

APPROVED MINUTES
South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., August October 14, 2013
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29211

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 upon request to the Board.

Public Notice:

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.

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

Rules of the Meeting Read by Chairman

Introduction of 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, Frederick M. G. Evans, and Edwin Barnes.

Staff Members:

Mary League, Advice Counsel; Tracey McCarley, Administrator; Roz Bailey-Glover, Matteah Taylor, Bridgett Richardson, Administrative Staff; Robbie Boland, Inspections; Sharon Wolfe, Yolanda Rogers, Sandy Beatty, George Barr, DeLeon Andrews, Investigations; Andrew Rogers, OGC; Prentiss C. Shealey, OGC; Darra Coleman, Advice Counsel; Laura Pace, Finance; Cecelia P. Englert, Court Reporter; Charlie Ido, OBS- Assistant Deputy Director.

Others participating in the meeting included:

Quincy Townsend, Ronald King, Roderrick Mines, Russell Perry, Ryan Salley, Betty Daniels-Petterson, Steve Williams, William Belt, Osotonu Tanielu, Justin Simmons, Brandon Jowers, Sr., Sherry Lyden, Royall Mack, Willie Woods, Dinah Shaw, Eddie Graham, Zoraida Harley, Terex Small, Dr. Marlon Thomas, Jack L. Peterson, Ronald E. King Sr.

Approval of Excused Absences – There were none.

Approval of Agenda

Motion:

Ms. Patton made a motion to approve the agenda with the removal of item #11. Mr. Barnes seconded the motion, which carried unanimously.

Approval of Meeting Minutes – August 12, 2013

Motion:

Mr. Barnes made a motion to accept the minutes from August 12, 2013. Ms. Patton seconded the motion, which carried unanimously.

Chairman's Remarks – Paul E Robinson - there were none.

Fee Adjustment Proposal – Darra Coleman, LLR Advice Counsel, presented on behalf of LLR Director, Holly Pisarik

Ms. Coleman stated there is a fee adjustment being proposed for the Cosmetology and Barber Boards. LLR staff also provides administrative services for the Massage Therapy Panel however, sometime during the Spring of 2014, the Massage Therapy Panel will be removed from under the current Administrator, leaving only the Cosmetology and Barber Boards for staff to service. In addition, the process of conducting investigations will be changed to reduce the cycle time. The goal will be to complete investigations within 60 days from the complaint stage to the case going to the IRC for review. Ms. Coleman stated there are currently eight individuals, (includes the inspectors and investigators) working for the boards. LLR will add three more investigator positions. Investigators will receive industry specific training from the CLEAR organization from November 5-6, 2013 in preparation for national certification. In addition, the Office of General Counsel has been expanded to expedite cases. The goal for the completion of Board Orders will also be a 60 day turn-around time. LLR is also preparing to add information technology tools such as a Face Book page for the Real Estate and Accountancy Boards. The web site is in the testing phase. Some Boards don't want a Face Book page, so it's completely up to the Barber Board if you wish to participate. Mr. Robinson stated that the Board will consider having a Face Book page, and will get back to LLR with an official vote. Finally, LLR's goal is to have all Board applications online. At this time only the renewals are online. There are currently six staff members and a total of eight inspectors and investigators working for the Board. Ms. Coleman read segments of Section 40-1-50 regarding fee structures. The text read indicated that the director shall adjust fees for revenue-funded boards in accordance with Section 40-1-50 (D). In addition, fees may be adjusted biennially to ensure they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operation of each respective board. If the current fees and the projected program activity do not support the projected program's expenses, LLR will develop alternative fee structures which would ensure the program's continuing financial stability as required by law.

Ms. Coleman provided the Board with a copy of their budget covering 2010 through 2013. Ms. Coleman covered, in detail, specific line items on each budget sheet. Ms. Coleman explained the costs of the Office of Investigative Enforcement and the legal expenses and how the percentage of those expenses are based on the number of complaints filed for the Board versus the entire agency which represents .047% of the total expense. There was also a \$203,071 adjustment made to the budget because the Board cannot use fees collected from fines to cover expenses or to be used as revenue. In some rare situations, the Board can draw-down from the fine fees. Last year the Board used \$52,000 of their fine fees to cover costs. Ms. Coleman stated that 10% of the Boards budget goes to the General Fund. In addition there is an Immigration Provision 65.8 which requires 100% funding and the use of funds from the Professional Occupational Licensing (POL). In addition POL funds 10% of the OSHA Program Provision 65.7. By the year 2010 the board's deficit began and continues to grow. Ms. Coleman also discussed the increase in building rents and other costs due to the new lease.

