

**South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., April 14, 2014
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29211**

Meeting Called to Order

Public notice of this meeting was properly posted at the S. C. Board of Barber Examiner's 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

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

Chairperson Paul Robinson called the regular meeting of the Board of Barber Examiners to order. Other Board members attended included, Renee Patton, Ed Barnes, and Frederick Evans.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Roz Bailey-Glover, Interim Administrator; Matteah Taylor, Staff; Cecelia P. Englert, Court Reporter; Robbie Boland, OIE; Ronnie Blackmon, OIE; and Prentiss Shealey, General Counsel.

All Other Persons Attending:

Michael Thomas, Jason Collins, Stephanie Ratliff, Daniel Jones, Eleanor Glover, Keon Washington, Betty Daniels-Peterson, Joe Peterson, and Antonio Burns.

Approval of Excused Absences: There were none.

Approval of the Agenda

MOTION:

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

Approval of Meeting Minutes: Conference Call – January 16, 2014

MOTION:

Dr. Evans made a motion to approve the minutes for the January 16, 2014 conference call with two corrections as stated on line 47 "Hurtsville" to Hartsville and the statement was change to "He's not ready for an inspection". Ms. Patton seconded the motion, which carried unanimously.

Approval of Meeting Minutes: February 24, 2014

MOTION:

Mr. Barnes made a motion to accept the minutes for February 24, 2014 with two corrections as stated; the (s) was left off of Dr. Evans name on lines 294 and 399 stated. Ms. Patton seconded the motion which carried unanimously.

Chairman's Remarks – Paul Robinson:

Mr. Robinson had no remarks at this time.

Administrator Remarks – Roselind Bailey-Glover, Interim Administrator

Ms. Glover turned the remarks over to Ms. League, Advice Council

Legislation H.3411 and Regarding Hair Braiders

Ms. League reported there were two bills introduced in legislation regarding the Hair Braiders. Legislation H.3411 is an amendment to the definition of a Hair Braider. This bill will allow the use of hair extensions except in a public place. There was a second bill introduced April 8, 2014, House Bill 5063 which repeals the statute 40-7-255. It does not repeal the definition of a hair braider, but would repeal the board's right to regulate the hair braiders. The Board of Cosmetology had nothing to do with the introduction of this bill and opposed it. These bills were not recommended nor pushed by LLR. Mr. Robinson stated he was in attendance at the initial hearing when H.3411 came through the Sub-Committee and the House. In addition, during the 2013 hearings, the Board of Barber Examiners opposed this bill. Mr. Robinson was unable to attend the meeting this year but will reach out to Representative Grady Brown regarding the bill. Mr. Robinson also reached out to other professionals in the Cosmetology and Barber industry, and their opposition was duly noted. Mr. Robinson stated that the effort now is to make sure the Governor does not sign the bills or sends them back to veto. Ms. League stated if Statute 40-7-255 is repealed the definition of hair braider, which sets the current requirements for licensure will change. The Board of Barber Examiners will have no legislative authority over the hair braiders. The inspections that take place now will be irrelevant, and the hair braiders can set up anywhere. Mr. Robinson stated that H. 5063 was introduced by Representative Felder and Representative Sandifer. Representative Sandifer was in support of this bill when it was initially presented.

OIE Report – Yolanda Rogers

Ms. Rogers stated the investigative review committee (IRC) met on March 11, 2014. There were 5 cases heard, 4 of those cases were recommended for dismissal and 1 for dismissal with a cease and desist. The Board accepted the OIE Report as information only.

OGC Report – Prentiss Shealey

Ms. Shealey state that as of April 9, 2014 there are 46 opened cases, 2 of those are pending actions. There are 22 cases that are pending with consent agreements (CA), and/or memorandums of agreement (MOA). There are 2 cases pending Board action, and 21 cases pending Board hearings. Currently there are no pending final orders. As of April 1, 2014, 36

cases were closed and 1 case is awaiting appeal. The IRC committee is using the resolution guidelines to implement all fines.

