

**South Carolina Board of Barber Examiners  
Board Meeting Minutes  
9:00am, June 12, 2023  
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

**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 at 9:13 a.m. Other Board members participating in the meeting included:

- Renee Patton
- Christopher Jarvis
- Melissa Jones Horton

Staff members present included: Theresa Brown, Administrator; Mary League, Advice Counsel; Robynn Devine; Lakin Raulerson; Patrice Deas; James Kemfort, (OIE); Jennifer Stillwell, (OIE); Sheila Hawkins (OIE); Tori Smith (OIE), Donnell Jennings (Chief OIE), and Prentiss Shealey, (ODC).

All other persons in attendance: Cindy Patterson, Court Reporter, Shawn Alexander, Duane Sells, Trina Smith, Shannon Herrschaft, Herbert Pougé, Anthony Gibson, Donna Keller, Kensey Evans, John Shipman, and LaWanda Murphy.

**3. Approval of Excused Absences**

There were no excused absences.

**4. Approval of Agenda**

Ms. Melissa Jones Horton made a motion to approve the agenda. Ms. Renee Patton seconded the motion and it carried.

**5. Approval of Meeting Minutes**

Ms. Melissa Jones Horton made a motion to approve the Barber Board meeting minutes for April 10, 2023. Mr. Christopher Jarvis seconded the motion and it carried.

Ms. Melissa Jones Horton made a motion to approve the Task Force meeting minutes for April 10, 2023. Ms. Renee Patton seconded the motion and it carried.

Ms. Renee Patton made a motion to approve the OJT Overview meeting minutes for April 17, 2023. Ms. Melissa Jones Horton seconded the motion and it carried.

Mr. Christopher Jarvis made a motion to approve the OJT Overview meeting minutes for May 1, 2023. Ms. Renee Patton seconded the motion and it carried.

Ms. Renee Patton made a motion to approve the OJT Overview meeting minutes for May 22, 2023. Mr. Christopher Jarvis seconded the motion and it carried.

Mr. Christopher Jarvis made a motion to approve the OJT Overview meeting minutes for June 5, 2023. Ms. Renee Patton seconded the motion and it carried.

## **6. Chairperson's Remarks – Paul E. Robinson**

Mr. Paul Robinson took a moment to acknowledge the death of Mr. Eddie Jones. Mr. Jones was a former LLR administrator as well as a Cosmetology Board member for many years. Mr. Robinson stated Mr. Jones was a good man in his opinion.

## **7. Administrator's Remarks, For Information – Theresa Brown**

### **a. Budget/Drawdowns – For information**

- b. OIE Report – For Information – James Kemfort** – Mr. James Kemfort gave the report and stated that this is for information purposes. As of June 12, 2023, they received a total of 52 total complaints, 4 active cases, 8 closed cases, with 15 pending on the upcoming IRC report.

- c. IRC Report – For Approval – James Kemfort**-The IRC met on May 25, 2023. The IRC members that were in attendance were Anthony Gibson and Tony Holloman. They reviewed a total of 15 cases and recommended 4 cases for dismissal and 11 recommended for formal complaints.

Ms. Renee Patton made a motion to approve the IRC report. Mr. Christopher Jarvis seconded the motion and it carried.

- d. ODC Report – For Information – Prentiss Shealey** – Ms. Prentiss Shealey stated she hasn't been a part of the Barber Board in a couple years but is standing in for today. Ms. Shealey stated there is a new attorney that is starting next week and she is filling in until then since Ms. Sara Morris has left the agency.

There are 22 open cases, 32 cases that are pending hearings or agreements, and 8 cases have been closed since March 24, 2023.

- e. Inspection Report – For Approval – Jennifer Stillwell**- For the month of April, there were a total of 276 inspections conducted, 239 of those were physically inspected, 12 were permanently closed, 21 were not open at the time of inspection, and that included 4 school. During the month of May, a total of 252 inspections were conducted, 182 of those were physically inspected, 10 were permanently closed, 48 were not open at the time of inspection, and that included 12 schools for a total year to date, 1363 total inspections. Discussion then ensued.

