

**South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., June 9, 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; Theresa Richardson, Administrator; Roz Bailey-Glover, Matteah Taylor, Bridget Richardson, Staff; Cecelia P. Englert, Court Reporter; Robbie Boland, Tony Sandoval, Sharon Wolfe, OIE; and Tracey Perlman, General Counsel.

All Other Persons Attending:

Paul Brown, Travis Smith, Kenneth Brown, Sandra Wilson, O'Kasamar Lawrence, Patricia Martin, Shawnta Tracey, John Jackson, and Anthony Gibson .

Approval of Excused Absences: There were none.

Approval of the Agenda

MOTION:

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

Approval of Meeting Minutes: April 14, 2014

MOTION:

Ms. Patton made a motion to approve the minutes for the April 14, 2014. Dr. Evans seconded the motion, which carried unanimously.

Chairman's Remarks – Paul Robinson:

House Bill 3411 was presented to the Senate along with another. Mr. Barnes assisted with keeping these bills from going to the Governor. The bill the Board wanted to hold back was held up and the other did go through to the Governor. The SCSCA, Beauty Culture League Convention held a banquet Sunday, June 8th which was held at the Margaret Miller Cosmetology Center and the Board of Barber Examiners was in attendance. The Palmetto Barber Convention will have a banquet in July and they have also invited the Board of Barber Examiners to be represented. It is exciting for the Board of Barber Examiners to be in attendance to build a united effort to show support for this industry when Legislative issues arise. The approval for traveling to the National Convention in Las Vegas is needed. Mr. Robinson thanked the staff for bringing the Board to the technology age. Mr. Robinson expressed he thought it would be a great help.

Administrator Remarks – Theresa Richardson, Administrator

OIE Report – Sharon Wolfe

Cases received from January 1, 2014 through June 3, 2014 there were 2 active investigations, 3 closed, 2 do not open, 2 opened, and 2 pending board action to equal 11 cases. Cases closed between January 1, 2014 through June 3, 2014 were 36 closed, and 2 do not open to equal 38 cases. Ms. Wolfe explained the do not open cases are those that LLR has no jurisdiction over.

IRC Report – Sharon Wolfe

MOTION:

Dr. Evans made a motion to accept the IRC report as information. Ms. Patton seconded the motion, which carried unanimously.

OGC Report – Tracey Perlman

As of May 29, 2014 there were 31 open cases. There were 12 pending actions, 2 pending CA/MOAs, and 17 pending hearings. There were a total of 31 closed cases on or after December 9, 2013.

Inspection Report – Robbie Boland

There have been 517 inspections reported. Out of the 517 inspections, there were 163 barber shops closed at the time of the visit, and 354 of those barber shops were physically inspected. The hours of operation will be captured at the time of the renewal.

Budget – April 2014

There is a renewal forth coming and it should help the budget to make a turn for the better. Mr. Robinson wanted to thank Director Pisark for allowing fine money to be redirected to the Board because it appears to have help with the deficit.

Old Business

New Business

Review for Consideration of School Opening

Professional Barber College – Travis Smith

Mr. Smith appeared before the Board because he is interested in opening a barber School. Mr. Smith was informed on his floor plan he needs to specify the specifics of barber school work stations. Mr. Smith explained he has a secondary instructor, Mr. Derrick Genwright, which is in good standing. Mr. Smith was informed that the students' paperwork is kept up-to-date and an instructor must be in the school at all times.

MOTION:

Ms. Patton made a motion to approve Professional Barber College for the provisional inspection once the floor plan is submitted as requested. Dr. Evans seconded the motion, which carried unanimously.

Victorious Beauty & Barber School – Sandra Wilson

Ms. Wilson appeared before the Board because she is interested in opening a barber school. Ms. Wilson was asked if she has a secondary instructor just in case she is not able to be present at the school, because an instructor must be present at the school at all times. Ms. Wilson was encouraged to keep students' paperwork up-to-date.

MOTION:

Dr. Evans made a motion to approve Victorious Beauty & Barber School for the provisional inspection once the floor plan is submitted and the secondary instructor. Ms. Patton seconded the motion, which carried unanimously.

Review for Consideration of Licensure Reinstatement with Background Report

Juan Lewis was scheduled to appear before the Board but he was a no show.

