

APPROVED MINUTES
South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., December 9, 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, Robbie Boland, Inspections; George Barr, Investigations, Prentiss C. Shealey, OGC; Cecelia P. Englert, Court Reporter

Others participating in the meeting included:

Brian Ham, Latonya Ham, Hampton H. Glover, Eleanor Glover, Ryan L. Pyle, Rosanne Pyle, Marwin McKnight, Malsili Terry, David Cobbs, Charles Hamilton, Terex Smalls, Marlon Thomas, Zetan A. Anderson, Eddie Graham, Eldred Anderson, Charles C. Neal, Brian James, Dante' Taylor

Approval of Excused Absences – There were none.

Approval of Agenda

Motion:

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

Approval of Meeting Minutes – October 14, 2013

Motion:

Ms. Patton made a motion to approve the minutes with a correction to line 308. Mr. Evans seconded the motion, which carried unanimously.

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

Proposed Chapter 10: Fee Replacement Option – Advice Counsel

Ms. League explained to the Board that LLR’s Director needed a vote to determine if the Board wished to place their fees into the new Chapter 10. Chapter 10 will be the global section for fees. The Board has the options to have their fees listed in both the regulations and Chapter 10.

Motion:

Mr. Barnes made a motion to accept the Director’s recommendation to place the Boards fees into Chapter 10. Ms. Patton seconded the motion, which carried unanimously.

Administrator’s Remarks, For Information – Tracey McCarley

Ms. McCarley let the Board know that December 20, 2013 was her last day and that someone new will be named in her place very soon. Mr. Robinson and the Board thanked Ms. McCarley for her service to the Board.

OIE Report – Office of Investigations and Enforcement – George Barr

Mr. Barr reviewed the OIE report with the Board. The Board had several questions. Mr. Barr replied that the column on the report marked “Do Not Open” referred to cases reviewed by a case review officer determined that no case could be open or that there was no jurisdiction to open a case. Ms. Shealy added that anyone can file a complaint against someone who does not have a license. At that point a cease and desist letter can be sent to the unlicensed individual, but a case cannot be opened. The public is protected because the cease and desist can be filed with the Administrative Law Judge for resolution. The Board accepted the report as information.

OGC Report – Office of General Counsel – Prentiss Shealy

Ms. Shealy reviewed the OGC report with the Board. She stated that there were 44 open cases, 115 pending action, 27 pending CA/MOA’s, 2 pending final Order and 23 cases closed. The Board accepted the report as information.

Inspection Report – Robbie Boland

Mr. Boland reviewed the inspections report with the Board and indicated that the low numbers for November 2013 was due to the week-long training session inspectors attended. Mr. Boland added that if unlicensed practice is determined, the inspectors use the guidelines provided by the Board for barber shops and schools. The Board accepted the report as information.

Ms. McCarley let the Board know that the financial report was for budgetary information only. All participants were reminded to sign-in. The meeting was turned back to the Chairman.

Mr. Robinson asked all attendees present for a hearing to stand when their name was called to be sworn in as a group. All were sworn in. Each person would present their identification to the court reporter when they are called to testify.

Old Business

Review for the Reinstatement of a license with a Background Check – Charles Neal

Mr. Neal previously appeared before the Board with an unresolved charge. Mr. Neal stated that he missed the last meeting due to a scheduling conflict. He needed to have his background report information resolved before the Board could decide on his case. The Board asked Mr. Neal some questions about his background report. Mr. Neal explained that he was given a fine and provided the Board with supporting documents. The Board asked Mr. Neal if he knew Mr. Brandon Michael Davis. Mr. Neal replied that he did not know him. Mr. Neal stated that he was not on probation, but had to pay a fine at the rate of \$40 per month until the \$775.08 was paid in full. He stated that he pays the Carolina Electric Monitoring Service which is a collection service and he would not go back to jail if the fine was not paid. The Board expressed concerns about Mr. Neal's twenty years of problems with the law. Mr. Neal stated that as he told the Board in a previous meeting that the victim was his son. The Board had no further questions.