Ms. Coleman recommended increasing the renewal fees. If approved, the increases would take effect at the next renewal cycle. The intention is for each program to be self sustaining. The Board must vote today. LLR is trying to correct past financial problems and provide the Boards with better data. Unfortunately they only have three years of records available to work with. There was a brief discussion

about hiring an investigative consultant. Ms. Coleman stated that an investigative consultant would be hired on an as needed basis. Mr. Robinson and the Board members thanked Ms. Coleman for her thorough coverage of the budget. It was the first time anyone had answered their questions in years with data.

Mr. Robinson stated that the increase in renewal fees would be as follows;

Registered Barber - \$125	Barber College - \$300	Master Hair Care - \$150
Barber Assistant Manicurist - \$100	Shampoo Assistant - \$100	Barber Shop - \$125
Hair Braider - \$100	Barber Instructor - \$140	

Motion:

Mr. Barnes made a motion to increase the fees as stated. Ms. Patton seconded the motion, which carried unanimously.

Administrator’s Remarks, For Information – Tracey McCarley

Ms. McCarley introduced Ms. Yolanda Rodgers to provide the OIE Report in Ms. Wolfe’s absence.

OIE Report – Office of Investigations and Enforcement – Sharon Wolfe

Ms. Yolanda Rodgers appeared before the Board on behalf of Ms. Wolfe to review the OIE Report. The cases received from January 1, 2013 – October 9, 2013 are as follows: Active Investigations = 3; Closed Investigations= 1; Do Not Open Case = 3. Cases closed from January 1, 2013 – October 9, 2013 are as follows: Closed Cases = 14; and Do Not Open = 3. The OIE report was accepted as information only.

OIE Report – Prentiss Shealy

There were three cases dismissed, one case dismissed with a cease and desist notice and one formal complaint received with a cease and desist notice issued.

OGC Report – Office of General Counsel – Prentiss Shealy

Ms. Shealy provided the Board with copies of the OGC Case Load Statistics report. The cases received as of October 14, 2014 are as follows: Open Cases = 51; Pending Actions = 20; Pending CA/MOAs = 28; Pending Final Order Hearings = 2; Pending Final Orders = 1 and Closed Cases = 12. The Board accepted the data as information.

Inspection Report – Robbie Boland

Mr. Boland reviewed the inspections report with the Board and indicated that the report included both schools and barber colleges. There were a total of 1,277 inspections completed January – September, 2013. The Board accepted the report as information.

Old Business

Resolution Guidelines – Robbie Boland

Mr. Boland reviewed the draft resolution guidelines with the Board. Mr. Boland stated that items #11 and #32 were the same so he would delete item #32 from the approved version. Mr. Boland stated the guidelines could be changed by the Board at any time.

Motion:

Ms. Patton made a motion to accept the new resolution guidelines and the respective fines as written with the deletion of item #32. Mr. Evans seconded the motion, which carried unanimously.

IRC Professional Member: Primary & Secondary – Prentiss Shealey

Ms. Shealey stated that the OGC would like for the Board to nominate a primary and a secondary IRC Professional Member. The person should be familiar with the sanitary rules and regulations and should be someone in good standing with the Board. This is a non paid position and the IRC meets approximately four times per year. There were names mentioned but no one was selected. Mr. Robinson stated that there were two names consider, Mr. Nathaniel Stewart from Columbia and Mr. Howard Boyd from Charleston, SC. Mr. Robinson stated that the Board would contact Ms. Shealey with the name of the names by the end of the week.

New Business

Review for Approval of Third Student Permit – Quincy Townsend

Mr. Townsend appeared before the Board seeking approval of a third permit to complete his barber training. Mr. Townsend stated that in February, 2013, he intended to complete his training under Mr. Christopher Murphy, but the shop is forty miles away, and he needs to complete his training closer to home. The application submitted shows he completed 528 hours. Mr. Townsend stated he completed 1,344 hours, but did not have the transcript to show the Board. The Board deferred the application until Mr. Townsend could obtain his transcript to show he completed 1,344 hours of training. In addition, Mr. Christopher Murphy's license #6538 is expired and has not been reinstated. Mr. Robinson let Mr. Townsend know the Board could not award a permit until the barber instructor has a current license. Mr. Townsend was advised to complete another application with an instructor with a current license. Mr. Townsend withdrew his application.