Review for Consideration of Third Student Permit

Patricia Martin appeared before the Board to request a third student permit. Ms. Martin explained she did not use her first permit because she realized she was not mentally ready. Ms. Martin did use her second permit, but due to family issues she has not been able to complete all of her hours; although, she has completed 1514 hours. Ms. Martin stated she will complete the remaining of her hours at Young's Barber Shop which is where she originally started her hours.

MOTION

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

Jeremy Stewart was scheduled to appear before the Board but he was a no show.

Sean Giles was scheduled to appear before the Board but he was a no show.

Review for Consideration of Licensure with Background Reports

Paul Brown appeared before the Board because he has a criminal background history. Mr. Brown is currently on probation through April 2015. Mr. Brown is looking to further his barbering career at Barbering Plus Barber Shop. Mr. Brown did complete counseling for anger management and for drugs at the Alternative Life Improvement in Charleston. Mr. Brown stated none of the crimes were committed in or near a barber shop. Mr. Brown expressed he is doing things differently because he has learned from his mistakes and he wants to be a better person because of his family. Mr. Brown stated that he has decided to never go down the same path again.

MOTION

Dr. Evans made a motion to approve Mr. Brown for licensure with 2 years probation, to submit a SLED report each year at his own expense, if any additional violation occurs that will result in a re-appearance before the Board. Ms. Patton seconded the motion, which carried unanimously.

Shunrio James was scheduled to appear before the Board but he was a no show.

Okasamar Lawrence appeared before the Board because she has a criminal background history. Ms. Lawrence holds a Master Hair Care license, Registered Cosmetology license as well as a Cosmetology Instructor's license. Ms. Lawrence is not currently on parole or probation.

Mr. Robinson explained to Ms. Richardson, as a formal Board decision if there has not been any violations for the past 5 years on a criminal background report the applicant can be approved for licensure by the Administrative staff.

MOTION:

Dr. Evans made a motion to approve Ms. Lawrence for licensure as a Barber Instructor. Ms. Patton seconded the motion, which carried unanimously.

Shawnta Tracey appeared before the Board because she has a criminal background history. Mr. Tracey is currently on probation which is scheduled to end October 2014. Mr. Tracey is interested in furthering his barbering career at GQ Barber Shop. The offense did not happen in or near a barber shop. Mr. Tracey attended an anger management class while incarcerated.

MOTION:

Ms. Patton made a motion to approve Mr. Tracey licensure for with a 1 year probationary period, at the end of the year a SLED report at his own expense must be submitted, and any if any additional violations occur Mr. Tracey will have to appear before the Board. Mr. Barnes seconded the motion, which carried unanimously.

Mary League, advice counsel asked for a break.

Mr. Robinson called the meeting back to order.

Hearings

Makins New Creation (2012-11 and 2013-10), Ms. Tracey Prelman, OGC attorney explained there were unlicensed practice and sanitation violations found during an inspection by Inspector,

Kenneth Kitts. Notification was mailed and no one appeared from Makins New Creation. Mr. Kits conducted an inspection on March 8, 2010 where he found torn barber chairs, dirty work stations, licenses were not posted and David Little was working as a Barber without a barbering license. At this time Makins New Creation was fined \$1000. Mr. Kits asked Mr. Wallace to correct the violations. On May 2, 2010 a follow-up visit was conducted. Mr. Kits found the shop to be slightly cleaned, there was trash in the corner of the shop, hair on the floor, the chairs needed to be replaced or repaired and some licenses were posted. At this visit a citation was not given. On August 18, 2011 another inspection was conducted because there were several complaints from other barber shops in the surrounding area that unlicensed people were working in Makins New Creation. It was found again to be true there were expired licenses posted, trash was all over the floor, the Barbicide jars were half empty and the bottom of the jars were nasty, there was no paper towels in the restrooms, and dirty towels were not properly disposed of. The owner was nowhere to ever be found. There were 2 OJT students with expired permits and there was not an instructor there with them. Mr. Barnes expressed his dissatisfaction regarding this situation and wanted to know why the agency allowed this barber shop to still be opened. Ms. Perlman stated the owners are always given the opportunity to correct the findings. Ms. MaryAnn Miller was called as a witness because she conducted an investigation on Makins New Creation also. At the inspection conducted October 14, 2011. The shop was very nasty, hair was in all of the tools, dirty towels were all over the shop, there were 2 unlicensed people cutting hair, the owner's license was not posted and the license that was posted was expired. Ms. Miller conducted a follow-up inspection January 14, 2013. During this follow-up inspection it was found that the shop was in worst condition from the prior inspection. The owner did have his license posted. The two men that were working in the shop did not have license, Mr. Green was sitting waiting for a client but Mr. Little was providing a service to a client. The Barbicide jars were all dirty, so were the tools, the shop appearance was nasty, all of the work stations were dirty, all of the chairs were torn, and the ceiling was damaged. Ms. Perlman presented her closing statements, based on the evidence presented that Makins New Creation for both cases 2012-11 and 2013-10 are in violations of the following Code of Regulation section 40-1-110 (1)(k), 40-1-110 (1)(c), 40-7-30, and Code of Statute 17-50-4.

