

**South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., August 11, 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.

Rules of the Meeting Read by the Chairman

Pledge of Allegiance

Introduction of Board Members:

Chairperson Paul Robinson called the regular meeting of the Board of Barber Examiners to order. Other Board members in attendance 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:

Angela Morrison, Trina Greenwood, Charles Harris, Jerad McIntosh, Sheliah Derrick, Miram Summer, Truma Summer, Sean Giles, Charles DuRant, Sheldon Capers, Iesha Anderson, and Sim Chestnut

Approval of Excused Absences: there were no absences

Approval of the Agenda:

MOTION:

Edwin Barnes made a motion to approve the agenda. Renee Patton seconded the motion which carried unanimously.

Approval of Meeting Minutes: June 9, 2014

MOTION:

Renee Patton made a motion to approve the minutes from the June 9, 2014 Board meeting. Edwin Barnes seconded the motion which carried unanimously.

Chairman's Remarks – Paul Robinson

Welcome to the new Barber Board member, Patricia Durkin. Mr. Robinson asked Ms. Durkin if she wanted to tell a little about herself. Ms. Durkin stated she is a Master Hair Care Specialist, has owned a salon for 10 years, has lived in SC since 1974, is a graduate of USC and has been married for 25 years. Mr. Robinson stated he met with Ms. Richardson and it was a productive meeting. The materials discussed were provided to the Board members. In their meeting concerns were shared pertaining to PCS as well as the hair braider's registration. In future Board meetings these items will be discussed more in detail. One point Mr. Robinson wanted to highlight from their meeting was the hair braider's registration training materials and examinations are outdated and will be updated. Mr. Robinson reached out to an instructor in his area soliciting assistance with putting together a curriculum for the hair braiding training materials. Finally, the National Association Boards of Barber Convention is in September and will be held Las Vegas.

Administrator Remarks – Theresa Richardson, Administrator

Received a request from the Head of the Investigative Department expressing an additional Investigative Review Committee (IRC) member. Mr. Anthony Gibson was named the professional IRC member; however, an alternate professional will be necessary for back up purposes.

OIE Report – Sharon Wolfe

The OIE case report is from January 1, 2014 through August 4, 2014. There were a total of 4 active investigations, 5 cases were closed, 3 cases were do not open cases, 1 case was opened, 2 cases were pending Board action and 3 cases are pending an IRC review. Mr. Robinson asked for a description of the nature of the complaints. Sharon expressed she could provide this information at the next Board meeting. The number of cases closed from January 1, 2014 through August 4, 2014 totaled 46, and 3 were considered do not open cases.

IRC Report – Sharon Wolfe

The Board members were asked to review the IRC report and if there were any questions Sharon Wolfe would answer them. Dr. Evans asked was the status known for case 2012-2, and if the license was on probation or not? Ms. Wolfe was not aware of the prior status.

MOTION:

Renee Patton made a motion to approve the IRC report. Dr. Evans seconded the motion which carried unanimously.

ODC Report – Tracey Perlman

As of August 4, 2014 there were 22 open cases, 9 pending actions cases, 13 pending hearing cases, and as of May 29, 2014 17 cases were closed.

Inspection Report – Robbie Boland

As of June 2014 there were 143 shops attempted to be inspected, 28 of those shops were not opened for business at the time of inspection, and 54 shops were actually inspected. July 2014 there were 79 shops attempted for inspection, 25 of those shops were not opened for business at the time of inspection, and 54 shops were actually inspected. There were a total of 739 shops to be inspected for the year 2014; 216 of those shops were not opened at the time of the inspection, and 523 of those shops were physically inspected. Edwin Barnes asked about the number of barber shops in South Carolina. Robbie stated he does not have the actual numbers with him but he estimated there are about 1,400 Barber Shops in the state.

Budget – April 2014

Ms. Richardson explained the budget for May and June were included in the Board material and if there were any questions she would answer them or at least find the answer for them. Patricia Durkin had questions about the budget and Mr. Robinson explained our agency director has put a formula in place that will assist with getting the Board out of the deficit.

Old Business

New Business

Practice Act Update – Holly Beeson

The Board was asked if there was any interest in updating their Practice Act. The terms discussed had nothing to do with the regulatory review process from 2013. There are processes or language that needs to be updated to conform to the statute or the statutes to be conformed to the Practice Act to ensure the Board is fully in compliance with the Practice Act. There were 3 areas of interest the Board should consider.

