. Evans made a motion to approve the minutes as information. Ms. Patton seconded the motion, which  
47 carried unanimously.  
48

49 **Chairman’s Remarks – Paul E Robinson**

50 Mr. Robinson stated he attended the SC Palmetto Barber Association Convention on July 22-23, 2013 in  
51 Charleston, SC. They held their first convention graduation ceremony for the state schools. Attended an  
52 all industry council meeting in Columbia where they discussed industry related deregulation issues and  
53 the braider’s bill coming before the Senate.

54  
55 Mr. Robinson also attended the PCS Preparation Training on June 29, 2013 for school owners. It was  
56 very informative. Few barber school owners and even fewer OJT instructors were present. There were  
57 questions on the upcoming live shave segment of the test. There were questions about the safety of the  
58 models dealing with cuts and injuries, etc. Mr. Robinson suggests that there be a school nurse on site, or  
59 EMS on standby for that segment of the test. What would constitute a failed shaving test? There are  
60 existing standards, however, the Board must decide what standards the test will follow, and whether a full  
61 shave will be required. In addition, will the Board accept a complete exam for those models who have a  
62 mustache, or side burns, etc.? Mr. Robinson was surprised to learn that during the live shave the only  
63 stroke evaluated was stroke 14. The Board will let PCS know what they will accept if applicants perform  
64 the strokes required.

65  
66 It was suggested that OJT Instructors be identified and included in all communications to attend PCS  
67 training sessions. Many of the OJT students have done poorly on the theory portion of the examination as  
68 well as the practical. Some of the public schools were concerned about students having to bring a model  
69 for the live shave when they were still in high school. Mr. Robinson suggested that the schools can  
70 possibly identify individuals from places like the Oliver Gospel Mission or any other local mission who  
71 could volunteer as models for the students.

72  
73 The Board hopes to complete the Inspection Guidelines for the inspections department to include the  
74 appropriate fines. The Board hopes to have the guidelines completed for Mr. Boland by the next board  
75 meeting.

76  
77 Mr. Robinson also stated that there were threats directed at the Board and to him due to actions taken at  
78 the last board hearing. The individual was not charged. Mr. Robinson spoke to detective Gooding from  
79 Lexington County about the case and discovered the case was dropped. This is not acceptable.  
80 Apparently someone at LLR did not think the threat was serious enough. The Board and Mr. Robinson  
81 strongly disagree. This is a serious matter and the individual should be held accountable. Mr. Robinson  
82 will ask LLR to pursue legal action against the individual pursuant to section 40-1-110 and 40-1-120 and  
83 possibly seek to permanently revoke the individual’s license to practice barbering in South Carolina. The  
84 case number with the Lexington County Sheriff’s department is 13-010-593. Mr. Evans will wait for a  
85 copy of the incident report in order to seek a warrant for the individual’s arrest. The Board may be able to  
86 go into executive session later today to seek legal counsel.

87  
88 **Administrator’s Remarks, For Information – Tracey McCarley**

89 Turned the meeting over to Sara McCartha.

90  
91 **Office of Administrations – Holly Beeson / Sara McCartha– Regulations/fee schedule**

92 Ms. McCartha appeared before the Board instead of Ms. Beeson to discuss the regulations and board’s fee  
93 schedule. In the Boards Practice Act Section 40-7-50(B) explains that the Board shall establish in  
94 regulation fees for everything the Board does, like renewals etc. At this time the fees are not included in  
95 the regulations so that violates the Barber Board’s Practice Act. The Board tried to publish a fee schedule  
96 in the past but it did not pass in 2012. The Board is required to put the fee schedule into regulation to be  
97 published in the State Register. This is an opportunity for the Board to draft any changes to the  
98 regulations if the Board desires. Speak with your current Advice Counsel, Mary League, so that the  
99 Board can take a formal vote on the matter by October, 2013 so the information can be published by the

100 end of the year. Have everything set up so the Board is ready when the General Assembly reconvenes in  
101 January, 2014. Raising the fees is never a popular option with the General Assembly; however, Ms.  
102 Beeson wants the Boards to be self sustaining so some boards may need to raise fees.

103

104 Mr. Barnes asked if anything can be changed in the Engine Bill. Ms. McCartha stated no. Ms. League  
105 stated the Engine Bill allows the Boards to set their own fees and fines.

