

**South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., October 13, 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, Frederick Evans and Patricia Durkin.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Theresa Richardson, Administrator; Roz Bailey-Glover, Matteah Taylor, Staff; Cecelia P. Englert, Court Reporter; Robbie Boland, Ronnie Blackmon, Sharon Wolfe, OIE; and Tracey Perlman, General Counsel.

All Other Persons Attending:

Richard Adams, Cassina Allen, Juan Lewis, Chris Williams, Sammie Smalls, Alex White III, Fred Davis, Charlene Scott, Janet Seglan, J Denise Cromwell, Asia Cromwell, Dashaun West, Jimmy Gaston, Zoraida Harley, Eddie Harley, Dinah Shaw, Hampton Glover, and Lenard Pely.

Approval of Excused Absences:

Approval of the Agenda:

MOTION:

Renee Patton made a motion to approve the agenda, with moving item number 10 to item number 11. Dr. Evans seconded the motion which carried unanimously.

Approval of Meeting Minutes: August 11, 2014

MOTION:

Edwin Barnes made a motion to accept the minutes from August 11, 2014. Renee Patton seconded the motion which carried unanimously.

Chairman's Remarks – Paul Robinson

No remarks were made.

Administrator Remarks – Theresa Richardson, Administrator

Board Meeting dates for 2015

MOTION:

Dr. Evans made a motion to approve the 2015 Board meeting dates. Renee Patton seconded the motion which carried unanimously.

Qualifications of Apprenticeships for Registered Barbers and Master Hair Care Specialist

In the current statute the South Carolina Code of Laws section 40-7-230(B)(3) an individual has completed at least nine months' course of fifteen hundred hours in a reliable barber school or college approved by the board; or twelve months' training under the personal supervision of a registered barber who has been examined by the board and who has been determined to be qualified to train student barbers under laws governing barber training in this State.

Mr. Robinson explained individuals training under the OJT program they will receive 1920 hours. Individuals in a barber school, college or high school program will receive 1500 hours. There are no additional hours required after the initial training has been completed.

Ms. Richardson asked about South Carolina Code of Laws section 40-7-230(C)(3) an individual has practiced as a registered apprentice for twelve months under the direct supervision of a registered barber. This practice must have included at least one thousand nine hundred twenty hours, submit proof of an affidavit of three registered barbers or by other methods of proof that the board may prescribe; which sounds like an additional 1920 hours.

Edwin Barnes explained if an individual starts with a school and they are registered to complete 1500 hours and then decide to obtain their hours under a Barber Instructor in a Barber Shop those hours then become 1920 which must be completed.

Mr. Robinson explained once the examinations have been completed an individual would receive an apprentice license for 12 months. Within this apprenticeship timeframe the apprentice must practice under the direction of a licensed barber and they will not be able to manage a barber shop during this period. Within the section that states, this practice must have included at least one thousand nine hundred twenty hours should be eliminated and an affidavit has never been requested.

Renee Patton and Dr. Evans agreed the affidavit should be requested from the Registered Barber or the shop manager to state the apprentice has practiced for a 12 month period.

Ms. Richardson explained the 90-day work permit is provided to an individual once the examination application is submitted. The 90-day work permit is only good for 90-days and is not renewable.

If an individual does not take advantage of the apprenticeship licensure for 3 years the examination will have to be retaken. As long as an individual maintains their records proving their hours those hours are good. The hours never expire.

OIE Report – Sharon Wolfe

The OIE case report is from January 1, 2014 through October 1, 2014. There were a total of 61 closed cases, 5 cases were do not open A new section has been implemented to the case report. January 1, 2014 through October 1, 2014 there were a total of 66 alleged issues. Out of the 66 alleged issued 1 was aiding & abetting unlicensed entity, 20 were allowing unlicensed persons to practice, 2 were criminal convictions, 4 were failure to maintain or provide records, 3 was non compliant with Statutes & Regulations, there were 10 not classified, 1 practicing outside of their scope of practice, 24 unlicensed practices, and 1 unprofessional conduct.