Inspection Report – Robbie Boland:

Mr. Boland stated that there were a total of 82 barber shops inspected as of January 2014. The total number of shops that were open at the time of inspection was 56. Since February 2013, there were a total of 181 barber shops inspected. Mr. Robinson wanted to know if the operating hours of each shop would be helpful to the inspection department. Mr. Boland stated that it would be helpful since the inspectors do not generally keep the times of operations of the barber shops, and that it may be a good idea, during the renewal season, to ask for the hours of operation.

Budget – February – March 2014

Ms. Glover let the Board know that the budget reports are not available until the 15th of each month. Once the budget is received it will be e-mailed to the Board members. Ms. Glover was able to obtain the data during the later part of the day and provided a copy of the budget information to the Board members during the break. The budget information concluded the Administrator's remarks.

Old Business

Clarification of Secondary Barber School Curriculum – Dr. Eleanor Glover:

Dr. Glover stated that she understands that each agency has different terminology. The Department of Education has been working on a Barber School curriculum that she wants to be in line with the Board requirements. Dr. Glover stated that she initial request was for regulation guidelines for high school barber programs and not for a curriculum. Dr. Glover asked for guidelines to be provided because it is hard to follow guidelines that are non-existent. Dr. Glover stated she wants the Department of Education to be able to follow guidelines set by the Barber Board. Ms. League explained to Dr. Glover that there is not a practice act for secondary school programs to follow. The practice act would have to be amended for it to specify secondary program guidelines. Mr. Robinson stated that high school programs are already up and running on the basic information the Board already provides. What Dr. Glover is asking would require legislative action. The committee he mentioned previously would be a start to begin to define the program for secondary schools. Ms. League stated that the committee members have not met yet. However, they will start working on the subject now to establish the statute for next October, 2015.

New Business

Clarification of Opening a Barber Shop and Clarification of Licensure Issues – Roselind Bailey-Glover:

Ms. Glover stated there were a number of questions staff needed clarified. The Board was given a list of questions:

Question 1:- When a Barber student completes training hours in a school or through OJT, which PCS examination are they able to take? Mr. Robinson replied it is optional; the student

has the right to select either the Master Hair Care examination or the Registered Barber examination.

Question 2:- *When a registered barber from another state applies to South Carolina by reciprocity, the Board intended for the person to receive which license?* Response: A Registered Barber license.

Question 3:- *When Registered Barber from another state applies by reciprocity, and has completed less than 1500 hours of training at a school or less than 1920 hours on-the-job, the Board intended for this person to?* Response: Provide evidence of work experience as indicated on the South Carolina Board application. If staff is satisfied with the work experience, issue a Registered Barber license. Staff was directed to Section 40-7-300 *A person who has practiced barbering in another state or country which has licensing requirements which meet or exceed the requirements of this chapter, as determined by the board, and who moves into this State, before practicing barbering in South Carolina shall submit to the board: (1) notarized statements from previous employers establishing that the person has been licensed and actively has practiced barbering for the preceding calendar year;* Mr. Barnes stated there were issues with New York State since they do not keep records long. At one time it was two years, and then it was changed to one year, now its six months, so the burden of proof resides with the applicant.

Question 4:- *When a student barber completes their training hours, but decides to take their examination two – five years later, the Board allows that person to receive which 90-day permit?* Response: The Student Barber 90-Day Permit is an extension of the student permit or OJT permit.

Question 5:- *Can anyone open a barbershop or only a registered barber?* Response: Per Section 17-20: *If a new or reopened shop meets the above requirements, a person who is the holder of a current certificate of registration as a registered barber may obtain an application for a shop license from the Inspector or write this office. All applications for shop license must be on file in the office of the State Board of Barber Examiners at least fifteen days prior to the date when a shop will be complete and ready for inspection.* Mr. Robinson stated that anyone can be the owner of a Barber Shop, but only a Registered Barber or Master Hair Care Specialist can be the manager. Refer to section 40-7-370. *Operation of barbershop by a registered apprentice is prohibited. No registered apprentice, registered under the provisions of this chapter, may operate a barbershop in this state.*

Mr. Robinson asked is it allowed for other entities to accept applications for licensing or permits for individuals; through a third party website and funds come to the state? Ms. Glover responded no because LLR requires each individual to have their own assigned userid and password and a third party could not get into the secured website. By no means is there another website to link into LLR's website with the exception of the testing provider. Ms. League explained the Barber Board website would be appropriate; however, there is some pretty sensitive data on individual files and it's secured as much as possible so a process like that would be pretty tricky.