106

107 **OIE Report – Office of Investigations and Enforcement – Sharon Wolfe**

108 Ms. Wolfe appeared before the Board to review the OIE Report. She also introduced Ms. Sandy Lynn  
109 Beatty from the Investigations Department. Ms. Wolfe reported that there was (1) active investigation, (1)  
110 closed case and (2) cases listed as “do not open”. From January 1, 2013 – August 9, 2013 there were a  
111 total of (12) cases closed and (2) cases listed as “do not open”. Ms. Wolfe was asked by the Board to  
112 label her report as an OIE Report so the Board could follow the correct information.

113

114 **OGC Report – Office of General Counsel – Prentiss Shealey**

115 Ms. Shealey appeared before the Board to review the OGC Report. There were (48) open cases, (25)  
116 pending CA/MOA’s, (2) pending hearings, (3) consent agreements, (6) MOA’s, (15) formal complaints  
117 and (3) pending action. Ms. Shealey provided the Board with a copy of the OGC Report.

118

119 **Motion:**

120 Ms. Patton made a motion to accept the report as information. Mr. Evans seconded the motion, which  
121 carried unanimously.

122

123 **IRC Report – Sharon Wolfe**

124 Ms. Wolfe presented the IRC Report for July 10, 2013. Case 2012-38 was dismissed. For formal  
125 complaint case #2012-4 and case #2013-16 indicate statute violations.

126

127 **Motion:**

128 Mr. Evans made a motion to accept the report as information. Ms. Patton seconded the motion, which  
129 carried unanimously.

130

131 **Inspection Report – Robbie Boland**

132 Mr. Boland reviewed the Inspections Report with the Board. Mr. Boland let the Board know that he will  
133 be working with the Administrator to obtain information on barber instructors teaching on-the-job (OJT)  
134 students. The Board will soon be able to tell how many OJT students are at each shop. The inspectors  
135 will then be able to find out where the problems are. Mr. Boland let the Board know that the Barber  
136 inspectors will also inspect cosmetology salons too; however, the cost of inspections are broken down in  
137 the finance department by board for the percentage of time each inspector spends at each site location.  
138 Inspectors are assigned to locations and costs are broken down accordingly. Mr. Barnes asked Mr. Boland  
139 to rename the section “closed shops” to “closed shop at time of visit”. This will clarify that shops are not  
140 closing, but that the shop was closed at the time of inspection.

141

142 **General Counsel/Inspection Office – Prentiss Shealey & Robbie Boland (IRC member)**

143 The Board needs to identify another person for the IRC and provide that name to the Administrator. The  
144 IRC should have a primary person and a backup person.

145

146 **Budget – May and June 2013**

147 The Board reviewed the Budget Report. Mr. Evans pointed out that the Board is still running a deficit  
148 which is growing. The Board has never been clear on where the deficit is actually coming from, and  
149 suggested that at a later date, the budget should be explained to the Board and who authorized those  
150 expenditures. Mr. Robinson explained that the funding formula is out of the Boards jurisdiction of

151 control. Mr. Barnes stated he would still like to know the percentage breakdown for inspections and  
152 investigations charged to the Board. The Board asked Ms. McCarley to schedule the finance department  
153 to attend the next Board meeting for a finance discussion. Mr. Evans stated that it should be documented  
154 somewhere that in the past when the state agencies had to reduce their budgets, the Barber Board had a  
155 positive balance, so monies were taken out of the budget by LLR.  
156

157 **Student enrollment form for Secondary Schools – Matteah Taylor**

158 The student enrollment forms are required to keep track of the students in high school programs. LLR  
159 staff is seeking a vote from the Board to approve the form for the secondary schools. Secondary schools  
160 will be responsible for turning in this information on all students. The report will be required yearly. Mr.  
161 Evans wanted to know the purpose of the demographics and what the captured data will be used for such  
162 as race, city of birth and state of birth. Ms. Taylor stated that the database included segments for this  
163 information and the demographics would be used for identification in order for LLR staff is consistent  
164 with data coming from the testing service PCS. Mr. Evans suggested the form demographics become an  
165 optional demographic since there is no real purpose for the race, city of birth and state of birth. Mr.  
166 Robinson stated that the affidavit of eligibility included with the exam application contains the same  
167 information and that staff needs a way to positively identify the person on the application. This is a new  
168 form being established. If additional changes are required for the form, the changes would need to come  
169 back before the Board.  
170

171 **Motion:**

172 Ms. Patton made a motion to accept the new student enrollment form with a contingency that any changes  
173 made to the form would be brought back to the Board for approval. The motion had no second and did  
174 not carry.  
175

176 Discussion ensued. Mr. Barnes wanted to know why the Board would vote on the form when it required  
177 changes. Mr. Robinson stated that LLR staff is asking for approval of the form to update their database.  
178