IRC Report – Sharon Wolfe

The Board members were asked to review the IRC report and if there were any questions Sharon would answer them. Mr. Robinson asked when a C & D is issued is there a follow procedure. Sharon explained the inspectors maybe asked to do a follow-up if there are any questions or suspensions. Edwin Barnes asked is it being found to be a normal practice for hair braiders to want to practice cutting hair. Mr. Robinson explained he has found that hair braiders are going into this field with the intent to do more than braid hair.

MOTION:

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

ODC Report – Tracey Perlman

As of August 4, 2014 there were 19 open cases, 9 pending actions cases, 1 pending CA/MOA, 8 pending hearing cases, 1 pending final order and as of September 24, 2014 10 cases were closed.

Inspection Report – Robbie Boland

As of August 2014 there were 45 shops attempted to be inspected, 7 of those shops were not opened for business at the time of inspection, and 38 shops were actually inspected. In September 2014 there were 62 shops attempted for inspection, 8 of those shops were not opened for business at the time of inspection, and 54 shops were actually inspected. There were a total of 846 shops to be inspected for the year 2014; 231 of those shops were not opened at the time of the inspection, and 615 of those shops were physically inspected.

Budget – August 2014

The Board was informed if there are any questions pertaining to the budget it can be placed in writing and the finance manager will answer them accordingly.

Old Business

New Business

Review for Consideration of School Opening

Cassina Allen and Myron Henderson appeared before the Board for approval of a school opening at the Donaldson Career Center. Discussion included but was not limited to the school opening.

Myron Henderson will be the lead instructor and Mary Johnson Neal will be the substitute instructor. Renee Patton informed Ms. Allen and Mr. Henderson that monthly hours must be maintained by the school as well as a copy of the hours provided to each student. Ms. League informed the Donaldson Career Center representatives that a professional license cannot be issued to illegal immigrants; those are students with the DACA status.

MOTION:

Dr. Evans made a motion to approve the Donaldson Career Center for the preliminary inspection. Renee Patton seconded the motion which carried unanimously.

Richard Adams appeared before the Board for approval of the opening of Pro Vision Barber Academy. Discussion included but was not limited to the school opening. Mr. Adams will be the only instructor at this time and he is looking to add 2 more instructors by February 2015. The facility is 1600 square feet. Mr. Adams is interested in opening as soon as possible and he is aware that he can only have a maximum of 20 students. Mr. Adams was informed once the other instructors are licensed and employed by Pro Vision Barber Academy the Board's staff needs to be made aware. The students will have the ability to clock in through a digital finger print scanner. Records of the student's monthly hours will be maintained at the school. The monthly hour report will be sent to the Board's office and a copy will be provided to the students.

MOTION:

Renee Patton made a motion for a provisional approval for Pro Vision Barber Academy pending the initial inspection by the Barber Board member and the inspection of the inspector. Dr. Evans seconded the motion which carried unanimously.

Review for Consideration of the Necessity of the Affidavit of Eligibility

Sherrill's University of Barber Styling postponed their appearance before the Board until December 2014.

Review for Consideration of Licensure with Background Report

Shunrio James was a no show.

Juan Lewis – Mr. Lewis appeared before the Board seeking approval of the reinstatement of his Registered Barber license. Discussion included but was not limited to the explanation pertaining to his criminal background history. None of Mr. Lewis' offences occurred in or near a barber shop.

MOTION:

Dr. Evans made a motion to approve Juan Lewis' licensure reinstatement application, with a 5 year probationary period and at the end of each year a SLED report must be submitted at Mr. Lewis' expense and if any other violations occur the license will be immediately administratively suspended. Renee Patton seconded the motion which carried unanimously.

Jerry Roach was a no show.

Alex White – Mr. White appeared before the Board seeking approval of an upgrade of his Master Hair Care Specialist licensure. Discussion included but was not limited to the explanation pertaining to his criminal background history. Mr. White is on Federal probation until November 11, 2014.