Review for Consideration of School Opening – Strictly Business College – Mr. Jermaine Collins:

Mr. Jermaine Collins appeared before the Board seeking permission to open a Barber College. Mr. Collins received his initial Barber Instructor's license September 2001. Mr. Collins submitted a proposed opening date for February but the school has not been opened. Mr. Evans recalled that Mr. Collins had another school location and a few years ago which is now closed. Mr. Collins stated he will be the only instructor and there are no back-up instructors at this time. Mr. Robinson let Mr. Collins know that he will need ten students in order to open the new school. Mr. Robinson had a concern about the curriculum hours submitted which appeared to be shortened. Mr. Collins stated that he plans to follow the same curriculum with some adjustments made to fit the new school. Mr. Robinson stated that Mr. Collins must ensure that the curriculum is not downgraded as students must pass the examination and warned against making adjustments to the curriculum the Board requires. He also explained the requirement to report student hours earned in a timely manner, and students are required to complete 1500 hours of training. Mr. Robinson explained the requirements that are outlined by the Barber Board are what need to be followed. Mr. Robinson stated that the school can receive provisional approval and a pre-inspection followed by a final inspection with an inspector and a board member, before opening.

MOTION:

Dr. Evans made a motion to provisionally approve Strictly Business College upon receipt of the requested corrections, of the school's floor plan, and the corrected barber curriculum. Ms. Patton seconded the motion, which carried unanimously.

Review for Consideration of Reciprocity – Michael Thomas:

Mr. Michael Thomas appeared before the Board seeking reciprocity from Maryland. Mr. Thomas stated, in past years, he owned a Barber Shop/ Salon for 20 years. Mr. Thomas pointed out in his application that he provided a work experience affidavit from Mr. Bryan Combs and Ms. Anna Cook. Mr. Thomas stated he has been employed by Mr. Combs for the past four (4) years.

MOTION:

Mr. Barnes made a motion to accept Mr. Michael Thomas' application by reciprocity, as a Master Hair Care Specialist from the State of Maryland. Ms. Patton seconded the motion, which carried unanimously.

Review for Consideration of Third Student Permit – Keon Washington:

Mr. Keon Washington appeared before the Board seeking a third student permit. Mr. Washington stated he was in attendance at Salon 496 Barber Academy in Greenville. Mr. Washington stated his hours were not properly recorded or submitted to the Board. Mr. Washington explained he completed over 1000 hours but the school only had 570 hours listed for him but he attended school over 6 months. Mr. Washington wants to complete his hours as an OJT student with Sporty Cuts in Greenville, SC.

MOTION:

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

Review for Consideration of Licensure with Another Board's Order – Stephanie Ratliff:

Ms. Stephanie Ratliff appeared before the Board seeking consideration with an Order from another board. Ms. Ratliff stated she completed cosmetology school in 2002 at Chris Logan Career College here in Columbia. At the time of completion Ms. Ratliff was not interested in obtaining a cosmetologist license. In 2009 in the state of Texas, Ms. Ratliff completed cosmetology school again. Ms. Ratliff stated she was only interested in the hair braiding and providing hair extensions services. Ms. Ratliff decided later to pursue a different career path which led her to real estate as a property manager. Ms. Ratliff stated there was a federal investigation against her employer and that an inspector, Mr. Ronnie Flay was in constant contact with her. Ms. Ratliff stated in the middle of the investigation Mr. Flay stated he was retiring, and that there were no findings against her. Ms. Ratliff explained she is not sure if things fell through the cracks because Mr. Flay retired. Ms. Ratliff stated she finally got in touch with Ms. Sharon Wolfe and it was explained that her license was revoked in 1995. Ms. Ratliff stated she does not recall appearing before the Real Estate Commission. Ms. Ratliff stated she doesn't remember much about that time. Ms. League asked Ms. Ratliff if she plead guilty to the charges against her. Ms. Ratliff stated she did not. Ms. League informed her she has a sworn statement that was signed by Ms. Ratliff pleading guilty. Ms. Ratliff stated at that time she agreed to whatever she had to in order not to spend 10 years in prison.