179 The motion was not withdrawn. LLR staff needs to know who is enrolled in the high school barber  
180 programs. The OJT students are accounted for and already send in the hours. Mr. Evans stated the form  
181 should be changed to “secondary” student enrollment form to make it clear. The form will be for the  
182 secondary schools and will not be online for access.  
183

184 **Motion:**

185 Ms. Patton made a motion to accept the new student enrollment form for high school programs, with the  
186 change that the form reads secondary student enrollment form, and that the Board accept the form as  
187 presented with the change. The motion was denied due to no second.  
188

189 **Change wording on PCS application from Vocational to Secondary – Matteah Taylor**

190 Ms. Taylor stated that the purpose for changing the wording on the PCS application from vocational to  
191 secondary is for staff to know whether they attended a high school program, OJT or a Barber College. Mr.  
192 Evans wanted to know why it made a difference. The information will help LLR staff to determine where  
193 to mail the license, either to the school or the person’s home. A discussion ensued. Ms. Patton stated that  
194 as an OJT instructor, it would be good for the Board to know how many students are in high school  
195 programs now and that the data should be captured.  
196

197 **Motion:**

198 Mr. Evans made a motion to approve the barber training affidavit with the changes that it be changed  
199 from vocational to secondary. Mr. Barnes seconded the motion, which carried unanimously.  
200  
201

202 **Old Business**

203

204 **Clarification for Department of Education – Eleanor Glover**

205 Ms. Glover appeared before the Board with an update to the Board. They are working on their barber  
206 programs since the programs are relatively new for public schools. Their goal is to ensure that LLR is  
207 reflected in everything they do. Some of the instructors have informed her that their Administrators were  
208 not aware that they are accountable to LLR as well as to the Department of Education. Ms. Glover stated  
209 that she met with Ms. Taylor and Ms. McCarley to stay in contact and will attend Barber Board meetings  
210 in the future. Ms. Glover will also have a reference on their website to link to the Barber Board. Ms.  
211 Glover wanted to know if there could be a link placed on the Barber Board’s website for public school  
212 information referring to K-12 programs only, not referencing the technical programs. The K-12  
213 guidelines are different from the technical school guidelines. Ms. League stated that there may be an  
214 issue with doing that because private colleges do offer barber programs. Mr. Evans stated that other  
215 private schools and technical schools are not represented and that may reflect a bias. Ms. Glover stated  
216 that there’s nothing on LLR’s web page regarding the secondary public school programs. Maybe provide  
217 bullet points to the Boards website for information only. Nothing is mentioned on the Barber Boards  
218 website concerning secondary schools. This information only appears in the Board minutes. Ms. Glover  
219 is concerned that if something happens with technology or there are Board and staff changes, and the  
220 minutes disappeared, then the Department of Education has nothing. There would be no information to  
221 show that the Board and the Department of Education are in compliance with one another. Mr. Robinson  
222 suggested Ms. Glover provide the Administrator with the information she wants to see on the website in  
223 bullet point format. At this time Ms. Glover only has the standards for 17 courses and 5 programs. The  
224 guidebook is a work in progress and will ensure the Board receives a copy when it’s ready. Ms. Glover  
225 provided the Board with a copy of the draft curriculum for the K-12 programs. The Board accepted the  
226 document as information only.

227

228 **New Business**

229

230 **Review for Approval of Third Student Permit - Dyrriea Golden**

231 Ms. Golden appeared before the Board for a third permit. She stated that she had to stop her school  
232 training to attend to family matters. Stated she did not know she had a second permit issued and has  
233 completed approximately 837 hours. Ms. Golden stated that the instructor, Mr. Fred Davis of Salon 496  
234 did not know how the permits worked and when she returned the second permit was still current. She  
235 needs the third permit to finish her studies at the Barber Academy. The Board questioned the 837 hours  
236 and asked the Administrator to ensure the school and the instructor are in good standing before the permit  
237 is issued.

238

239 **Motion:**

240 Mr. Evans made a motion to approve the third permit. Ms. Patton seconded the motion, which carried  
241 unanimously.

242

243 Mr. Robinson let Ms. Golden know that this is the last chance she has to complete all of her hours.

244

245 **Review for Approval of Third Student Permit - Jacqueline Robinson**

246 Ms. Robinson was notified by letter on July 23, 2013 to appear before the Board. She was not present.  
247 The Board made no determination.