MOTION:

Renee Patton made a motion to approve the upgrade of Alex White’s Master Hair Care licensure with a 1 year probationary period, with a SLED report at the end of that year at his expense. Dr. Evans seconded the motion which carried unanimously.

Christopher Williams – Mr. Williams appeared before the Board seeking approval of his Master Hair Care Specialist Apprenticeship licensure application. Discussion included but was not limited to the explanation pertaining to his criminal background history.

MOTION:

Dr. Evans made a motion to approve Christopher Williams’ licensure application. Renee Patton seconded the motion which carried unanimously.

Clarification on Language in Existing Statute to Support Post-Secondary Schools

Lenard Pelzer and Dashaun West appeared before the Board representing Barber Tech Academy. Barber Tech Academy was attempting to apply for Title IV funding accreditation through the Department of Education and clarification of the language as it exists in the statute is needed. The way the verification is written does not meet the language to qualify for the Title IV funding. According to the verification letter Barber Tech Academy is considered to be a college. The Department of Education has informed the Barber Tech Academy owners that the wording should state they are a post-secondary school. Barber Tech Academy is currently accredited through NACCAS.

Post-secondary is not included on the verification letter because it does not exist in the statute. Ms. Richardson conducted research and found that the wording post-secondary school is what the US Department of Education are looking for in order for the Title IV funding. Dr. Evans explained the US Department of Education does not grant accreditations. Anytime college or university is used in a title it takes on a different definition which must be met with the Commission on Higher Education as a post-secondary institution. The dilemma appears to be that the school is being called a college and to be a college it must be regionally accredited and that would be through an accrediting body not through the US Department of Education. Once accredited has been granted then the Title IV funding could be applied for. This approval could take up to a 2-years period. The Barber Board does not issue the status of a post-secondary institution. The agency responsible for that is the Commission on Higher Education. If the institution is named something other than college or university then the post-secondary definition would not need to be met. Ms. League explained the Federal regulations requires that the licensing agency makes a determination as to what constitutes a post-secondary institution, which is why Ms. Richardson has reached out to the US Department of Education. Mr. Robinson explained there are no regulatory foundations to add the wording to the regulations.

MOTION:

Renee Patton made a motion to have staff write a letter to explain the wording currently in the regulations pertaining to Barber Schools are being considered for change. Dr. Evans seconded the motion which carried unanimously.

MOTION:

Patricia Durkin made a motion for a break. Renee Patton seconded the motion which carried unanimously.

MOTION:

Renee Patton made a motion to go back into regular session. Edwin Barnes seconded the motion which carried unanimously.

Hearings:

MOAs:

J. Denise Cromwell 2012-26 and 2012-27

Barbering Plus – BS 15148 (case 2012-26)

During an inspection a barber student was found cutting hair without a current license and without a licensed instructor present. Ms. Cromwell stated she just stepped out for a few moments to pick up lunch and informed the students they could continue to work on clients until she returned. The inspector informed Ms. Cromwell students could not be unattended while working with clients. The respondent has violated South Carolina Code of Laws 40-7-110 and South Carolina Code of Laws 40-7-30.

J Denise Cromwell – BI 6459 and BMH 3631 (case 2012-27)

The facts are the same as case 2012-26. The violations are against Ms. Cromwell's individual licenses because she failed to instruct and supervise. Ms. Cromwell admits to both of the violations.

Ms. Cromwell explained she was not aware the student's license was expired. During this time Ms. Cromwell was pre-occupied due to her house being completely burned down. Less than 3 months of completing the re-building of it a mentally challenged neighborhood boy burned it again. The night before her house was burned down the second time, she received a call that her father had passed away. Ms. Cromwell stated with all that was going on she just did not think to check her student's permit and due to all of the stress and pressure she was under led her to leave the barber shop unattended. Ms. Cromwell expressed if she were not been under such stress she would have never been in such violations against the laws. Ms. Cromwell stated she did not have a backup instructor at the time but she does now.