MOTION:

Dr. Evans made a motion for executive session for legal advice. Ms. Patton seconded the motion, which carried unanimously.

MOTION:

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

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

MOTION:

Dr. Evans made a motion in the cases of 2012-11 and 2013-10. The State has proven their case against Makins New Creation. The recommended sanctions are a public reprimand, a fine of \$1000 payable within 60-days from the date of the order, a Cease & Desist. Request that LLR staff verify the shop is in fact closed. If the owner plans to re-open the shop all fines must be

paid and the owner must appear before the Board. Ms. Patton seconded the motion, which carried unanimously.

Dominique Mack (2013-7), Ms. Perlman explained the notice of hearing and formal complaint was sent by regular mail as well as certified mail. The certified mail came back undeliverable but the regular mail was not returned; therefore, the State wishes to continue in Dominique Mack's absence. During an inspection at Pop Lock Drop It Hair Studio by Inspector, Wayne Brown, the respondent was found doing a hair relaxing treatment on a client, which the respondent was working outside of their scope of practice because the respondent only possess a hair braider's license. Mr. Brown explained while conducting the inspection he found the manager, Ms. Mary Washington was not present and the license posted for her was expired since March 10, 2009. A Tamika Pearson was doing a set of nails and she was practicing without a license. Ms. Perlman asked the Board to consider the violation of 40-70-30.

MOTION:

Ms. Patton made a motion that the state has proven their case and Dominique Mack was operating outside of his scope of practice. Mr. Mack should receive a public reprimand, pay a fine of \$500 payable within 60-days of the order and receive a Cease & Desist. Dr. Evans seconded the motion, which carried unanimously.

Greenwood Barber College (2013-24), Mr. Harris, owner, has agreed with the fact and a Memorandum of Agreement (MOA) has been issued. Mr. Harris was not able to appear; however, the case was originally scheduled for August 11, 2014; therefore, Ms. Perlman asked for this case to be continued until August 11, 2014.

Mr. Robinson and the Board agreed to the continuance of case 2013-24 until August 11, 2014.

Aicha Camara (2012-6), Ms. Perlman explained the notice of hearing and formal complaint was sent by regular mail as well as certified mail. Ms. Perlman stated Ms. Camara violated Code of Regulation sections 40-7-30, 40-1-110 (1) (c), and 40-1-110 (1) (f). Ms. Perlman called Mr. Jim Kizer an inspector of LLR. Mr. Kizer stated he initially visited this braiding shop due to a written complaint about unlicensed practices. Mr. Kizer was not able to conduct an inspection because hair braider shops are not licensed, only the hair braiders. On May 11, 2012 Mr. Kizer visited the shop a second time which he found two ladies braiding a client's hair and adding extensions, one of the ladies possessed a hair braider's registration and the other young lady explained to Mr. Kizer she just arrived from Africa and was learning the hair braiding technique. Mr. Kizer stated he explained to both of the ladies that only the natural human hair is to be braided with a hair braider's registration. Based on the findings Mr. Kizer recommended a second Cease & Desist be issued. Ms. Yolanda Rodgers was called as a witness because she her conducted an investigation on February 22, 2013 Mr. Kizer wrote. Ms. Rodgers conducted an observation of the shop before she entered. Ms. Rodgers stated she watched a young lady leaving the business with hair braided extensions at that time she approached the shop. When entering the shop Ms. Rodgers noticed packages of extension hair behind a counter and used extension hair at a station. Ms. Rodgers asked to speak to the owner and she was informed the owner was in Africa and the young lady there was assigned to provide braiding services until the owner's return. During this conversation Ms. Rodgers explained the young lady admitted she was not licensed. Ms. Perlman

recommended the respondent be found guilty of the following violations from the Codes of Regulations 40-7-30, 40-1-110 (1) (c), 40-1-110 (1) (f).