1) The barber college or secondary curriculum (high school programs); 2) Physical examination (which is stated differently in 3 sections of section 40-7-230 (A, B, and C); 3) Issuance of the 90-day work permit – there is nothing in the Practice Act that mentions a 90-day work permit. This could be handled 2 different ways. If the Board is comfortable with the 90-day permit then a line can be added in the Practice Act to reflect the 90-day work permit or if it is decided the permit is not necessary would there be a way around the 90-day permit. There may be a basic examination offered during the schooling for the registrants to take so they can go directly into apprenticeship status and during their apprenticeship the registrants would take their examinations which would waive the permit. Mr. Robinson explained to Ms. Beeson that the Board already has programs in secondary schools and are currently working with Dr. Eleanor Glover of the Department of Education to create a curriculum providing the regulatory support. The concern the Board had was that the high school programs did not have a greater advantage over the private school programs. For the physical examination the terminology needs to be clarified because the Board is looking for the TB test results or a chest x-ray; a full physical examination and is not required. The 90-day work permit is a privilege designed to give a student the ability to work between completing their curriculum prior to the completion of the examination because the Board does not want the student to wait beyond 90-days of the completion of their examination. Edwin Barnes asked if the fines could be updated. Ms. Beeson stated if the fines are specified in the engine bill they will not be able to exceed that bill.

Review for Consideration of School Opening

Angela Morrison and Trina Greenwood appeared before the Board for approval of the opening of Aiken School of Barbering.

MOTION:

Dr. Evans made a motion to approve the opening of Aiken School of Barbering. Edwin Barnes seconded the motion which carried unanimously.

Review for Consideration of Licensure with Background Report

Shunrio James was a no show.

Sim Chestnut – Mr. Chestnut appeared before the Board seeking approval of his Registered Barber Apprentice license. Mr. Chestnut’s explanation included information about his criminal background history but is not limited to the events. The offense did not happen in or near a barber shop or a school. Mr. Chestnut is not currently on probation or parole.

MOTION:

Renee Patton made a motion to approve Sim Chestnut for the Registered Barber Apprentice license with a 2 year probationary period. At the end of each year a SLED report must be submitted at Mr. Chestnut’s own expense and if any other violation occurs a Board appearance is required. Dr. Evans seconded the motion which carried unanimously.

Patricia Durkin requested a break, the Board decided to continue with a quorum.

Iesha Anderson – Ms. Anderson appeared before the Board seeking approval of her Hair Braider’s registration. Ms. Anderson explanation included information about her criminal background history but is not limited to the events. Ms. Anderson is not currently on probation or parole.

MOTION:

Dr. Evans made a motion to approve Iesha Anderson for a Hair Braider’s registration. Renee Patton seconded the motion which carried unanimously.

Marc Bobo – Mr. Bobo appeared before the Board seeking approval of his Registered Barber Apprentice license. Mr. Bobo’s explanation included information about his criminal background history but is not limited to the events. Mr. Bobo is not currently on probation or parole.

MOTION:

Dr. Evans made a motion to approve Marc Bobo for his Registered Barber Apprentice license with a 1 year probationary period. A SLED report must be submitted at the end of the year at Mr. Bobo’s expense.

Edwin Barnes recused himself pertaining to Sheldon Capers’ case because his daughter is employed with Lexington County.

Sheldon Capers – Mr. Capers appeared before the Board seeking approval of his Registered Barber Apprentice license. Mr. Capers' explanation included information about his criminal background history but is not limited to the events. Mr. Capers has an open/pending case.

MOTION:

Renee Patton made a motion to postpone Sheldon Capers Board appearance until the October Board meeting or until his case is closed. Dr. Evans seconded the motion which carried unanimously.

Review for Consideration of Third Student Permit

Sean Giles – Mr. Giles appeared before the Board seeking approval of his third student permit. Mr. Giles received 2 previous student permits with Harley's Barber College. Mr. Giles would like his 3rd student permit at 'A Cut Above Barber Shop' where he will be doing OJT. Mr. Giles completed a total of 1,268 hours from Harley's Barber College.

MOTION:

Renee Patton made a motion to approve Sean Giles for a third student permit. Dr. Evans seconded the motion which carried unanimously.

Truman McIntosh – Mr. McIntosh appeared before the Board seeking approval of his third student permit. Mr. McIntosh was obtaining training under his uncle and during this time his uncle passed away. Mr. McIntosh's cousin is also a Barber Instructor and Mr. McIntosh made arrangements with him to continue his OJT but the young man backed out of the agreement; therefore, he never had an opportunity to use his second permit. Mr. McIntosh has an estimate of 400 hours left to obtain. Mr. Vernon Wright has agreed to complete the OJT training with Mr. McIntosh.