MOTION:

Dr. Evans made a motion to accept the MOA for Barbering Plus (case 2012-26). Barbering Plus was found guilty of the violations presented of South Carolina Code of Laws section 40-1-110 and South Carolina Code of Laws section 40-7-30. A fine of \$250 is required to be paid with no public reprimand. Renee Patton seconded the motion which carried unanimously.

MOTION:

Dr. Evans made a motion to accept the MOA for J. Denise Cromwell (case 2012-27) but to allocate no fine to be paid with no public reprimand. Renee Patton seconded the motion which carried unanimously. Patricia Durkin opposed the motion.

Hampton Glover – BI 1613 (case 2014-1)

Hampton Glover has agreed to the facts stated in the MOA. Mr. Hampton Glover is currently duly licensed and holds a barber instructor's license (BI 1613). On or about December 13, 2013 an inspection was conducted at Glover's #1 Barber Shop (BS 70811). During the inspection an inspector found an unlicensed employee, Ms. Jolanda Patterson, rendering barbering services. Ms. Patterson holds a Master Barber's license in Tennessee but is not licensed in South Carolina. Mr. Glover agreed that he violated South Carolina Code of Laws sections 40-7-30 and 40-1-110.

Mr. Glover explained he informed Ms. Patterson to complete a reciprocity application to transfer her license that she obtained from Tennessee. Mr. Glover was under the impression that Ms. Patterson completed the reciprocity process. Ms. Patterson later informed Mr. Glover that she was required to request 2 reference letters from barbers licensed in Tennessee. Mr. Glover allowed her to work and this information came out when the inspection was conducted. Ms. Patterson worked in Glover's #1 Barber Shop for at least 2 weeks prior to the inspection.

MOTION:

Renee Patton made a motion to accept the MOA. Due to this being the 1st offense a \$250 fine is required for allowing unlicensed practice with no public reprimand. Edwin Barnes seconded the motion which carried unanimously.

HEARINGS:

Carla Wright – BMH 897 (case 2014-6)

Carla Wright was absent. The case went forward in her absence. The certified letter was sent to the address LLR had for Carla Wright and the certified letter was signed for by a Preston Brown. Inspector, Roger Beaver conducted an inspection on or about January 16, 2014. During the inspection it was found that Ms. Wright was working on an expired Master Hair Care license, which expired on June 30, 2013. There was no photo attached to the license as required. Ms. Wright's driver's license was compared to her Master Hair Care license and the names did match. Ms. Wright was braiding a client's hair at the time of the inspection.

MOTION:

Dr. Evans made a motion that the State's case was proven. A public reprimand and a fine of \$250 to be paid within 90-days from the date of the order. Renee Patton seconded the motion which carried unanimously.

Salon 496 Barber Academy – BC 40 (case 2013-44)

Fred Davis, (owner and manager) of Salon 496 Barber Academy explained when students are receiving VA benefits he has to receive those benefits before issuing student kits. Students were enrolled into the barbering program before the kits were assigned but the kits had to be paid

for in full before they were ordered and issued. The student in question was receiving tuition assistance from the Veterans' Administration. Mr. Davis had to wait for the tuition money to be received prior to issuing the student kit. This particular student withdrew from the school at 206 hours before the supplies were received. An attempt was made to get in touch with the student to give him the rest of his kit as well as a refund but contact was never made. When contact was finally made the student came to pick up the rest of his kit as well as a refund check of \$9500.00. Mr. Davis had a copy of the cancelled check as well as proof of the missing materials being given to Cory Gash. A transcript was given to Mr. Gash pertaining the hours he received.

Investigator, George Barr explained he received a complaint in which an individual stated he was not given a full barber student kit, as he did not receive a workbook. Upon enrolling into a barbering program students should receive a full barber student kit. It is a violation for students not to receive a complete kit. According to the enrollment document Mr. Cory Gash enrolled into the barbering program on October 8, 2013 and the VA check was dated for November 22, 2013. The check was received after Mr. Gash had withdrawn his attendance.

MOTION:

Dr. Evans made a motion to dismiss this case because Mr. Cory Gash is not present to present his side of the case. The State did not prove its case. Renee Patton seconded the motion which carried unanimously.