MOTION:

Dr. Evans made a motion to approve stated the application for a Hair Braiders registration for Ms. Ratliff. Ms. Patton seconded the motion, which carried unanimously.

License Hearings: Prentiss Shealey

Case #2013-19 – Memorandum of Agreement (MOA) Southside Barber Shop – Daniel Jones:

Ms. Prentiss Shealey stated this hearing is on behalf of Southside Barber Shop license number BS 15123, and owner Mr. Daniel Jones, respondent. Ms. Shealey stated that the State has reached an agreement with Mr. Jones on the facts and violations of the case. The respondent admits that on or about April 17, 2013 an inspector for the Board conducted an inspection of Southside Barber Shop. The inspector found a student working on a client without the supervision of an instructor. The respondent acknowledged this action violates code section 40-7-110 and the Barber statute 40-7-30. Mr. Jones stated the allegations are true. Mr. Jones explained he had an appointment outside of the barber shop the day of the inspection. The student was instructed to leave if Mr. Jones was not back at a certain time.

MOTION:

Ms. Patton made a motion to accept the agreed upon Memorandum of Agreement (MOA). The recommended fine of \$250.00 for a student working without the supervision of an instructor has been reduced to \$50. Dr. Evans seconded the motion, which carried unanimously.

Case #212-23 -Major League Barber Shop and Case #2012-24 - Antonio Burns, Memorandum of Agreement (MOA):

Ms. Prentiss Shealey explained both of these cases have the same set of facts which is why Ms. Shealey is requesting for them to be heard together. Ms. Shealey and Mr. Burns have an agreement of the facts. Mr. Burns is the owner and manager of Major League Barber Shop. On

or about February 24, 2012 an inspector for the Board performed an inspection. The inspector observed an employee perform a service on a client and the employee left the premises. Mr. Burns allowed the employee to perform services without a license while he was waiting for hours that he completed in Georgia to be transferred to South Carolina so he could take the examinations in South Carolina. Mr. Burns also admitted he did not submit hours for two OJT students that he was training. Mr. Burns explained he is not sure how many hours the two OJT students had accrued during the year. Both of those students were in the shop working on clients when the inspection was performed. Mr. Burns has agreed that he is in violation of section code 40-1-110 (c) and regulation 17-11. Mr. Burns stated he was not educated on how to maintain a record of hours for the OJT students, but he was recently informed about the correct way to maintain and report records of the OJT students to the board.

MOTION:

Mr. Barnes made a motion to go into executive session for legal advice. Dr. Evans seconded the motion, which carried unanimously.

MOTION:

Mr. Barnes made a motion to return to public session. Dr. Evans seconded the motion which carried unanimously.

MOTION:

Mr. Barnes stated the MOA that has been agreed upon by the State and the respondent, is accepted by the Board. For allowing unlicensed practice in the barber shop a fine of \$250.00 is imposed, and for failure to report the student monthly hours, a fine of \$500.00, for a total \$750.00 to be paid within 90-days. Ms. Patton seconded the motion, which carried unanimously.