248

249

250 **Review for Approval of Background Check - Paxton Simpson**

251 Mr. Simpson appeared before the Board for approval of his examination application for reinstatement  
252 with a background report. Mr. Simpson stated he was denied reinstatement previously due to his  
253 background. Mr. Simpson stated that he was not on probation or parole. He has been unable to find work,  
254 but Mr. Roland King in Columbia is willing to hire him if he received his license. Mr. Simpson stated that  
255 he held a barber license for five years before his problems started. Mr. Simpson stated that he attended  
256 some classes and paid for them on his own. However, without a job, he could not continue to pay for  
257 classes. Mr. Simpson stated he could not make payments, so the charges were reinstated.

258

259 **Motion:**

260 Ms. Patton made a motion to reinstate the barber license with a one year probationary period. Ms.  
261 Simpson will supply a SLED report to the Board at the end of the year, at his own expense. Mr. Barnes  
262 and Mr. Evans seconded the motion, which carried unanimously.

263

264 **Review for Approval of Background Check - Alex White**

265 Mr. White appeared before the Board seeking approval for a Master Hair Care Apprentice license by  
266 examination with a background report. Both Mr. White and his wife, Chandra White, were sworn in. Mr.  
267 White stated that he took the practical exam a year ago but did not receive his license. He received a letter  
268 from the Board and supplied the SLED report as requested. Mr. White is currently on federal probation  
269 which will be completed on December 25, 2013. Ms. White stated that barbering is her husband's passion  
270 and helps to keep him out of trouble and support his family.

271

272 **Motion:**

273 Mr. Evans made a motion to approve the Master Hair Care Apprentice license with a three year  
274 probationary period. At the end of each year Mr. White is to provide the Board with a SLED report at his  
275 own expense. Mr. Barnes seconded the motion, which carried unanimously.

276

277 **Review for Approval of Background Check - Charles Neal**

278 On August 1, 2013, Mr. Charles Neal was sent a letter to appear before the Board to answer questions  
279 about his background report for the reinstatement of his license. Mr. Neal was not present. The Board  
280 made no determination.

281

282 **Review for Approval of Barber School Opening - Chosen One Barber Academy – Charlene Messer  
283 and Abdullah Mustafa**

284 Ms. Messer and Mr. Mustafa appeared before the Board to answer questions for the approval of a new  
285 barber school opening. Mr. Mustafa stated that the school has 1500 square feet for class room space and  
286 described the school information. A new floor plan will be submitted to the Board. Mr. Mustafa stated  
287 that the building will be ready on August 25, 2013. There are six students on the waiting list and they  
288 would like to open the school on September 3, 2013. At this time, Mr. Mustafa is the only instructor. Ms.  
289 Messer is not a barber and there are no evening hours established yet. Mr. Mustafa stated that the  
290 curriculum submitted is for a nine month day-time program. Mr. Robinson let him know that if there is a  
291 backup instructor, the name and license number for the back-up instructor must be provided to the Board.  
292 Mr. Robinson informed Mr. Mustafa that he must have ten students and have the repair work completed.  
293 Mr. Barnes will come over to inspect the Friday before Labor Day at about 6:00 p.m. Mr. Evans will visit  
294 the school on Sunday.

295

296 **Motion:**

297 Mr. Evans made a motion to provide a provisional approval upon the resubmission of an updated school  
298 diagram and final inspection by a Board member and inspector from LLR. Ms. Patton seconded the  
299 motion, which carried unanimously.

300

301 **Mr. Robinson dismissed the session for a 30 minute lunch break.**

302

303 **Compliance Hearing– Gregory Fielder**

304 Mr. Fielder appeared before the Board to answer questions regarding a formal complaint filed with the  
305 State Barber Board, OIE case #2011-11. Ms. Prentiss Shealey with OGC presented the case for the State.  
306 Ms. Shealey called Mr. Stephen Y. Brown to testify. A copy of the formal complaint was submitted as  
307 State Exhibit #1. Mr. Fielder chose to represent himself. Mr. Brown stated that at the shop where he gets  
308 his hair cut, he decided to learn barbering for extra income. He met with Mr. Fielder and discussed the  
309 school, the costs of training and Mr. Fielder provided him with a catalog before he got started. The  
310 Barber College brochure was submitted as State Exhibit #2. Mr. Brown’s understanding was that he  
311 would be in a school with a payment of \$1,700. He paid \$1200 to start and \$500 for the barber kit. He  
312 started at the end of June, 2009 and training with Mr. Fielder for about a year. Mr. Brown stated that in  
313 January, 2010 his sister passed away while he was in school. There were two other students in  
314 attendance. He did not continue training with Mr. Fielder and neither did the other two students. Mr.  
315 Brown was not told that his training was On-the-Job training. He started at 10:00 a.m. with one hour for  
316 book work, a break for lunch and he was supposed to cut hair until 5:00 p.m. from Monday through  
317 Friday. Tests were given every Friday. Mr. Fielder went over the hours on the last week of every month  
318 in the beginning and signed their forms. Mr. Brown did not receive a copy of his hours. By June 2011,  
319 Mr. Brown was told by Mr. Fielder that he had to renew the permit with the Board.

