

AGENDA
South Carolina Board of Barber
Examiners Board Meeting
9:00 a.m., October 10, 2016
Synergy Business Park Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29210

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the S. C. Board of Barber Examiners' 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.
- b. Rules of the Meeting Read by the Chairman
- c. Pledge of Allegiance

2. Introduction of Board Members and All Other Persons Attending

Chairman Paul E. Robinson called the meeting of the S.C. Board of Barber Examiners to order. Other Board members participating in the meeting included:

- ❖ Renee Patton
- ❖ Dr. Frederick M. G. Evans
- ❖ Edwin Barnes

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Sharon Wolfe, Office of Investigations and Enforcement (OIE); Tracey Perlman, Office of Disciplinary Counsel (ODC); Robbie Boland, Office of Investigations and Enforcement (OIE)

3. Approval of Excused Absences

A motion was made by Ms. Renee Patton to excuse the absence of Ms. Patricia Durkin. It was seconded by Dr. Frederick Evans. The motion carried.

4. Approval of Agenda

A motion was made by Dr. Evans to approve the agenda and it was seconded by Ms. Patton. The motion carried.

5. Approval of Meeting Minutes

August 8, 2016

A motion was made by Ms. Patton to approve the meeting minutes from August 8, 2016. The motion was seconded by Dr. Evans and the motion carried.

6. Chairman's Remarks – Paul E. Robinson

Chairman Robinson stated that thoughts and prayers are with those who were affected by Hurricane Matthew and had been displaced.

He also mentioned the recent successful NABBA conference in which he, Mr. Edwin Barnes, and Ms. Patton attended. The office was given a summary of the meeting that included what was discussed and recommended for further action.

7. Administrator's Remarks, For Information – Theresa Richardson

- a. **Budget/Draw-downs** – For Information – There were no questions.
- b. **OIE Report** – For Information - Sharon Wolfe – There are 85 complaints so far this year and 60 complaints have been closed.
- c. **IRC Report** – For Approval - Sharon Wolfe – There were none.

- d. **ODC Report** – For Information – Tracey Perlman – As of September 30, 2016, there are 50 barber cases in the ODC office.
- 47 (pending action)
 - 3 (pending hearings)
 - 10 (closed since 8/2/16)

The vast majority of the cases are for late reports. With the late reports being handled in a different way, it goes through Ms. Richardson's office, and the report is the actual violation, instead of being investigated. After the first two rounds of fines, there has been a giant increase, which was a surprise. The violations are received from a mixture of OJT and school instructors.

- e. **Inspection Report** – For Information - Robbie Boland – In July, 106 barbershop inspections were attempted and 23 of those shops were closed. In August, 162 inspections were attempted and 31 shops were closed. From January through August, there were 971 inspections attempted for barbershops with 746 shops being physically inspected. Mr. Boland is back up to a full staff as well.

8. **Old Business**

Dr. Evans asked if there was a statute limitation on the length of the timeframe that barbers are found in violation, prior to hearings. Ms. Mary League stated that there were no statute limitations. The only considerations may be the absence of evidence and/or witnesses, due to the passing of time.

Ms. Patton mentioned the NABBA website (www.barbinc.com). It is public domain for information and will give a sense of how many barbers South Carolina has and where they are. It makes us involved nationwide and is a place of resource. Several issues will have to be discussed such as legislative changes and our relationship with North Carolina, as far as reciprocity. Input was given from school owners on finding instructors to work in the schools, which may be placed on the agenda in coming months.

Dr. Evans inspected the Legacy Barber and Beauty school in Lugoff, South Carolina. He apologized for the delay, but there were no problems or issues at the school.

9. **New Business**

a. **Consideration of a 3rd Student Permit**

i. Ryan O'Neal Hudson

Mr. Hudson's first permit was terminated and 205 hours were accrued for that license. There are no hours on file for the second permit. The instructor returned the second permit. Mr. Hudson was not present and Mr. Barnes made a motion to defer the consideration until Mr. Hudson could be present. The motion was seconded by Ms. Patton and it carried.

ii. George Jason Minus

Mr. Minus was not in attendance. He attended the Genesis Hair Studio and there is no information on the first permit. No hours are listed for either permit or seen in the barbershop's file. A motion was made by Ms. Patton to defer this item until Mr. Minus was present. The motion was seconded by Mr. Barnes and it carried.

iii. Savontia Lamar Peeler

Mr. Peeler was not present. He accrued 121 verifiable hours. A motion was made by Mr. Barnes to defer the hearing until Mr. Peeler was present. The motion was seconded by Ms. Patton and it carried.