Ms. Renee Patton made a motion to approve the Inspection report. Mr. Christopher Jarvis second the motion and it carried.

## **8. New Business**

### **a. OIE Restructuring Announcement to Boards**

Mr. Donnell Jennings stated he is now the Chief of OIE. The agency has been restructured and OIE will be the Division of Legal Services and Enforcement. Mr. Jennings informed the Board that before they only had 5 Chiefs but now there are 10 lead investigators. There is now a new team that will include Barber and Cosmetology and there were interviews last week and hopefully there will be a new lead investigator for the Barber Board. Mr. Jennings stated that Mr. James Kemfort and his team will help with the transition from the old investigator to the new investigator and one of the investigators that is present at the meeting is Tori Smith. They are currently in the process of transitioning from the old structure to the new structure. Mr. Jennings stated that it should be a seamless transition and if the Board needs anything from them they will adjust. Then discussion ensued.

**b. Legislative Update**

**i. Regulation 17-3**

Ms. Theresa Brown stated there were regulations that were sent to the Legislators to be updated last year and there was one section that the legislators didn't like the wording in 17-3. At the time it read, "All teachers and instructors in barber schools or colleges are required to give full time to the student and cannot get any professional work during school hours". The legislators wanted the Board to update the wording so that it is clearer. Ms. Brown stated that they worked with Mr. Paul Robinson and Ms. Holly Beeson to update the wording. Now the regulation will reflect in late Summer, early Fall, that "All teachers and instructors in barber schools or colleges are required to give full time to the students during the time they are on the school or college premises and engaged in providing instruction. Professional or barbering work performed by a teacher or instructor at a barber school or college must be for student barber instructional purposes only". Ms. Brown stated that the legislators were satisfied with the new wording and this component did pass during the session.

**ii. H. 3605**

Advice Counsel, Ms. Mary League, stated this act has amended the engine act. These changes apply to all of the commissions at LLR. Ms. League stated that there are 3 parts to this that made some changes to the current language. The first, which does not apply to this Board specifically, it allows for certain instances an apprenticeship as an alternate pathway to licensure as opposed to a formal education process. Ms. League stated that the Board has this already.

The second is the revision to section 40-1-80 which is the process for initiating and moving a complaint through the investigating process. The most pertinent part of this is that the name of the complainant must be released to the individual who is being alleged to have committed violations. Unless the individual, the complainant, notes in their complaint to the Agency that they believe good cause exists that their name not be released. Ms. Mary League stated in that instance, a Board member will be designated to review the information and make the determination as to whether there is good cause and keep that individual's name from being released to the respondent in the early investigative stage of the matter. Ms. League gave an example of a student who's training under an instructor and sees that the instructor perhaps doing something that is not appropriate and aligned with the Statues and Regulations but doesn't want to be prejudiced by the instructor knowing they're the one making the complaint,

they're afraid they may be released from the program or afraid that they might get some type of retaliation. Ms. League stated that that might be an instance when good cause is presented to the designee for determination.

Lastly, this will affect the Board a little bit, only as to how the Board makes a motion in regards to an individual who comes before the Board with a criminal background. This is really not going to change the Board's process of evaluation substantively. Ms. Mary League stated that this was enacted to try and make it a little easier for someone who may have criminal convictions, to move forward with gainful employment. It does not allow for an individual who has a criminal background to be denied solely on the basis of that conviction. The Board already has a provision in the law that states that but this makes it very clear. It has to directly relate to the duties, responsibilities, or fitness to practice, in the Board's case, barbering. Ms. League stated the Board cannot use terms like moral turpitude or good character in considering issues because of the vagueness, the Board would have to be specific. If the Board is going to deny a license solely or in part, which includes putting a license on probation, due to someone's criminal history, then the Board has to include in the motion and in the order how that relates to the individual's fitness to practice. Ms. League gave an example to the Board of someone who has a fairly extensive larceny or theft background. Ms. League stated that when the Board members are looking at the Board materials ahead of the board meeting and they see an individual with a criminal background is coming before them, carefully go through that analysis ahead of time. It's not changing what the Board does, it's just having the Board articulate specifically why they are taking that pathway.