320

321 Mr. Anderson Shells was listed on the hour report as the instructor with Mr. Fielder. Mr. Brown stated  
322 that he did not know or meet Mr. Shells until today and never trained with him. Mr. Brown believed he  
323 was in a school, but became suspicious when they stopped recording the hours, so he called the Board.  
324 The Board told him that no hours had been reported for him. When he approached Mr. Fielder with this,  
325 he shrugged it off, so he stopped attending. Mr. Brown came to LLR and obtained the correct form and  
326 gave it to Mr. Fielder who refused to complete the form for the hours. Mr. Brown stated that he is not  
327 able to get the hours, not able to test, but he paid Mr. Fielder between \$3,500 and \$4,000 out of his  
328 pocket for the training. Mr. Brown also stated that he did not know that Mr. Fielder applied to the  
329 Vocational Rehabilitation Department on his behalf for tuition assistance. Mr. Brown stated he arrived at  
330 school each day at around 10:00 a.m. because he also attended to physical therapy sessions and dialysis.  
331 Stated he attended school from Monday through Friday for 6-7 hours per day and did not receive credit  
332 for those hours.

333

334 Mr. Fielder made his opening statement and questioned Mr. Brown. Mr. Fielder stated he submitted a  
335 FOIA request to LLR and they refused to give him information. Mr. Brown answered the questions and  
336 stated that he feels that his rights were violated. In earnest he attended school with Mr. Fielder where he  
337 got his hair cut. Mr. Brown stated that he was also a pastor. When he approached Mr. Fielder regarding  
338 barbering, he was disabled at the time. He was getting his hair cut and saw a flyer in the barber shop. Mr.  
339 Fielder encouraged him to go to the barber school. The flyer advertised a barber college which he gave to  
340 the investigator. He felt that the words “instructor” on the flyer meant he would be attending a school.  
341 And when he started, Mr. Fielder told him it was a barber school. Mr. Brown stated that Mr. Fielder had  
342 the students to go to the nursing home every Tuesday to cut hair. Mr. Brown interpreted this as an  
343 opportunity for Mr. Fielder to only make money off of the students since Mr. Fielder was not present  
344 when they were cutting hair to critique the work. Mr. Brown stated that Mr. Fielder told him that  
345 Vocational Rehabilitation was going to assist him in going to school, but the Vocational Rehabilitation  
346 Department discovered that Mr. Fielder was not a school. Mr. Brown stated that Mr. Fielder gave them  
347 mostly practical classes and theory for one hour per day. The theory started at 9:00 a.m., but Mr. Brown  
348 changed his time to 10:00 a.m. to accommodate his classmate, Van, who worked a third shift job.

349

350 Mr. Brown stated the shop was called an institute and was a school, not barber shop. He read the barber  
351 book with the exception of three chapters on doing curls. Mr. Brown stated Mr. Fielder was not a good  
352 teacher either.

353  
354 Mr. Fielder began defending how he treated his students and that he often provided them with meals  
355 during lunch. Ms. Shealy provided Mr. Fielder with a copy of States Exhibit #1 with a certified mail  
356 receipt signed by Mr. Fielder to show him that he received proper notification of the formal complaint  
357 from LLR and why he was required to appear before the Board today. The State was not questioning how  
358 he treated his students.

359  
360 Mr. Brown stated that it has been over two years since his last class with Mr. Fielder. Ms. Shealy stated  
361 that the initial complaint from 2011 was about the training hour documents where Mr. Fielder asked Mr.  
362 Shells to sign attendance forms for submittal to the State. There is also a question as to whether or not  
363 Mr. Fielder paid the State fine.

