

**South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., December 8, 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

Chairman 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; Robbie Boland, Sharon Wolfe, OIE; and Tracey Perlman, ODC.

Approval of Excused Absences

There were no absences.

Approval of the Agenda

MOTION:

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

Approval of the Minutes

MOTION:

Patricia Durkin made a motion to approve the minutes from October 13, 2014. Renee Patton seconded the motion which carried unanimously.

Chairman's Remarks – Paul Robinson

Mr. Robinson did not have any remarks.

OJT Hourly Curriculum

In the previous board meeting, there were discussions about the additional 420 curriculum hours for OJT students. Mr. Robinson recommended that the OJT instructors gear the additional 420 curriculum hours towards sanitation, sciences, and shaving for studies towards the examination. Edwin Barnes explained the additional 420 hours were assigned by the OJT instructor as they felt necessary. Mr. Robinson expressed that was the case in the past but it appears that the OJT students are the ones failing the examinations in the areas mentioned.

MOTION:

Renee Patton made a motion for the 420 hours to be geared towards Bacteriology, Shaving, Permanent Waving, Anatomy and Physiology, Chemical Hair Relaxing, Hair Coloring and Chemistry. Patricia Durkin seconded the motion which carried unanimously.

Administrator Remarks – Theresa Richardson, Administrator

OIE Report – Sharon Wolfe

The OIE case report is from January 1, 2014 through December 1, 2014. There were a total of 16 closed cases, 8 cases were do not open, 2 were pending Board action, none were pending IRC, and 2 were pending criminal court action for a total of 28 cases. There were 38 alleged issues, 1 was unknown, 7 cases were allowing unlicensed person to practice, 2 were criminal convictions, 4 cases were failure to maintain/provide records, 2 cases were fraud in obtaining license or credentials, 1 case was non compliance with statutes and regulation, 8 cases fell under other (not classified), 12 cases were unlicensed practice and 1 case was unprofessional conduct for a total of 38 cases.

IRC Report – Sharon Wolfe

There was not an IRC report.

ODC Report – Tracey Perlman

As of December 1, 2014 there were 12 open cases, 6 pending action cases, 1 pending CA/MOA, 5 pending hearing cases, and as of September 24, 2014, 14 cases were closed.

Inspection Report – Robbie Boland

As of October 2014 there were 98 shops attempted to be inspected, 25 of those shops were not opened for business at the time of inspection, and 73 shops were actually inspected. In November 2014 there were 48 shops attempted for inspection, 13 of those shops were not opened for business at the time of inspection, and 35 shops were actually inspected. There were a total of 992 shops to be inspected for the year 2014; 269 of those shops were not opened at the time of the inspection, and 723 of those shops were physically inspected. There were a total of 1,458 active shops for the year of 2014.

Budget – September and October 2014

Old Business

Proposed Changes to Practice Act

The South Carolina Code of Laws Section 40-7-350 is in reference to the language of barber colleges. A proposed change to the Practice Act is referring to post-secondary institutions. This issue was recently brought to the Board's attention by Leonard Pelzer, of the Barber Tech Academy. Mr. Pelzer received a letter from the US Department of Education which made reference to Title IV funding. Mr. Pelzer attempted to garner support from the Board in a written statement to include the definition of a post-secondary institution.

It is being suggested that the Board revise the South Carolina Code of Laws Section 40-7-350 to reflect the definition of a post-secondary institution so the Title IV funding would be afforded to qualified schools. The removal of the language that is no longer used would be helpful for the receipt of the Title IV funding.

Dr. Evans provided an explanation pertaining to the usage of "school" instead of using "college" in the school's name. Dr. Evans stated on October 6, 2011 a statement was released through an Attorney General's opinion from the Commission of Higher Education in reference to using the language of post-secondary institutions. The Commission of Higher Education is the regulatory authority to state that a non-public institution is a post-secondary institution or not. Board members cannot lobby but it is necessary to know if the Board members agree with the language that has been developed.

Another section that needs to be revised, for language purposes is, to explain before a Registered Barber and/or a Master Hair Care Specialist can become an instructor they must be a practicing Barber for at least 3 years. This does not include the time spent in school or the time as an apprentice.

MOTION:

Renee Patton made a motion to accept the changes as stated. Edwin Barnes seconded the motion which carried unanimously.

New Business

Review for Consideration of the Revised CIBs

There are a few changes for the Master Hair Care Specialist examination. Ms. Richardson contacted PCS to verify the exact changes. The current practical examination consists of set-up and client protection of 10 minutes each; the shaving component is 20 minutes, hair lightening and coloring is 20 minutes, chemical relaxing is 25 minutes. In the updated CIB the virgin hair lightening & coloring and retouch component will be 20 minutes at 2-10 minute segments, the relaxing virgin and retouch component will be 20 minutes each, and shaving component will be untimed. Additional services include the basic facial at 10 minutes, blow drying at 15 minutes, and thermal styling at 10 minutes.

The Board stated the live shave should have a 30 minute time limit. The implementation of the new CIB is set for February 1, 2015.

MOTION:

Renee Patton made a motion to accept the changes to the CIB with the implementation of the shaving component being timed. Edwin Barnes seconded the motion which carried unanimously.