Ms. Mary League asked Mr. Donnell Jennings if there is anything in regards to the complaint process that he would like to address the Board. Mr. Jennings stated that they are meeting with OIE, disciplinary council, advice counsel, and regional council to come up with a process and how to get it to the chairman or the chairman designee. Mr. Jennings stated that they are hopeful that over time they can create a list of what each Board says what is good cause and what is not good cause. Right now, they are looking at cases that involves sexual assault. In those cases, the complainant name will not be released. They are also looking at other cases figuring out how to carve those out and not have their names for obvious reasons and it also, goes for domestic assaults. Mr. Jennings stated they are trying to finalize the process on which they will have contact made with the advice counsel, then the advice counsel will make contact with the Chairman or Designee. They will then let them know based on the information provided, during the initial planning whether or not good cause is shown. As time goes by, there will be a list on what is considered good cause and what isn't considered good cause and the Board will not be contacted. For general complaints, the names of the complainant will be given and the initial attachment to the complaint. Personal and identifiable information will be redacted before being sent to the respondent/licensee. Discussion then ensued.

Ms. Renee Patton made a motion for the Chair to be the designee. Ms. Melissa Jones Horton seconded the motion and it carried.

**c. Consideration of Licensure**

**i. Shawn Alexander (4<sup>th</sup> Permit)**

Mr. Shawn Alexander represented himself and requested to meet with the Board in reference to his request for a fourth student permit. Currently, Mr. Alexander has 2, 216 hours on file but the office does not have training affidavits from his former instructors. Mr. Alexander and his witness, Daniel Jones, were sworn in by the court reporter. They gave background information about his set of circumstances and answered the board's questions.

Ms. Melissa Jones Horton made a motion to go into Executive Session for legal advice with Ms. Theresa Brown. Mr. Christopher Jarvis seconded the motion and it carried.

Mr. Christopher Jarvis made a motion to come out of Executive Session. Ms. Renee Patton seconded the motion and it carried. No votes were taken during the executive session.

Ms. Renee Patton made a motion to approve Mr. Shawn Alexander's last permit. Mr. Alexander's permit was reissued due to his previous instructor passing away during the course of the previous permit. Mr. Christopher Jarvis seconded the motion and it carried.

Mr. Paul Robinson stated to Mr. Alexander to take full advantage of this opportunity to complete the training under his new instructor. Mr. Robinson then stated to Mr. Jones to make sure he submit those monthly hours. Both Mr. Jones and Mr. Alexander has to do the OJT Overview training. Monthly hours are required to be submitted by the 10<sup>th</sup> of every month as well as a training affidavit upon the completion of Mr. Alexander's training.

Ms. Mary League added and informed Mr. Daniel Jones that hours must be submitted monthly while an individual is training under him whether or not they earn hours. If there are 0 hours, the monthly hours sheet must reflect zero and turned into the office. Staff need to have a paper trail.

**d. Consideration of New Schools**

**i. Aiken School of Cosmetology & Barbering**

Mr. Duane Sells, Ms. Trina Smith and Ms. Shannon Herrschaft appeared before the board representing Aiken School of Cosmetology & Barbering in reference to ownership change. Mr. Sells, Ms. Smith and Ms. Herrschaft were then sworn in by the court reporter. Mr. Sells, Ms. Smith, and Ms. Herrschaft explained their reasoning for wanting to change ownership then discussion ensued.

Ms. Renee Patton made a motion to grant Aiken School of Cosmetology & Barbering change of ownership and location pending inspections by LLR and Board member. Ms. Melissa Jones Horton seconded the motion and it carried.

**ii. Featuring You Barber Academy**

Mr. Herbert Pouge appeared before the board representing Featuring You Barber Academy in reference to opening as a new school. Mr. Pouge was then sworn in by the court reporter. Mr. Pouge explained his reasoning for wanting to open a new school then discussion ensued.