364  
365 Ms. Shealy stated that Mr. Shells was present to testify on his own behalf and also let the Board know  
366 that Mr. DeLeon Andrews, former investigator for the Barber Board, was also present to testify for the  
367 State. Mr. Fielder still appeared confused about why he had to appear before the Board today. Ms.  
368 League clarified for Mr. Fielder that today's case had to do with a compliance issue and his failure to pay  
369 the outstanding fine. The time to appeal the 2005-2006 case had expired. Mr. Robinson also clarified to  
370 Mr. Fielder that the compliance issue had to do with his failure to pay the fine on a disciplinary action  
371 relevant to what he signed and that both issues can be dealt with at today's hearing. By non-payment of a  
372 fine, the State moved on with the case that is currently being presented. Mr. Fielder objected and stated  
373 that it has not been proven that he did not pay the fine. Mr. Barnes reminded Mr. Fielder that Mr. Brown  
374 never received a copy of his paper work covering his hours.

375  
376 Ms. Shealy called Mr. Anderson J. Shells to be sworn in and testify in today's case. Mr. Shells stated he  
377 has been a barber for 50-60 years and that he met Mr. Fielder indirectly through his daughter who Mr.  
378 Fielder was dating at the time. Mr. Fielder asked Mr. Shells to sponsor a student because he knew that  
379 he could only take on two students at a time. Mr. Fielder wanted to use one of Mr. Shells' students to  
380 help him out. Mr. Fielder asked Mr. Shells if he did the teaching then Mr. Shells would sign the  
381 attendance hour sheets even though Mr. Shells never saw the student. Mr. Shells stated that he did not  
382 know that he was doing anything wrong. Mr. Shells only signed off on the hours, he never met the  
383 student. In July 2010 Mr. Shells spoke with his daughter for Mr. Fielder to take off the student because  
384 he wanted to take on a new student. Mr. Shells stated that he did not know that Mr. Fielder did not  
385 remove his name from the attendance sheets he had been sending into LLR. Mr. Shells stated that his  
386 daughter asked him to sign the student hour sheet as a favor to Mr. Fielder. He's in Newberry and Mr.  
387 Fielder was in Lawrence at the time. Mr. Shells was released from testimony.

388  
389 Ms. Bridgett Richardson, LLR Compliance Staff, was called to testify. Ms. Richardson stated that she  
390 monitors Board consent agreements and board orders. A consent agreement from the respondent, Mr.  
391 Fielder was submitted into evidence as States Exhibit #3. The agreement from April 10, 2006 required  
392 Mr. Fielder to pay \$750 within 90 days. All payments of fines are annotated in LLR's computer system.  
393 As of today, no payment has been made under Mr. Fielder file. LLR staff checked back to 2003. Ms.  
394 Richardson sent Mr. Fielder a letter for non-payment on June 13, 2012. A copy of the letter was  
395 submitted into evidence as State's Exhibit #4. Mr. Fielder questioned Ms. Richardson. The questions  
396 were not relevant and Mr. Fielder was asked to limit his questions to the relevancy of today's case. Ms.  
397 Richardson stated that to-date no payment has been made by Mr. Fielder.

398  
399 Mr. Robinson cautioned Mr. Fielder again to ask relevant questions as it related to this case. He reminded  
400 Mr. Fielder that the fine was supposed to be paid within 90 days or the license would go into suspension.



401 The license was not suspended at the time, but it should have been. Mr. Fielder stated that in January  
402 2012 Ms. Richardson's name was Bridgett Jenkins. Ms. Richardson agreed. Mr. Fielder stated that he  
403 mailed the signed letter back to Ms. Bridgett Jenkins. Ms. Richardson reviewed a copy of the unsigned  
404 letter and stated that she did not receive a signed letter from Mr. Fielder . Mr. Fielder stated that he  
405 submitted his payment to Mr. Randy Bryant.

406  
407 Mr. DeLeon Andrews from OIE was called to testify. Mr. Andrews stated that he set up a visit and met  
408 with Mr. Fielder . They went over documents given and the original complaint. The original complaint  
409 was from Mr. Brown who was trying to obtain his hours from Mr. Fielder and was unsuccessful. At that  
410 time, Mr. Fielder was preparing to open up a barber school. Mr. Raymond Lee was scheduled to conduct  
411 the inspection for the new school, but did not meet with Mr. Fielder . Instead, Mr. Shells was interviewed  
412 and he stated that he was asked by Mr. Fielder to sign off on a student to help him out. Based on LLR's  
413 record of hours, there were three hourly sheets signed by Mr. Shells, one from June 2010, dated July 6,  
414 2010, another one signed on September 10, 2010 for August 2010 and a third was signed on February 2,  
415 2011 for January. The hourly sheets were for #1 Cuts Barber Shop at 203 Fleming Street for Mr. Fielder  
416 shop. The hourly sheets were entered as States Exhibit #5. The forms for hours were shown to Mr. Fielder  
417 who stated that he did not know Mr. Shells.