MOTION:

Dr. Evans made a motion for executive session for legal advice. Ms. Patton seconded the motion, which carried unanimously.

MOTION:

Mr. Barnes made a motion to go back into public session. Ms. Patton seconded the motion, which carried unanimously.

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

MOTION:

Dr. Evans made a motion that the State has proven the violations on case 2012-6, Aicha Camara, 40-7-30 and 40-1-110 (1) (c) and violation 40-1-110 (1) (f) was not proven. Dr. Evans' recommendation was for a fine of \$1000, to be payable within 60-days of the order, a Cease & Desist, and a public reprimand. If the licensee wishes for the license to be reinstated there must be a Board appearance for approval. Ms. Patton seconded the motion, which carried unanimously.

Kenneth Brown (2013-35 MOA), Ms. Prentiss Shealey explained Mr. Brown has agreed on the violations that were found during an inspection. On or about August 21, 2013 an inspection was conducted and it was found that no monthly student hours were being kept, which violates section 40-1-110 (1) (k) and Code of Regulation 17-11. Mr. Brown stated he and the OJT student in question had a disagreement and this student took his student permit and proceeded to go to obtain hours from another shop. Mr. Brown explained he informed the student hours would not be provided to him because there was a financial agreement that was not met; therefore, the hours would not be granted until such time.

MOTION:

Ms. Patton made a motion not to accept the MOA and to dismiss the case against Mr. Kenneth Brown. Dr. Evans seconded the motion, which carried unanimously.

Str 8 Edge Barber Shop (2012-25), Ms. Shealey explained she has been in constant contact with Ms. Alister King and he has provided the OJT student monthly hours that were in question, which were date stamped. Ms. Shealey requested for a dismissal of this case.

MOTION:

Dr. Evans made a motion to dismiss this case as Ms. Shealey recommended. Ms. Patton seconded the motion, which carried unanimously.

Master's Touch Barber Shop (2013-23), Ms. Perlman explained the State is going to prove Master's Touch Barber Shop had many violations during the inspection. Mr. Robbie Boland explained an inspection was conducted on May 24, 2013 by SandyLynn Beaty. Mr. Boland stated in Ms. Beaty's report from the second inspection the shop was in the same condition if not

worst. The shop was filthy, tools were dirty, hair was left on the floor from the night before, and ceiling tiles were missing from the restroom ceiling. Ms. Beaty was not able to get back to the shop within the 30-days which was stated on the inspection report but she did the follow-up on day 47. Mr. Durham, which is Mr. Jackson's partner, explained they were ready for their inspection on day 30. Ms. Beaty expressed the shop needs to be clean and sanitized at all times not just when they expect an inspection. Ms. Beaty did take photos of Master's Touch Barber Shop to support her inspection. Ms. Perlman recommended from the inspection report that the Code of Regulations 17-50-3, 17-50-4, 17-50-8, 17-50-9, 17-20 as well as Statues 40-1-110 (1) (k) were all violated.

MOTION:

Dr. Evans made a motion to enter into executive session for legal advice. Ms. Patton seconded the motion, which carried unanimously.

MOTION:

Mr. Barnes made a motion to go back into public session. Dr. Evans seconded the motion, which carried unanimously.

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

MOTION:

Ms. Patton made a motion that the state proved some of the violations against Master Touch Barber Shop but not all. Of the violation proven a \$200 fine must be paid within 60-days of the orders. Dr. Evans seconded the motion, which carried unanimously.

Discussion

Approval is needed for the travel to the National Association of Barber Boards to Las Vegas. The state will only pay for 2 Board members but all Board members are welcome to travel.

Board Member Reports

There were no Board member reports.

Public Comments

There were no public comments

Adjournment – 12:20

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