Mr. Christopher Jarvis made a motion that Featuring You Barber Academy be

granted licensure to open pending inspections by LLR and a Board member. Ms. Renee Patton seconded the motion and it carried.

**iii. Top of the Line Barber College**

Mr. Anthony Gibson appeared before the board representing Top of the Line Barber College in reference to opening in a new location. Mr. Gibson was then sworn in by the court reporter. Mr. Gibson explained his reasoning for wanting to open in a new location then discussion ensued.

Ms. Renee Patton made a motion that Top of the Line Barber College be granted a location change pending inspections by LLR and a Board member. Ms. Melissa Jones Horton seconded the motion and it carried.

**e. Consideration of School Changes**

**i. Palmetto Unified Barber School- Goodman Correctional Institution (Name & Location Change)**

Ms. Donna Keller, Ms. Kensey Evans, and Mr. John Shipman appeared before the board representing Palmetto Unified Barber School – Goodman Correctional Institution in reference to changing their school name and location. Ms. Keller, Ms. Evans, and Mr. Shipman were then sworn in by the court reporter. Ms. Keller is representing the school as counsel. Ms. Keller explained the reasoning for wanting to change the school's name and location then discussion ensued.

Ms. Renee Patton made a motion that Palmetto Unified Barber School – Goodman Correctional Institution be granted location and name changes pending inspections by LLR and a Board member. Mr. Christopher Jarvis seconded the motion and it carried.

Mr. Paul Robinson requested a 10 minute break.

**f. Final Order Hearings**

**i. 2021-90, 2021-139 (MOA)**

This case is in the matter of LaWanda Murphy. Ms. Murphy appeared before the board representing himself and was sworn in by the court reporter. Ms. Prentiss Shealey presented the Memorandum of Agreement.

Ms. Renee Patton made a motion to go into Executive Session for legal advice. Ms. Melissa Jones Horton seconded the motion and it carried.

Ms. Renee Patton made a motion to come out of Executive Session. Ms. Melissa Jones Horton seconded the motion and it carried. No votes were taken during the executive session.

Ms. Renee Patton made a motion that even though Ms. LaWanda Murphy signed a Memorandum of Agreement, the Board would like to dismiss it and issue a letter of caution. The letter of caution should reflect to be mindful that students must always have their textbooks, to ensure that Ms. Murphy is properly keeping time, proper supervision of students under her instruction, and to be aware to not allow students to not practice without the appropriate permit. Ms. Melissa Jones Horton seconded the motion and it carried.

**ii. 2021-214**

This case is in the matter of Patrick Young. The respondent did not appear but was properly noticed. Ms. Prentiss Shealey stated that the State asks that they move forward with the hearing since the respondent was properly notified. Ms. Shealey stated that she left a voicemail at the number provided and sent an email last Tuesday and gave both the date and time of the hearing. Ms. Shealey stated that she left her work cell number and work phone number and she did not receive a voicemail as well as not receiving anything from the respondent via email. Mr. Paul Robinson found that the respondent was timely and properly served with notice of the hearing but did not appear. Ms. Prentiss Shealey presented the findings of the case.

Ms. Renee Patton made a motion to go into Executive Session for legal advice. Ms. Melissa Jones Horton seconded the motion and it carried.

Mr. Christopher Jarvis made a motion to come out of Executive Session. Ms. Renee Patton seconded the motion and it carried. No votes were taken during the executive session.

Mr. Christopher Jarvis made a motion that the State has proven their case. The sanctions will be \$500 for the first violation, \$500 for the second violation, and \$250 for the third violation totaling \$1250 to be paid within 60 days from receiving the final order. The Board will also issue a public reprimand. Ms. Renee Patton seconded the motion and it carried.

Mr. Paul Robinson stated that if the respondent wishes to appeal, he may do so within 30 days of the order to the Administrative Law Court.