**Case #2012-35 Betty's Barber Shop and
Case# 2012-36 Betty's School of Barbering–**

Ms. Prentiss Shealey explained this hearing is for both Betty's Barber Shop and Betty's School of Barbering for allowing unlicensed practice. Ms. Peterson stated that she can prove the allegations against her Barber Shop and School are not true. The State called witness Mr. Raymond Lee, LLR inspector. Mr. Lee and two other inspectors inspected Ms. Peterson's facilities. Mr. Lee stated that during the inspection, Mr. Robert Ripley III was identified by his driver's license and he was in the Barber Shop cutting a clients hair but there was no license posted. Mr. Lee stated Mr. Ripley explained to him that he was a student and paid Ms. Peterson for his student permit, but had not received so he did not have a license to work in the Barber Shop. The shop manager was Leroy Davis and he was not in the shop at the time of the inspection. Mr. Davis is licensed as a Master Hair Care Specialist. Mr. Lee asked another barber, Ms. Wright to contact Ms. Peterson. Ms. Wright informed Mr. Lee that Ms. Peterson was unavailable. The next person of contact was Ms. Peterson's husband and he was contacted. Mr. Lee asked Ms. Wright if he could get into the school to inspect it, and was informed the school was locked and she did not have access to the school. An official inspection report was created onsite for both the school, and the barber shop by Mr. Lee. Ms. Peterson explained she had no knowledge of Mr. Ripley working in the shop while she was absent. Since the inspection, Mr. Davis resigned and another manager has been appointed. Ms. Peterson stated she was out of town at the time of the inspection on other business. Ms. Peterson explained, when the owner is

not present no one is allowed in the barber college. Ms. Shealey asked Ms. Peterson if she understands what goes on in her shop is her responsibility since she is the owner. Ms. Peterson stated she does understand that. Ms. Peterson stated Mr. Ripley was not a student and she was not aware that Mr. Ripley was in her shop. Ms. Peterson explained she was not aware that Mr. Lee came to the shop and school to conduct an inspection. Ms. Peterson stated there were no students enrolled at the school at that time which is why the school was locked. Ms. Peterson called her husband, Mr. Joe Peterson, as her witness. Mr. Peterson is the backup contact person, but he was at work and was unable to leave. Ms. Shealey asked if he had informed his wife about the inspection. Mr. Peterson explained he did inform his wife of the inspection. Mr. Peterson explained he is part owner of the barber shop and barber school. In Ms. Peterson's closing argument she stated she understands it is her responsibility to be aware of everything that may happen because she is the owner of the barber shop. Ms. Peterson stated she is unable to focus on enrolling students in her barber school and running her barber shop because she feels like she is constantly under attack the Barber Board. Ms. Peterson stated whatever the issue is she wants to get it over with. Ms. Shealey closed with there was unlicensed practice violation in Ms. Peterson barber shop. The inspector could not get into the school to inspect. Ms. Peterson is responsible for the shop and school because she is the owner.

MOTION:

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

MOTION:

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

During executive session no motion were made or votes taken.

MOTION:

Dr. Evans made a motion to dismiss case 2012-36 for Betty's School of Barbering because the State did not meet the burden of proof. In the Case 2012-35 for Betty's Barber Shop, a fine of \$250.00 is imposed for unlicensed practice. The fine is to be paid within 90-days. Ms. Patton seconded the motion, which carried unanimously.

Case #2012-34 - Devine Cuts Barber Shop:

Ms. Shealey requested a dismissal of case #2012-34 because the owner, Jesse Canty, did not show up and it was due to the appearance letter sent to an incorrect address.

MOTION:

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

MOTION:

Dr. Evans made a motion to come out of executive session. Ms Patton seconded the motion, which carried unanimously.

During executive session no motions were made and or votes taken.

The Board made no determination pertaining to Case #2012-34 – Devine Cuts Barber Shop.

Discussion

Mr. Barnes stated the SC Board of Barber Examiners is applying for the 2016 National Convention to be held in Charleston, South Carolina or in Myrtle Beach, South Carolina. The Board will need to research sites for the convention and prices. The National Board wants details before an application can be submitted.

MOTION:

Mr. Barnes made a motion for application to be made for the South Carolina Board of Barber Examiners to host the National Convention in 2016 in either Charleston or Myrtle Beach and locations and pricing to be researched by Mr. Barnes and Ms. Patton. Ms. Patton seconded the motion, which carried unanimously.

Board Member Reports – There were none

Public Comment:

Ms. Glover explained information pertaining to the budget was provided to her during the break which she shared with the board. Some of the fines were drawn down for basic expenses which was done in March 2014. The OIE and Legal expenses shown were allowed to be drawn down to cover these expenses. The amount drawn was \$13,942.00.

Adjournment: 12:25p.m.

MOTION:

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