Mr. Peeler was present later on in the meeting. He has not finished his book work and will be working full-time while gaining barber hours. There is no likelihood of his job's hours changing. He misunderstood his instructor, thinking he had between 950 and 1,000 barber hours. Over 1,000 hours cannot be completed in one (1) year. The hours will need to be given from the instructor and looked at again with the opportunity to give a 3rd permit and successfully obtain licensure. The instructor will also need to submit an affidavit or something in writing as to why the hours had not been turned in initially.

A motion was made by Ms. Patton to defer the consideration until the Board is provided with the hours. The office will be able to make the determination of the 3rd permit. Mr. Peeler was told that it is imperative that he keeps a copy of his hours. The motion was seconded by Dr. Evans and the motion carried.

b. Consideration of Crossover License Program

i. Genia O'Bryant

Currently, Ms. O'Bryant offers a 60 hour course for Cosmetologists with two (2) or more years of practice that want to become Master Hair Care Specialists. Ms. O'Bryant states that cosmetologists are not trained in the history of barbering and she wants them to be safe performing services such as haircutting, fading, and training. Cosmetologists aspiring to become Master Hair Care Specialists should be able to fade. Students are having difficulty and they do not understand everything involved. A mandated program, such as a 50 or 60 hour program of barbering is needed as they do not get the information through the cosmetology sector. Cosmetologists are failing the exam.

At the last legislative session, this same program was presented and did not go through by law. The regulations are vague in reference to the crossover license. It is a work in progress to moving in that direction. Ms. O'Bryant is asking that a set curriculum be established, so that schools may have the programs to address the issues with crossover licenses. She holds a Barber Instructor license. According to the regulations, if a Cosmetologist has less than two (2) years of experience, they would have to take 375 hours of barber training, prior to crossing over to becoming a Master Hair Care Specialist. The schools do not have the set curriculum for students wanting to crossover. Ms. O'Bryant is worried about the Cosmetologists who are over the timeframe of two (2) years that do not know much about barbering and the safety involved. Although it is not legally defensible as of yet, it is fine for the Academy of Barber Training to provide the program.

c. Consideration of Reinstatement with Criminal Background History and Previous Board Order

i. Christopher Boswell

Mr. Boswell is seeking reinstatement of his Master Hair Care Specialist license with a current board order on file and criminal background history.

A motion was made by Dr. Evans to go into a closed session for Mr. Boswell and it was seconded by Mr. Barnes. The motion carried.

Another motion was made by Dr. Evans to go into an executive session for legal advice concerning the consideration and it was seconded by Ms. Patton. The motion carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Ms. Patton. The motion carried.

A motion was made by Ms. Patton to reinstate Mr. Boswell's Master Hair Care Specialist license with the condition of a two (2) year probationary period, providing a SLED report annually. If there are any infractions that occur in that timeframe, Mr. Boswell is required to come before the Board again. The motion was seconded by Mr. Barnes and Dr. Evans and the motion carried.

Dr. Evans made a motion to come out of the closed session and it was seconded by Ms. Patton. The motion carried.

d. Consideration of School Changes

i. Williams Barber Training School (New School)

Ms. Sheila Williams is seeking approval in opening a new barber school. This has been a passion of hers for many years as she is a Cosmetology and Barber Instructor. She has previously taught at a barber academy and served as the director of a cosmetology school.

This will help her give back to the community and she will be able to teach students the way that they should be taught. Ms. Marlene Smith will be a substitute teacher. The school is currently set up for 10 students at a time. She plans on opening the school as soon as it gets approved. The program will be broken up into two (2) different parts. The part time students will attend the school 20-25 hours a week. It will take the part time students two (2) student permits possibly.