Motion:

Mr. Evans made a motion to reinstate Mr. Neal's license with a one year probationary period. Mr. Neal will provide the Board with a current background report at the end of the probationary year at his own expense. Any additional charges will impact his license. Ms. Patton seconded the motion, which carried unanimously.

New Business

Discussion/Clarification of Secondary Barber Programs – Eleanor Glover, Marwin McKnight and Terex Smalls

Dr. Glover appeared before the Board seeking clarification or guidelines and procedures for statewide approval for the written and practical exams to be taken in one day as an option for secondary schools, and allowing three year student permits for all secondary barber programs. In addition, she is requesting clarity on PCS' connection with the Barber Board decisions regarding affidavits, forms, procedures etc. Dr. Glover would like for the Board to provide specific guidelines for secondary schools, if different from postsecondary schools, so that the schools are able to follow all procedures in accordance with LLR regulations.

Dr. Glover stated that the Ridge View High School currently has one instructor per twenty students and that the Board requires a list of all instructors. This poses a problem for public schools because of the way the public school is configured. There are usually more than twenty students per class at any given time. Students stay in a school program for a maximum of three hours per day. Dr. Glover wanted the Board to reconsider changing the ration of one instructor per twenty students for Fort Dorchester, Hayward Career Center and Beaufort Jasper ACE. Mr. McKnight spoke for Beaufort Jasper ACE. He clarified that there were twenty-eight students made up of juniors and seniors. There are never more than twenty students enrolled under one instructor license. The Board approved their program in 1998. The Board asked staff to locate the Board minutes from 1998 for review. Mr. Barnes stated that he remembered the issue of the student ratio and that the Board made an exception at the time. Mr. Evans stated that the Board must ensure that they are not in violation of section 17-14 and that there must be a minimum of ten barber chairs for the students. Mr. McKnight assured the Board that there were twenty-one barber chairs for the students.

Ms. McCarley let the Board know that minutes only go back as far as 2000. Mr. McKili Terry let the Board know that students complete 540 hours of theory coupled with 1,000 to complete 1,540 hours of training along with the academics. Mr. Terry provided the Board with a copy of the school curriculum. He also stated that the testing service, Professional Credential Service (PCS) was not accepting copies of

the school's affidavit. Mr. Robinson stated that the school has to use the affidavit required by the State Board for PCS. Public schools can incorporate the 40 hours of academics into the curriculum with the collaboration of the Department of Education. Do not separate out the hours and the schools do not need any additional affidavits for the testing service.

Dr. Glover wanted direction from the Board about students taking the examinations before leaving high school in April and May. The affidavit will show the barber program hours completed and they students should be able to take the examinations before graduation. There are two issues, early testing for students who have not completed high school and the student to instructor ratio. Mr. Smalls stated there were 27 students ready to enter the Ridge View High School public school barber program. Mr. Evans stated that the Board would like to accommodate the school but must ensure the Board is acting within the guidelines of the state. A compliance discussion ensued and a discussion about three year permits. Mr. Robinson let Dr. Glover know that the Board would have to discuss her requests further during executive session later on in the meeting.

Review for Approval of Barber School Opening – The Barber Shop Experience Training Center – Brian Ham

The Board reviewed the school application submitted. Mr. Ham wants to open the school by January 13, 2014. The Board had concerns about the square footage of the space. Mr. Ham stated he has several students with applications for pre-enrollment including several veterans. Mr. Ham is the only instructor. Mr. Robinson stated that Mr. Ham would need to plot out a larger space for the students and resubmit the floor plans to the Board along with a copy for Mr. Evans who will attend the inspection.

Motion:

Mr. Evans made a motion to approve the license pending the submission of a new layout for the space. One copy must be submitted to the Board along with a copy for Mr. Evans for the inspection. Ms. Patton seconded the motion, which carried unanimously.

Hair Braider Review for Approval of Background Check – Tyeshe Spenser

Ms. Spenser appeared before the Board to answer questions about her background report. Ms. Spenser stated that the charges were seven years old and that she was not on probation. She has a job at Lola's Salon if the license is approved.