Review for Approval of Third Student Permit – Ronald King

Mr. King appeared before the Board seeking approval of a third permit. Mr. King stated he received a permit in 2002 to attend Denmark Tech with Mr. Leroy Ruff. He left the school in 2005, but now that he lives in Greenville he can finish his training. Mr. King stated he completed 1,100 hours, but did not have a transcript. Mr. Robinson asked Ms. McCarley to ensure that all applicants attending future board meetings must provide a copy of their training hours for the board's review. Staff confirmed that Mr. King completed 1,100 hours.

Motion:

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

Mr. Robinson let Mr. King know that a fourth permit is not given, so make sure he completes his hours.

Review for Approval of Third Student Permit – Roderrick Mines

Mr. Mines appeared before the Board seeking approval of a third permit. Mr. Mines brought Ms. Lakeba Mines as a character witness. Mr. Mines stated he attended Harley's Beauty & Barber Career Institute for one year. He also used his second permit. Mr. Mines stated he completed 960 hours. Mr. Mines also made comments about his financial aid package to the Board. Mr. Robinson let Mr. Mines know that the financial aid arrangement is between the student and the school and not the Board. Mr. Mines did not complete an application for the third student permit. Mr. Robinson let Mr. Mines know that he must submit an application before the Board could render a decision about a third permit. No motion was made or determination given until the application is received.

Review for Approval to Take the Examinations – Russell Perry

Mr. Perry was sent a letter on September 18, 2013 to appear before the Board. Mr. Perry was not present when called. No motion was made since Mr. Perry was not present.

Review for Approval of Background Check for Renewal / Reinstatements – Charles Neal

Mr. Neal appeared before the Board seeking to reinstate his license with new charges on his background report. Mr. Neal stated that he has been cutting hair for over twenty years, and has had convictions on his record over the past five years. Mr. Neal stated that he has a job waiting at Smokes Barbershop in Columbia if his license is reinstated. Mr. Neal stated that from 1991-2013 he has experienced legal problems and was charged with misdemeanors for which he paid fines. However, the December 2012 charge has not been resolved yet. Mr. Robinson stated that there will not be a determination made by the Board until the 2012 charge is settled.

Motion:

Ms. Patton made a motion to defer this case until the next Board meeting on December 9, 2013. Mr. Barnes seconded the motion, which carried unanimously.

Review for Approval of Background Check for Renewal / Reinstatements – Ryan Salley

Mr. Salley appeared before the Board seeking to reinstate his license with new charges on his background report. Mr. Salley stated that he is still on parole for five years for traffic violations that were previously discussed at the last meeting with the Board. He answered yes on the renewal form, but there are no new charges other than the traffic report he submitted. He was given five years probation by the Board in 2011. Probation ends in 2016.

Motion:

Mr. Evans made a motion to approve the renewal and the five year probation continues as previously ordered by the Board. Mr. Barnes seconded the motion, which carried unanimously.

Review for Approval of Background Check for Renewal / Reinstatements – Betty Daniels-Peterson

Ms. Peterson appeared before the Board seeking approval to reinstate her master hair care license, and the instructor's license with a background report. Ms. Peterson stated that she checked yes on the renewal form because she had an outstanding tax violation on record from 2010 to which she plead guilty. The charge was not connected to the barber industry or profession. There was some discussion.

Motion:

Ms. Patton made a motion to reinstate the licenses. Mr. Barnes seconded the motion, which carried unanimously.

Review for Approval of Background Check for Renewal / Reinstatements – Eddie Graham

Mr. Graham appeared before the Board seeking approval to reinstate his barber license with a background report. Mr. Graham did not have any identification and could not be sworn in. Mr. Robinson deferred the determination to the next board meeting scheduled in December 9, 2013 or the January , 2014 meeting.

Review for Approval of Background Check for Renewal / Reinstatements – Christopher Boswell

Mr. Boswell was sent a letter on September 19, 2013 to appear before the Board to answer questions regarding his background report. Mr. Boswell was not present. The Board did not make any determination regarding this case.

Review for Approval of Application with Background Check – Steve Williams

Mr. Williams appeared before the Board seeking approval for his barber apprentice license with a background report. Mr. Williams stated that since 2007 he had some infractions on his record. He stated he was in a car with others people where there was an open container and everyone received a charge. Mr. Williams stated he was not on probation, and has a job waiting at You're Next Barber Shop in South Carolina. Mr. Williams also stated that no infractions occurred in or near a barber shop.