MOTION:

Dr. Evans made a motion to approve the re-issuance of Truman McIntosh's 2nd OJT permit due to it never being seen or used by the licensee. Edwin Barnes seconded the motion which carried unanimously.

Review for Consideration of Reinstatement with Background Report

Jerry Roach was a no show.

MOTION:

Dr. Evans made a motion for a break. Renee Patton seconded the motion which carried unanimously.

Hearings:

Durant Cut Masters (2013-30)

Charles Durant is the owner of Durant Cut Masters and he was in attendance to present his case. Tracey Perlman presented her case against Durant Cut Masters. During an inspection Roger

Beaver found unlicensed practice which is under South Carolina Code of Laws §40-7-115. Also under South Carolina Code of Laws §40-7-30 there was a licensee practicing outside of his scope of practice. Ms. Perlman stated that South Carolina Code of Laws §40-7-110 (1) (C & E) were also violated. Charles Durant stated he was away with his family due to his wife being in the military and she was deployed. Trey Anderson, manager of Durant Cut Masters signed the inspection report. Mr. Durant explained when he returned, he fired the individual that was hired by Trey Anderson because he found this individual did not have the proper credentials. Inspector, Roger Beaver was called to give his testimony. During Mr. Beaver's inspection he found Glen Johnson working on an expired student permit that expired February 27, 2009. Mr. Johnson explained to Mr. Beaver he submitted an upgrade application and fees and he was waiting for his upgrade license. Mr. Beaver stated he called the office and spoke with a prior employee, Malinda Pressley, and was informed Mr. Johnson would have to apply to take the examinations. Mr. Beaver then expressed the client Mr. Johnson was servicing should be his last. Mr. Robinson asked what was the warning. Mr. Beaver stated the warning was about Glen Johnson working without a license and he should stop immediately. In closing Ms. Perlman stated Mr. Durant is held responsible for Durant Cut Masters since he is the owner. Ms. Perlman asked that all of the violations remain with the exception of §40-7-110 (1) (f).

MOTION:

Renee Patton made a motion to enter into excessive session for legal counsel. Dr. Evans seconded the motion which carried unanimously.

MOTION:

Dr. Evans made a motion to come out of executive session. Edwin Barnes seconded the motion which carried unanimously.

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

MOTION:

Dr. Evans made a motion to dismiss the case against Durant Cut Masters. Renee Patton seconded the motion which carried unanimously.

Greenwood Barber College (2013-24) Memorandum of Agreement (MOA)

Charles Harris, owner of Greenwood Barber College was in attendance. Tracey Perlman explained Mr. Harris has signed a MOA agreeing to all of the allegations. On January 17, 2013 an inspection was being conducted at 1154 S Main St., in Greenwood and it was found that Mr. Harris was in the process of re-locating his school. On February 14, 2013 a re-inspection was conducted at the new location, 602 Edgewood St., in Greenwood. A new school application for the location change was never submitted to the Board's office. During the inspection of the new location the college was not ready for inspection, Mr. Harris continued to teach the students during the move; although, an application was never submitted. On May 1, 2013 Greenwood Barber College was inspected and the inspection was successful. The barber college license was issued for the new location May 5, 2013. Mr. Harris explained everything in the MOA was correct and he explained he felt the need to re-locate his school because there was no heat or air, he did not want his students to be in those conditions and the move was quick. Ms. Perlman

stated the following were violated: South Carolina Code of Laws §40-7-350, §40-1-110 (1) (k), and South Carolina Code of Regulations §17-5.

MOTION:

Renee Patton made a motion to enter into executive session for legal advice. Edwin Barnes seconded the motion which carried unanimously.

MOTION:

Renee Patton made a motion to come out of executive session. Edwin Barnes 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 Greenwood Barber College was found guilty of the violations that were presented. A fine of \$250 is required to be paid within 60-days. Renee Patton seconded the motion which carried unanimously.

Discussion

Renee Patton and Edwin Barnes were invited to the Cosmetology National Interstate Counsel conference being held in Charleston, SC on August 24, 2014.

MOTION:

Dr. Evans made a motion to approve the travel to Charleston for the NIC conference for Renee Patton and Edwin Barnes. Patricia Durkin seconded the motion which carried unanimously.

Board Member Reports:

Renee Patton mentioned the National Barber's Convention to be held in Las Vegas in September. Only 2 Board Members were approved to travel. Edwin Barnes stated he would be in attendance and paying for his own travel.

Public Comments: there were no public comments

Adjournment: 11:40am

MOTION:

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