Motion:

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

Registered Barber by Exam, Review for Approval of Background Check – Ryan Pyle

Mr. Pyle appeared before the Board with his OJT instructor, Mr. Hampton Glover and his mother, Ms. Rosanne Pyle. Mr. Pyle stated his problems started when he was younger. Mr. Pyle stated his dedication to the profession stated while in prison. Mr. Pyle stated he was released in 2012 and is not currently on probation or parole. He receives counseling mainly through his church, but nothing formally required. Mr. Pyle stated that the 2013 charge was a misdemeanor, and a traffic charge. Mr. Glover stated he is Mr. Pyle's instructor and spoke highly on his behalf. Mr. Glover stated that Mr. Pyle was a fine barber and asked the Board to grant licensure even if it is granted with probation. Ms. Pyle stated that barbering has given her son a purpose and second chance and he is dedicated to making it his career.

Motion:

Ms. Patton made a motion to approve the license with a three year probationary period. The information on the pending case must be sent to the Board and Mr. Pyle must supply a current background report at the end of each year to the Board at his own expense. Any additional infractions will result in an

Administrative Suspension of the license. Mr. Barnes seconded the motion, which carried unanimously.

Registered Barber by Exam, Review for Approval of Background Check - Eldred D. Anderson

Mr. Anderson appeared before the Board to answer questions about his background. Mr. Anderson brought in a character witness, Mr. Khalid Gadson. Mr. Anderson stated that several of the charges were dropped against him. Mr. Anderson stated that the disposition of the 2012 issue was dropped down to a fine. He attended counseling on his own through the Alcoholics Anonymous. His driver's license is still suspended. Mr. Anderson stated that none of the offenses took place in or near a barber shop. Wants to make this positive change for his family and does not want the old life style anymore. Mr. Gadson spoke on behalf of Mr. Anderson. Mr. Gadson has known Mr. Anderson for ten years and spoke positively on his behalf.

Motion:

Ms. Patton made a motion to approve the license with a one year probationary period and a SLED report submitted at the end of the year at his own expense. Mr. Barnes seconded the motion, which carried unanimously.

5 MINUTE LUNCH BREAK

Review for Approval of a Master Hair Care license with a Background Report – Ronald Linder

Mr. Linder appeared before the Board to answer questions about his background report. Mr. Linder stated that he has not had any additional charges since 1999. Mr. Linder is on community probation until March 2014. 1997 was the last conviction.

Motion:

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

Review for Reinstatement of a Registered Barber license with a Background Report – Eddie Graham

Mr. Graham brought Ms. Kathy Fant as a character witness. Mr. Graham stated that he has been cutting hair for 33 years. Mr. Graham stated that he is moving on with his life and has done his time. Mr. Graham stated that his last charge resulted in a fine and was dismissed. The receipt for the paid fine was submitted to the Board for review. Mr. Graham has a job waiting at In the Cut Barber Shop once his license is reinstated. Ms. Fant, a licensee for thirty-three years testified on behalf of Mr. Graham's good character and that Mr. Graham is trying to move on with his life.

Motion:

Ms. Patton made a motion to approve the reinstatement of the license with a one year probationary period and the submission of a current SLED report to the Board at the end of the year at his own expense. Mr. Evans seconded the motion, which carried unanimously.

Review for Reinstatement of a Master Hair Care, Instructor and Barber Shop license with a Background Report – Zetan Anderson

Mr. Anderson stated that in December 2011 that his shop was in the process of being robbed. Since that time, he obtained a fire arm to be carried in the shop or at home only. Mr. Anderson stated that the charges were non-convictions. On November 27, 2013 Mr. Chris L. Robinson submitted a student permit application indicating Mr. Anderson as the instructor who had an expired Instructor, Shop and Master Hair Care license. Mr. Anderson stated he has since received anger management counseling and completed counseling at PTI. He has been a licensee since 2000.

Motion:

Ms. Patton made a motion to reinstate the Master Hair Care, Instructor and Shop licenses. Mr. Evans seconded the motion, which carried unanimously.

Review for Approval of Third Student Permit – Dredrick Singletary

Mr. Singletary was asked to appear before the Board to answer questions the Board had about his request for a third permit. Mr. Singletary was absent. There was no determination made.