**iii. 2022-38**

This case was requested to be continued.

**iv. 2022-4**

This case is in the matter of Pink Hollywood. The respondent did not appear but was properly noticed. Ms. Prentiss Shealey stated that the State asks that they move forward with the hearing since the respondent was properly notified within 90 days. Ms. Shealey stated that last Monday or Tuesday she left a voicemail for the respondent and sent an email to the email addresses listed for the respondent on ReLAES. Ms. Shealey stated that she left her work cell number and desk phone number and she did not receive a voicemail as well as not receiving anything from the respondent via email. Mr. Paul Robinson found that the respondent was timely and properly served with notice of the hearing but did not appear. Ms. Prentiss Shealey presented the findings of the case.

Ms. Renee Patton made a motion to go into executive session. Ms. Melissa Jones Horton second the motion and it carried.

Ms. Melissa Jones Horton made a motion to come out of Executive Session. Mr. Christopher Jarvis seconded the motion and it carried. No votes were taken during the executive session.

Ms. Renee Patton made a motion that the state has proven its case against Pink Hollywood and sanctions to be issued for each violation will be \$500 each. There will be a public reprimand to be paid within 60 days from receiving the final order. Ms. Melissa Jones Horton seconded the motion and it carried.

Mr. Paul Robinson stated that if the respondent wishes to appeal, they may do so within 30 days of the order to the Administrative Law Court.

**v. 2022-17**

This case is in the matter of Mark Jones. The respondent did not appear but was properly noticed. Ms. Prentiss Shealey stated that the State asks that they move forward with the hearing since the respondent was properly notified. Ms. Shealey stated that last week either Monday or Tuesday, she left a voicemail for the respondent at the phone number that is in the system for respondent and sent an email. Ms. Shealey stated that she left her work cell number and work phone number and she did not receive a voicemail as well as not receiving anything from the respondent via email. Mr. Paul Robinson found that the respondent was timely and properly served with notice of the hearing but did not appear. Ms. Prentiss Shealey presented the findings of the case.

Ms. Renee Patton made a motion that the state has proven its case against Mark S. Jones and sanctions will be \$500 each per violation totaling \$1000. There will be a public reprimand and to be paid within 60 days from receiving the final order. Ms. Melissa Jones Horton seconded the motion and it carried.

Mr. Paul Robinson stated that if the respondent wishes to appeal, he may do so within 30 days of the order to the Administrative Law Court.

**vi. 2020-61**

This case was requested to be continued.

**9. NABBA Annual Conference**

Mr. Paul Robinson stated that the National Barber Boards of American annual conference is the third week in September in Harrisburg, Pennsylvania. Mr. Robinson stated that an approval for travel is needed. On the national level, the Board has a past president and two officers in the association. Mr. Robinson stated that the office typically allows two Board members to travel, plus the administrator and inspector.

Ms. Renee Patton made a motion for approval to allow three Board members along with the administrator and inspector to attend the conference in September. Mr. Christopher Jarvis seconded the motion and it carried.

Ms. Melissa Jones Horton asked what three Board members will be able to go. Mr. Paul Robinson stated that there are two officers on the Board who are also on the national level and the implication was Ms. Melissa Jones Horton, Ms. Renee Patton, and himself as the immediate past president.

**10. Board Member Reports**

Ms. Melissa Jones Horton went to PSI testing location and when she was there, Mr. Shawn Conder was there. Ms. Jones Horton stated that she spoke with Mr. Conder and he is aware of the issues. Ms. Jones Horton also stated that she attended Mr. Eddie Jones home going services last week. Ms. Jones Horton then stated that she is attending the EBS (Education Business Summit) conference in Greenville, SC at the end of the month that is sponsored by the State Department of Education. The State Department of Education has created an opportunity for barbers to participate in barber coding cluster trainings.



**11. Public Comments**

None at this time.

**12. Adjournment**

Ms. Melissa Jones Horton made a motion to adjourn the meeting at 12:50pm. Ms. Renee Patton seconded the motion and it carried.