Motion:

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

Review for Approval of Application with Background Check – William Belt

Mr. Belt appeared before the Board seeking approval of his Master Hair Care Apprentice license with a background report. Mr. Belt stated that he has made mistakes and is trying to get his life in order for his children. He has a job waiting a Chauncey's Barber shop if the license is awarded. There was some discussion.

Motion:

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

Review for Approval of Application with Background Check – Osotonu Tanielu

Mr. Tanielu appeared before the Board seeking approval of his Master Hair Care Apprentice license with a background report. Mr. Tanielu stated that he is not on probation and has not been in any trouble since 2008. Mr. Tanielu stated he went to school in Georgia and completed 3,500 hours of training.

Motion:

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

Review for Approval of Application with Background Check – Justin Simmons

Mr. Simmons appeared before the Board seeking approval of his Master Hair Care Apprentice license with a background report. Mr. Simmons stated he had problems when he was younger. He has not had any arrests in seven years. Mr. Simmons stated that he is now active in his community and church. Mr. Simmons stated he is not on probation and has a job waiting for him at Clipper Kings in Charleston, SC.

Motion:

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

Review for Approval of Application with Background Check – Mr. Brandon Jowers Sr.

Mr. Jowers appeared before the Board seeking approval of his Master Hair Care Apprentice license with a background report. Mr. Jowers stated that he completed 1500 hours at the Top of the Line Barber College. There were some arrests in his past and he recently went to court for those charges. For the 2011 charge he received community service and drug counseling. Mr. Jowers is on probation for three years or until 2015.

Motion:

Mr. Evans made a motion to approve the license with probation to run concurrent with the State probationary period. Mr. Jowers will submit a background report at the end of each year to the Board at his own expense. Ms. Patton seconded the motion, which carried unanimously.

Review for Approval of Application with Background Check – Royall Mack

Mr. Mack appeared before the Board seeking approval of his Registered Barber Apprentice license. Mr. Barnes recused himself from the hearing and will sign a statement of recusal. Mr. Barnes left the meeting. Mr. Mack's attorney, Ms. Sherry Lyden was also present. Ms. Lyden presented Mr. Mack's case. While living in New Jersey, Mr. Mack suffered from mental problems and exposed himself to a

minor. He was sentenced to life time probation in New Jersey and will suffer from this poor decision. The case and probation has been transferred to South Carolina as an out of state case. Mr. Mack's freedom is restricted. He reports once per month for probation. He received counseling in New Jersey and that counseling will continue in South Carolina. Mr. Mack spent twenty years in the U.S. Air Force where he received high accommodations for his service and accomplishments. Ms. Lyden stated that Mr. Mack's problem was an isolated and very unfortunate incident which occurred in 1999 where he was charged with solicitation. So if the Board requires any additional information for his background report, the 1999 charge will appear. Mr. Mack spoke on his own behalf and stated he was very sorry and became very emotional about his action. Mr. Mack stated that he has a job waiting at Jazzy Cuts in Charleston, SC. Mr. Evans clarified that the Mr. Mack's probation expires on December 05, 2061. However, at the fifteen year mark, Mr. Mack will be able to request that the charges be expunged from his record.

Motion:

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

Review for Approval of Application with Background Check – Shakia Graham

Ms. Graham was mailed a letter on September 19, 2013 to appear before the Board seeking approval for a hair braider registration with a background report. Ms. Graham was not present to answer questions. The Board did not make and motion or determination on this case.

Review for Approval of Barber School Opening – Ridgeview High School, Brenda M. Foxworth, instructor Mr. Terex Smalls, and Marlon Thomas

Mr. Smalls and Mr. Thomas appeared before the Board to answer questions about the opening of a barber school at Ridgeview High School. Mr. Smalls is the only instructor. There are sixty students interested and thirty-two applicants have applied. Mr. Robinson stated that there must be three instructors, or one instructor per every twenty students. The Board must be provided with a diagram of the classroom and lab to show the chairs, and sinks etc., that will support the program. Mr. Smalls stated they plan to open the program to students by January, 2014. Mr. Robinson stated that a member of the Board will visit the school with the inspector before the Thanksgiving break. All classrooms should be set-up and ready for inspection. Board member, Mr. Evans will contact the school with the inspection date and time.

Motion:

Ms. Patton made a motion to approve the barber school license contingent with the board visit and inspection. Mr. Evans seconded the motion, which carried unanimously.