Review for Approval of Third Student Permit – Brian James

Mr. James appeared before the Board to answer questions the Board had about his request for a third permit. Mr. James testified that there was very low customer traffic coming into the shop where he was training. He stayed at Distinguished Gentlemen Barber Shop, but business was slow. He found the Diamond Cutz Barber Shop in Goose Creek which is closer to home. He stated that the first permit was issued for Lucciono's 2X Platinum Salon. He stayed there for 4-6 weeks only. The second permit was for Distinguished Gentlemen for one month and two weeks. Mr. James stated he really did not get to use his second permit which was awarded in 2013 and the permit is still current. He just wants to go to another shop. No hours were recorded for Diamond Cutz. Mr. James stated he has 960 hours so far and no hours under the second permit.

Motion:

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

Review for Approval of Third Student Permit – Charles Hamilton

Mr. Hamilton appeared before the Board to answer questions the Board had about his request for a third permit. Mr. Hamilton stated he received a third permit on 2/2011 to complete his hours, but Mr. Shannon Jenkins closed the shop after three months. He has 534 hours to complete his training. The hours gained with Mr. Jenkins were not reported and he did not receive a monthly report from Mr. Jenkins before he closed.

Motion:

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

Review for Approval of Third Student Permit – Rayciko Johnson

Mr. Johnson appeared before the Board to answer questions the Board had about his request for a third permit. Mr. Johnson stated that he has been with visions Institute of Hair in Sumter for two years. While on his third permit he was informed on August 2013 the school was closed. He transferred to Ragin Barber Institute to finish his hours and now that school is closing. Mr. Robinson stated that there are four other students enrolled that must be notified that they can transfer without penalty.

Motion:

Ms. Patton made a motion to grant a fourth permit due to the school closings. The motion did not carry for lack of a second.

The Board discussed the situation. The third permit ends on June 2013. All agreed to give Mr. Johnson the full year permit and reissue the third permit.

Motion:

Ms. Patton made a motion to reissue the third permit for one year from today. Mr. Evans seconded the motion, which carried unanimously.

Review for Approval of Third Student Permit – Dante Taylor

Mr. Taylor was sent a letter to appear before the Board to answer questions the Board had about his request for a third permit. Mr. Taylor was not present. The Board did not make a determination about this case.

PCS and their communication with schools, student testing and cross-over licenses.

Motion:

Ms Patton made a motion to go into executive session for legal advice regarding PCS and their communication with the schools, student testing and cross-over licenses and other matters. Mr. Evans seconded the motion, which carried unanimously.

Motion:

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

During executive session no motions were made or votes taken.

Mr. Robinson let the Board know that the February 10, 2014 Board meeting conflicts with the National Board Meeting scheduled February 8-10, 2014 in Tampa, Florida. Therefore the February 10, 2014 Board meeting must to be changed to another date either the week before or the week after the national meeting. Two board members, Mr. Robinson and Ms. Patton will be attending the national meeting.

Motion:

Ms. Patton made a motion to approve Mr. Robinson and Ms. Patton to attend the National Board Meeting the week of February 8-10, 2014 in Tampa, Florida. Mr. Evans seconded the motion, which carried unanimously.

Regarding the issues expressed by the Department of Education, Mr. Robinson stated that the issues with the Department of Education there are no regulations that address secondary barber shops. Legal counsel will conduct further research. The Board fully supports secondary education barber programs, but will need further research and will visit this issue at a later time. The same goes for moving forward with early testing and student teacher ratios and the PCS affidavits. Legal counsel, Ms. Mary League, will be in contact with Dr. Glover. Mr. Robinson let Dr. Glover know that the Board did not have enough latitude to advise her at this time. For both public and private schools, the requirement is to have more than one instructor on record if more than 20 students.

In support of early testing, Dr. Glover stated that students can start the practical exam in March, the theory in April and by May, the seniors are basically done with their education. They should be able to test and pass before leaving school.

Discussion:

Mr. Evans let the Board know that he has received complaints regarding hair braiders performing work outside of their scope of practice.

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 1:10 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for February 24, 2014.