418  
419 A letter received from Mr. Shells, given to Mr. Andrews. On May 3, 2011 a letter was sent to Mr. Fielder  
420 letting him know that if Mr. Brown was no longer a student of his, and that if Mr. Shells was not the  
421 instructor, the Barber Board must be properly notified. The letter was submitted as State's Exhibit #6.

422  
423 Mr. Fielder spoke with Mr. Andrews regarding the allegations for approximately an hour. Mr. Fielder  
424 stated that it was not his intent to commit fraud. However he did not admit to any details or that he knew  
425 Mr. Shells. Mr. Fielder avoided direct questions and would not confirm or deny the allegations. The  
426 \$750 fine is owed to the State and was not collected on the consent agreement. A segment of the board  
427 transcript was ordered from the 2011 Barber Board meeting. The transcript explained the \$750 fine. A  
428 copy of the transcript was submitted as State's Exhibit #7. Mr. Andrews concluded that the original  
429 complaint was that Mr. Brown signed up for OJT training. Mr. Shells agreed to sign the hours and Mr.  
430 Fielder mislead Mr. Brown and Mr. Shells. Mr. Fielder began to question the education credentials of  
431 Mr. Andrews and was stopped by Mr. Robinson who again reminded Mr. Fielder that his line of  
432 questioning was not relevant to the case. Mr. Andrews explained that he does not inspect schools or  
433 shops but has accompanied inspectors who do. His job is to determine what occurred with the student.

434  
435 Regarding the letter from Ms. Lisa Hawsey regarding the OJT student training in a barber shop, Mr.  
436 Brown's original complaint was that he was in a school and was not a student of Mr. Fielder but a  
437 student of Mr. Shells. Mr. Andrew's job was to determine the facts. Mr. Brown's complaint was that he  
438 thought he was in a school. Mr. Andrews contacted Mr. Fielder regarding the complaint. It was  
439 determined that the complaint received warranted an investigation so he met with Mr. Fielder . No time  
440 limit was placed on the complaint to be acted upon and no cost of investigation was charged. The State  
441 covers the costs for the investigation. Mr. Andrews stated that the complaint went to the IRC at some  
442 point who recommended filing a formal complaint. That is why we are here today. The complaint was  
443 filed in 2011. On May 3, 2011 a letter was sent to Mr. Fielder from the Board.

444  
445 **The Board took a 10 minute recess. The public hearing was called back to order.**

446  
447 Mr. Fielder presented his closing argument. He thanked the Board for giving him the chance to testify  
448 and tell his side of the story regarding the complaint from Mr. Brown about training in his barber shop.  
449 Mr. Fielder stated that he has been a barber for over twenty years and has owned at least three barber  
450 schools. Mr. Fielder stated that he changed to #1 Cuts Institution and gave the packet of information to  
451 the Board as his Exhibit #1. He then directed the Board to page 3 which covered how to file a complaint,

452 the process of investigation and that an investigation would be completed within 60 to 120 days. Page 3  
453 is a letter from August 31, 2011 that he sent to the Board requesting to be placed on the agenda and he  
454 was denied an appearance. Mr. Fielder acknowledged that Mr. Shells never met the student and Mr.  
455 Fielder admitted he never formally met Mr. Shells. Mr. Fielder stated that he also met with Investigator  
456 Mr. Raymond Lee who asked him for a statement which was later sent to Mr. Andrews. Mr. Fielder  
457 understands that there may have been some misunderstanding as to whether or not his shop was a school  
458 or not, but that he did have a certificate of existence from the Secretary of State for training. Mr. Fielder  
459 stated that he did not gain any money that was not due to him, and that he was still owed money from his  
460 training related to Mr. Brown. When he met with Mr. Brown, Mr. Fielder stated that he mentioned to  
461 him that he could become a barber, but never mentioned he was in a school. Mr. Fielder stated that he has  
462 known Mr. Shells for years and that when there was an over flow of students, Mr. Shells sent them to Mr.  
463 Fielder . Mr. Shells was listed as the second instructor as he was more qualified to deliver the theory and  
464 some practical at the time. Mr. Fielder stated that he never asked Mr. Shells to do anything that was not  
465 right in the profession.