Request for a Modification of Final Order – Willie Woods

Mr. Woods requested a hearing before the Board to ask for clemency or a reduction in the suspension of his barber instructor's license. Mr. Woods explained his military background and his fire fighting career history. Staff member, Ms. Richardson stated that Mr. Woods paid his fines and is in compliance with the Board's Order from July 1, 2013. Mr. Barnes clarified that the original Order and penalty was given to Mr. Woods for good reasons. Mr. Woods stated that he appeared before the Board in October of 2012 and he thought that his suspension would begin at that time. Since October 2012 he has not had any opportunity to work with students. Mr. Woods still has a current Master Hair Care license. Ms. Richardson stated that there was a backlog of Orders and technically the effective date of the suspension given in October of 2012 was correct. The suspension will end on October 20, 2014.

Motion:

Ms. Patton made a motion that the request for clemency is denied and that the original Order for case 2011-19 remain in effect. Mr. Barnes seconded the motion, which carried unanimously.

30 MINUTE LUNCH BREAK

Hearing: JB's - Case #2012-10

Ms. McCarley let the Board know that this case would not be presented today.

Hearing: Roy Keitt – Case #2012-22

Mr. Keitt appeared before the Board to answer questions regarding the investigation findings. Assistant General Counsel, Prentiss C. Shealey presented the case to the Board. The memorandum of agreement stipulated that on March 9, 2012 and Inspector for the Board conducted an inspection of The Royal Image Barber Shop (BS 15606) and found an employee-student providing barber services without a license and working with an expired On the Job (OJT) permit without an instructor present. This action is in violation of SC Code 40-7-110 and 40-7-30. Mr. Keitt stated that he has been a barber for over twenty years. This is his first violation. Mr. Keitt stated he did the wrong thing for the right reasons and he had no excuse. Mr. Keitt apologized to the Board for his actions.

Motion:

Ms. Patton made a motion to suspend the Barber Instructor license of a period of one year. Mr. Evans seconded the motion, which carried unanimously.

Hearing: Get Money Barber Shop- Case #2012-14 (BS#71185), Cleveland Mack Jr.

Mr. Mack appeared before the Board to answer questions regarding the investigation findings. Assistant General Counsel, Prentiss C. Shealey presented the case to the Board. Ms. Shealey stated that the street address for the shop is correct but the mail has not been picked-up. The State proceeded without the owner. Inspector, Ronnie Blackmon was called as a witness for the State. Mr. Blackmon stated he inspected barber shop #71185 and found a cosmetologist working in the shop with a license that expired March 10, 2011. The owner, Mr. Cleveland Mack is not a licensee. No barber worked in the shop, and it was determined that the cosmetologist with the expired license was a relative of owner. Mr. Blackmon stated the shop was very dirty. There was hair on the floor and counters. The containers also dirty without lids and contained debris, the towels were on the floor and half in an uncovered basket, and there was hair caked on brushes and combs. There were open food containers on the counter and the shop was just unsanitary and a cluttered mess. Mr. Blackmon stated he stopped by the shop three times in the past week. The location had some type of business going on inside but the barber sign was taken down. The shop license expired on June 30, 2011. Ms. Shealey stated that the shop owner, Mr. Mack, is not licensed, however the Board can sanction the barber shop.

Motion:

Ms. Patton made a motion to issue a \$500 fine to the barber shop for operating on an expired license. Mr. Evans seconded the motion, which carried unanimously.

Discussion:

The Board briefly discussed participating with LLR's Face Book page for the Barber Board. Mr. Barnes commented that he spent about a month meeting with and attending fund raisers with the State's Chief of Staff. Mr. Barnes was told by several Senators he spoke with that LLR staff does an excellent job. However, the Board wants to get on the right page LLR in getting the Board out of debt. Mr. Barnes wanted to know who is on the Governor's Task Force. Mr. Robinson stated he would let Mr. Barnes know who is on the Task Force as it was public information. Mr. Evans stated that the financial condition of the Board is not the fault of the Board members as they do not control expenses. He commended LLR staff for attempting to balance the budgets. Mr. Barnes stated that he would like for another person to be appointed to the Board from the Charleston or Greenville or Myrtle Beach areas. The Board also needs to appoint two IRC members.

Ms. McCarley gave the Board an update on the individual who threatened the Board. She stated that nothing can be done to the person because LLR does not bring criminal cases against individuals. The Board can only sanction the person's license. The Board can file an official complaint against the licensee and bring that person before the IRC. At that time a decision can be made about the license.

Mr. Barnes stated that the next Barber Convention will happen in Las Vegas.

Board Member Reports - there were none.

Public Comments – there were none.

Adjournment

Motion:

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

The meeting ended at 2:36 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for December 9, 2013.