Jimmy Gaston (BI & BMH 3804) (cases 2014-3 and 2014-32)

On or about December 4, 2013 an inspection was conducted and it was found that Jimmy Gaston's licenses were lapsed since June 30, 2013 but he was working with a barbering student. During this inspection it was found that Mr. Gaston's shop license was expired as well. Mr. Gaston did renew his Barber Instructor's license on December 19, 2013 but the Master Hair Care license was not renewed. A cease and desist was issued on the Master Hair Care license on April 15, 2014. A re-inspection was conducted July 1, 2014 and it was found that the Master Hair Care license was still expired. Mr. Gaston admits it was an oversight on his part but he had someone handling his books for him and he thought the renewals were handled. Mr. Gaston has violated South Carolina Code of Laws sections 40-1-110 (c) and 40-7-30 for both cases.

MOTION:

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

MOTION:

Dr. Evans made a motion to come back to regular session. Renee Patton seconded the motion which carried unanimously.

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

MOTION:

Patricia Durkin made a motion that the State has proved its case. In the matter of case 2014-3 a \$250 fine must be paid within 90-days of the order being signed. Jimmy Gaston's barber instructor's license will be on probation for a period of 1-year. For the case of 2014-32 the State

proved its case and a fine of \$250 must be paid 90-days of the order being signed. No public reprimand will be allocated to either case. Dr. Evans seconded the motion which carried unanimously.

Sammie Smalls (2012-20)

A consent agreement was sent to Sammie Smalls and signed, but was never received by Ms. Perlman. Since the consent agreement was signed Ms. Perlman asked for case 2012-20 to be removed as a hearing.

Discussion:

Mr. Robinson stated it was asked in the last Board meeting of an alternate IRC member. Mr. Robinson would like to recommend Rubin Pinkney and his contact information would be given to Ms. Richardson.

MOTION:

Dr. Evans made a motion to approve Mr. Rubin Pinkney as the alternative IRC member. Renee Patton seconded the motion which carried unanimously.

Board Member Reports:

Renee Patton reported she and Edwin Barnes attended the National Interstate Council (NIC) conference in Charleston, South Carolina for the Board of Cosmetology. The NASBA president, Eric Davis made a presentation and the topic was the cooperation between Barbers and Cosmetologist in the profession are essential for the survival of both Boards because of the legislations attempt to deregulate. In Las Vegas the topic Mr. Davis spoke of at the NIC conference continued. It was stated for both professions should join forces collectively to make their voices heard. At the national convention it was a year of clean-up. The budget, Bi-laws and procedures were discussed. It was discusses at the conference of the difference between barbers and cosmetologist is that barbers shave. Ms. Patton met a representative from a different testing company and she would like the Board to consider utilizing a different testing company. The NASBA convention for 2015 will be held in Phoenix, Arizona. That conference will be a continuing education convention and barbers, instructors and inspections will all be invited. Continuing education is not a requirement but this will be more so as a training. Barbink wants a list of every barber that holds a license in the state of South Carolina. Within the list, only the mailing addresses, e-mail addresses, and are phone numbers are requested.

Edwin Barnes mentioned that Renee Patton should be reimbursed for her travels to Charleston, SC because she was representing the South Carolina Barber Board of Examiners. Mr. Barnes mentioned the 2015 convention was planning on being held in White Fish, Montana but was cancelled due to the expenses. It will be held the 3rd week in September. The following year, 2016, the National Board is looking to hold the convention in Columbus, Ohio at the National Barber Museum. Mr. Barnes also stated Ms. Patton wanted to discuss having the convention in South Carolina or North Carolina but that would need to be discussed at a later time.

Patricia Durkin agreed that PCS should be replaced because they are difficult to work with.

Mr. Robinson explained the any challenges or problems encountered with PCS should be documented and handled through the proper channels.

Dr. Evans stated the barber education is more of training and it should probably be mentioned during the regulation changes. As we are aware online education/ distance learning is present.

Public Comments:

There were no public comments.

Adjournment: 1:24pm

MOTION:

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