A motion was made by Ms. Patton to accept the application to operate as a new barber school, pending an inspection. The motion was seconded by Dr. Evans and the motion carried.

ii. Salon 496 Barber Academy (Location Change)

Mr. Fred Davis, accompanied by Mr. Mark Davis, represented Salon 496 Barber Academy. They were seeking permission to change the school's location. There was a big increase in the rent, so they decided to move. Mr. Mark Davis needs to be added as an owner of the academy as well.

A motion was made by Mr. Barnes to approve the location change and it was seconded by Ms. Patton. The motion carried.

e. **Discussion Regarding the National Interstate Council/Professional Credential Services, Inc. Contract**

i. Executive Session

A motion was made by Ms. Patton to go into executive session for the discussion listed. It was seconded by Dr. Evans and the motion carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Ms. Patton. The motion carried.

10. **Hearings – Tracey Perlman**

i. 2016-1

A complaint was made on Ms. Ebony Reed. Ms. Reed has been practicing outside of the scope of her license. She has been accused of using chemicals, electric tools, and curling irons. Ms. Reed stated that the chemicals accusation was false, but everything else was true. Mr. Rodney Pigford, Investigator for the Barber Board, was a witness for this case. The complainant alleged that her hair fell out after chemicals were used by Ms. Reed. During an unannounced visit by Mr. Pigford, he found Ms. Reed using thermal hot curling irons. Chemicals were also at her station. Pictures had been provided by the complainant as well. Ms. Reed stated that all she did was curl the complainant's hair. The complainant was subpoenaed as a witness for this case, but failed to show up. Ms. Reed stated that the complainant had been reimbursed and that she was a friend of the family. It was also alleged by Ms. Reed that the complainant had mental issues and had been contacting the respondent's family. Exhibits given consisted of the notice of hearing and photos given from the complainant.

Commercial hair may be added to natural hair for braiding purposes.

The issue at hand is that Ms. Reed was still practicing outside of her scope, according to Ms. Perlman.

Dr. Evans made a motion to go into executive session for legal advice and it was seconded by Ms. Patton. The motion carried.

Dr. Evans made another motion to come out of executive session and it was seconded by Ms. Patton. The motion carried.

A motion was made by Dr. Evans for case 2016-1. The state did not prove its case for code 40-1-110f. The state did prove its case with codes 40-1-110c and 40-7-30. A fine of \$50 was given to be paid within 30 days for the use of the curling iron. This motion was seconded by Ms. Patton and it carried.

ii. 2016-6 (MOA)

This was a final order hearing for Karen Shabazz who is dually licensed as a Barber Instructor and a Master Hair Care Specialist. She is also the owner and supervisor of Shabazz Barber/Styling College in Rock Hill. A Memorandum of Agreement was signed on July 19th by Ms. Shabazz. A training affidavit was submitted to the testing agency in December of 2013 for a student that reflected 1,500 hours earned between October 2014 and April 2015. The student's permit had an expiration date of May 7, 2010. Ms. Shabazz failed to confirm the dates on the training affidavit and submitted the affidavit with the wrong dates. She tried to rectify the situation in January of 2015. Ms. Shabazz is in violation of code 40-1-110-1c.

Ms. Shabazz knew that the student had completed the hours, but did not check the dates. She did fix the dates to match the permit. An investigation had been done, which found out that the hours were in. After thinking the investigation was over, she received a letter about a \$500 fine.

Ms. Patton made a motion to go into executive session for legal advice and it was seconded by Mr. Barnes. The motion carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Ms. Patton. The motion carried.

Dr. Evans made a motion regarding the Memorandum of Agreement for case 2016-6. The Memorandum of Agreement was accepted and a fine in the amount of \$100 was given that has to be paid within 30 days. The motion was seconded by Ms. Patton and it carried.

iii. 2016-34

This case will be continued as the respondent (Q-Cuts) was not present. They were notified of the hearing. Ms. Perlman wanted to move forward with the hearing as the respondent was not in an area where they would have been affected by the hurricane.

A motion was made by Dr. Evans for this matter to be continued due to the nature of the hearing and the number of violations given. The motion was seconded by Ms. Patton and it carried.

11. **Discussion**

None.

12. **Board Member Reports**

None.

13. **Public Comments**

None.

14. **Adjournment**

Dr. Evans made a motion to adjourn the meeting and it was seconded by Ms. Patton. The motion carried.

The meeting adjourned at 12:26 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for December 12, 2016.