466  
467 Mr. Fielder stated he wrote the brochure showing hours as 1920 hours for OJT training and that he  
468 represented the institute as a barber shop not a school. Mr. Fielder stated that he belongs to the Barber  
469 Association and was given a Barber of the Year award and he is aware of the rules regarding a school  
470 versus a barber shop. Regarding Mr. Browns hours, Mr. Fielder stated that he trained Mr. Brown on  
471 Monday, Wednesday and Fridays and that Mr. Brown had to go to physical treatment on Tuesdays and  
472 Thursdays. To gain hands-on experience, he took the students to Whitten Center for the Retarded and to  
473 other areas that needed barber services, but were deficient in funds. He provided the services to get the  
474 students the practical training. There was no problem with the theory training either and the book was  
475 covered and read within six months. Mr. Fielder stated that he altered his schedule to accommodate the  
476 students when it came to giving them the proper training. Mr. Fielder feels that Mr. Brown could take  
477 the examination now and pass it since Mr. Brown received ample training.

478  
479 Mr. Fielder was cross examined by Ms. Shealy. Mr. Fielder stated that the OJT hours were signed by  
480 Mr. Shells and were sent to the Board for Mr. Brown. Mr. Shells was his assistant and his secondary  
481 instructor. The Board let Mr. Fielder know that there are no secondary instructors required for OJT's and  
482 that Mr. Shells did not do the instruction. Mr. Fielder stated that he did the theory and Mr. Shells would  
483 do the practical part. Mr. Fielder was reminded that Mr. Shells did not testify that he was a secondary  
484 instructor for Mr. Fielder , but that Mr. Shells did not train anyone. Mr. Fielder stated that he and Mr.  
485 Shells have a contract to work together. Mr. Fielder stated that he introduced Mr. Brown to vocational  
486 rehabilitation and Mr. Brown was rejected because the training he received was for OJT.

487  
488 Mr. Fielder stated that no vocational rehab money was received by him and he did not cash any funds  
489 from vocational rehab. Mr. Fielder stated that Mr. Shells signed hours for Mr. Brown and that he would  
490 have to see the forms to know if he also signed for the hours. Ms. Shealy rested the case for the State.

491  
492 Mr. Robinson asked Mr. Fielder for the proper address for #1 Cuts Barber Shop. Mr. Fielder stated that  
493 the shop was currently closed but that the street address was 203 – C Fleming Street, Laurens, SC 29360.  
494 Mr. Fielder stated that Mr. Shells was not employed at the shop. Mr. Robinson asked the question again,  
495 was Mr. Shells employed at the address given, Mr. Fielder replied, yes. Mr. Barnes asked Mr. Fielder ,  
496 how could Mr. Shells sign off on the hours when he never saw the student? Mr. Fielder stated that he  
497 had an arrangement with Mr. Shells that he would be at one location and Mr. Fielder would go to that site  
498 to provide instruction. Mr. Robinson asked Mr. Fielder if he had proof of having paid the \$750 fine. Mr.  
499 Fielder stated that he paid \$440 and that money was sent to Mr. Randy Bryant. Mr. Fielder provided a  
500 screen shot from RELAES showing some fees paid. Apparently the \$300 paid was for a school  
501 application and not a fine. Ms. Richardson let Mr. Fielder know that fees are not refundable and he did

502 not make any request to anyone to transfer funds over for any other purpose. The school was never  
503 opened. Further discussion ensued. Mr. Fielder was dismissed.

504

505 Ms. Shealy presented her closing argument. Mr. Fielder presented his closing argument.

506

507 **Motion:**

508 Ms. Patton made a motion to go into executive session for legal advice. Mr. Evans seconded the motion,  
509 which carried unanimously.

510

511 **Motion:**

512 Ms. Patton made a motion to return to public session. Mr. Evans seconded the motion, which carried  
513 unanimously.

514

515 While in executive session, no motions were made or votes taken.

516

517 Mr. Fielder left the session and did not return for the final verdict.

518

519 **Motion:**

520 Ms. Evans made a motion that the State has proven it's case and the respondent has been found not to be  
521 in compliance with the order which includes the \$750 fine. A \$2,500 fine is required and the instructor's  
522 license is suspended for ten (10) years. Ms. Patton seconded the motion, which carried unanimously.

523

524 Mr. Robinson apologized to Mr. Brown.

525

526 **Discussion – there was none.**

527

528 **Board Member Reports - there were none.**

529

530 **Public Comments**

531 Ms. Eleanor Glover asked the Board to reconsider approving the Student Enrollment form.

532

533 **Adjournment**

534

535 **Motion:**

536 Mr. Evans made a motion to adjourn. Ms. Patton seconded the motion, which carried unanimously.

537

538 The meeting ended at 4:15 p.m.

539

540

541 **The next meeting of the S.C. Board of Barber Examiners is scheduled for October 14, 2013.**

542

543

544

545

546

547