Review for Consideration of School Opening

Melissa Jones-Horton appeared before the Board seeking approval of Unique Hair Design, The School. The discussion included but was not limited to the school opening. Ms. Jones-Horton's planned opening date was January 10, 2015. James Scott will be the lead instructor and Adreal Gaston will be the secondary instructor. Unique Hair Design, The School will be housed in a 2-story building. The advanced students will be instructed on the second level. Ms. Jones-Horton has 2 substitute instructors lined up. Ms. Jones-Horton will be conducting a lot of advertising, marketing and promotion of the school. Ms. Jones-Horton was informed that she needs to make sure the students are never left alone.

MOTION:

Dr. Evans made a motion to approve the provisional inspection for Unique Hair Design. Patricia Durkin seconded the motion which carried unanimously.

Review for Consideration of Licensure with Background Report

Jerry Roach 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. The violation occurred in a barber shop where Mr. Roach was employed and was in the vicinity of a school. Mr. Roach does not plan to return to that particular barber shop. The shop owner was not aware of Mr. Roach's criminal activities in his establishment. Mr. Roach was incarcerated from October 2012 to April 2014. Mr. Roach is on parole until April 2016.

MOTION:

Renee Patton made a motion to approve the reinstatement of Jerry Roach's registered barber license with a 3-year probationary period. A SLED report is required to be submitted at the end of each year at Jerry Roach's expense. If any additional violations occur Jerry Roach's license will be immediately administratively suspended. Dr. Evans seconded the motion which carried unanimously.

Sergio Mealing appeared before the Board seeking approval of an upgrade from a Master Hair Care apprentice to Master Hair Care Specialist. Discussion included but was not limited to the explanation pertaining to his criminal background history. While incarcerated Mr. Mealing was afforded counseling. Mr. Mealing's violations did not occur in or near a barber shop. Mr. Mealing is not currently on probation or parole.

MOTION:

Renee Patton made a motion for approval of the upgrade application with a 3 year probationary period. A SLED report is required to be submitted at the end of each year at Sergio Mealing's expense. If any additional violations occur Sergio Mealing's license will be immediately administratively suspended. Patricia Durkin seconded the motion which carried unanimously.

MOTION:

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

MOTION:

Dr. Evans made a motion to return from the break to regular session. Renee Patton seconded the motion which carried unanimously.

Hearings

Frederick Griffin – BI 4553 (case 2013-39)

Frederick Griffin was the Barber Instructor at I'm Me Barber and Beauty Salon. On or about September 20, 2013 the barber shop was inspected. During the inspection, 7 months of student monthly hour records were found. The students' monthly hour reports were not properly kept and they were not submitted to the Board's office. The Board decided to continue the hearing in Frederick Griffin's absence.

Inspector, Raymond Lee was called as a witness. Mr. Lee explained after several attempts of trying to inspect the barber shop, he was finally able to get an answer to his phone call and Dale Azon Sulton, a barber student answered. Mr. Lee informed Mr. Sulton that he was on the way to conduct an inspection. When Mr. Lee arrived he found Mr. Sulton at the barber shop alone with his barber tools laid out ready to work. There were no clients in the shop at the time. Mr. Sulton was able to get in contact with Mr. Griffin to inform him of the inspection. Mr. Lee was able to speak with Mr. Griffin and Mr. Griffin informed Mr. Lee that he would be at the shop within 20 minutes. Mr. Griffin never showed up. Mr. Lee continued with the inspection of the salon in Mr. Griffin's absence. During the inspection Mr. Lee discussed the OJT hours with Mr. Sulton. Mr. Lee left 2 business cards, one with Mr. Sulton and one on Mr. Griffin's work station. Mr. Griffin never got in touch with Mr. Lee.

Administrator, Ms. Theresa Richardson, was called as a witness. Ms. Richardson informed the Board of the status of Mr. Griffin's license. Mr. Griffin's license expired June 30, 2013. Ms. Perlman explained the violations were brought against Mr. Griffin because he was conducting OJT training but the hours were not being properly kept or reported. Mr. Griffin did not have a current barber instructor's license. Mr. Griffin's barber shop, I'm Me Barber & Beauty Salon's license is current.

Ms. Perlman explained Mr. Griffin has violated South Carolina Code of Laws section 40-1-110 (1)(K) and South Carolina Code of Regulations section 17-11.

MOTION:

Dr. Evans made a motion that the State proved its case against Frederick Griffin. Mr. Griffin was fined \$500 to be paid within 30-days and issued a public reprimand for the violation of not properly recording and reporting students' monthly hours. Frederick Griffin's license cannot be reinstated until the fine has been paid. Renee Patton seconded the motion which carried unanimously.

Mr. Robinson asked that an inspector return to I'm Me Barber & Beauty Salon to verify that Mr. Griffin is not working in the shop and that there are no current students receiving hours. If Mr. Griffin is found working as a Barber or Barber Instructor, a cease and desist will need to be issued.

Board Member Training

Training was conducted for the Board members as a refresher to most and information to the newest member. The Board members were informed of their duties and responsibilities.

Discussion

There were no discussions.

Board Member Reports

There were no Board member reports.

Public Comments

There were no public comments.

Election of Board Officers

Dr. Evans made a motion to re-elect Paul Robinson as Chairman. Edwin Barnes seconded the motion which carried unanimously.

Edwin Barnes made a motion to re-elect Renee Patton as Vice Chairman. Dr. Evans seconded the motion which carried unanimously.

Adjournment: 11:54

MOTION:

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