

AGENDA
South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., April 11, 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 (Vice Chairman)
- ❖ Edwin Barnes
- ❖ Patricia Durkin

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

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); LeShaun Mathis; Richard Adams; Christopher Battle; Frangetter Battle; Zoraida Harley; Kimberly Graham; Tommy Leaptrott; Kenneth Gutzler

3. Approval of Excused Absences

Dr. Frederick M.G. Evans will not be in attendance for this meeting. Mr. Edwin Barnes made a motion to approve his absence. It was seconded by Vice Chairman Patton. The motion carried.

4. Approval of Agenda

Ms. Patricia Durkin made a motion to approve the agenda. Vice Chairman Patton seconded the motion. The motion carried.

5. Approval of Meeting Minutes

February 8, 2016

Mr. Barnes made a motion to approve the minutes from the meeting listed. Ms. Durkin seconded the motion. The motion carried.

6. Chairman's Remarks – Paul E. Robinson

None.

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

- a. **Budget** – For Information - There were no questions.
- b. **OIE Report** – For Information - Sharon Wolfe
 - 14 (Complaints)
 - 2 (Active Investigations)
 - 16 (Closed Complaints from January 1 – April 4)

A break-out was given of the complaints.

c. IRC Report – For Approval - Sharon Wolfe

These are for review and approval from the Board for the recommendations of the cases.

Vice Chairman Patton made a motion to approve the IRC report. Ms. Durkin seconded the motion. The motion carried.

d. ODC Report – For Information – Tracey Perlman

- 17 (Open Cases)
- 13 (Pending Action)
- 4 (Pending Hearings for today)
- 8 (Closed Cases since April 5, 2016)

e. Inspection Report – For Approval - Robbie Boland

The numbers given begin from January 2016 to March 2016. 280 inspections were attempted and 54 of those attempts resulted in visiting closed barbershops. They have physically inspected 226 barbershops.

They are still trying to get around at least once a year to touch every shop. Periodically, they will go out on a Saturday or late hours during the week. They try to adjust their schedules to accommodate shops that only operate on the evenings or Saturdays. Within a two year cycle, they hope to get around to every shop.

A new staff member will be joining Mr. Boland in May, which will bring him back to maintaining a full staff.

8. Old Business

Vice Chairman Patton asked about the mobile shops. Chairman Robinson stated that it has come out of committee before the House and that was the last thing heard.

9. New Business

a. Consideration of Reinstatement with Criminal Background History and Current Board Order

- i. Christopher Boswell (BMH. 3448)

Mr. Boswell will be deferred until the next meeting. He could not be here on today.

b. Consideration of an Alternative Route to Obtain a Barber Instructor License

- i. LeShaun Mathis (BRB. 8126)

Mr. Mathis is a registered barber and a teacher for 8th grade science and has been for 5 years. He provided recommendations written on his behalf to the Board members. He has been licensed since September of 2015. Mr. Mathis believes that hair cutting and science go hand-in-hand. He is seeking an alternative route to obtain his Barber Instructor license instead of waiting 3 (three) years. Chairman Robinson stated that that would be a statutory change, which would have to go through legislation, as he is seeking an instructor license for barbering.

Mr. Mathis states that the Lexington II school district is introducing a program for barbering and he would also like to work for a school in North Augusta as an instructor. He stated that with cosmetology, you can get an instructor license with a master's degree. He was thinking that that route could be granted for the legislative change or on a case by case basis.

With the Board, their hands are tied with the issue. Regulations (17-1) require that instructors are qualified as seen in the statute (40-7-350), where they have to be a registered barber for 3 years and take the instructor examination. This issue may not be addressed until the beginning of 2017 with legislation.

Ms. Durkin stated to Mr. Mathis that as a citizen, he needs to find a representative that is sympathetic to his needs, preferably a barber. That representative may put it on the floor at the Statehouse, but it may take years. Mr. Mathis is still interested in making the change for future barbers.

Chairman Robinson asks that Ms. Theresa Richardson place this on a future agenda, discussing alternative methods to achieving an instructor license.

c. Consideration of Administrative Procedure for Monthly Hour Submissions

The Board of Barber Examiners is requesting to work directly with the Office of Disciplinary Counsel in regards to late submissions of student hours. Ms. Richardson is requesting approval to skip the review process and to go ahead and send out consent agreements. Ms. Tracey Perlman added that they are encompassing a lot of time and resources and that a consent agreement can be drafted without the investigative matters. The time stamp will be used. On the 11th day, they may send out the consent agreement.

Vice Chairman Patton made a motion to give staff authority to deal directly with the Office of Disciplinary Counsel in regards to late submissions of hours from schools/instructors. The motion was seconded by Ms. Durkin. The motion carried.

10. Hearings – Tracey Perlman

- **2015-24**

This is in the matter of Personal Touch Beauty and Barber College, which is represented by Mr. Christopher Battle. This is in regards to late reports sent for student hours. 2 sets of reports were sent for 2 different students in March and April of 2015. Mr. Battle stated that his wife sent the reports and he thought that they had been sent in a timely fashion. He was not aware of the fine as well. Mr. Battle stated that they were faxing the files wrong and have begun to e-mail the submissions. He was not there to argue that it was not late, but just hoped that the Board would have mercy on him with the fine. With Mr. Battle's statement, Ms. Perlman asked that they accept his statement and make the determination on how they want to proceed, since he was just asking for a reduction in fees. Ms. Durkin made a motion to go into executive session to receive legal advice in the matter. It was seconded by Vice Chairman Patton. The motion carried.

A motion was made by Mr. Barnes to come out of executive session and it was seconded by Ms. Durkin. The motion carried.

A motion was made by Vice Chairman Patton. With the violation found, the sanction of the 1st offense fine was to be reduced to \$400 (to be paid within 60 days), with no public reprimand. It was seconded by Mr. Barnes. The motion carried.

When cases are moved through the system with the board, the hours are credited to the students.

- **2015-64**

Ms. Perlman asked for a continuance for McComb's Barber Shop. It is the 3rd offense for them. Chairman Robinson accepted the continuance.

- **2015-16**

This is in the matter of the Profile Academy of Beauty and Barber and they were represented by Ms. Zoraida Harley. This is in regards to the late submission of hours for 2 students. The postmark on the envelope was late. Ms. Bridget Richardson was called up as a witness for the state. She is responsible for noting the date of the hours that come in to the Board of Barber Examiners. If the hours are e-mailed before the 10th, the hours are uploaded. If they are late, it is placed in the history of their file. Every month, a spreadsheet is completed and given to Ms. Theresa Richardson that shows the hours that were submitted late or not. If mailed, it must be postmarked before the 10th. With late submissions, copies are made of the envelopes, as well as e-mails. Ms. Harley mentioned #4 of the 'Monthly Record of OJT Training Hours' form, where it states that monthly reports are due by the 10th of each month, as stated in the regulations (17-11). She posed the question of where the hours were due to and asked if it needed to be received by the office on the 10th of each month or signed by the student by the 10th of each month. Ms. Harley's students signed the document on the 8th of the month in question, with the instructor signing on the same date as well. Ms. Bridget Richardson does not go off of when the document was signed, but by the postmark. Mr. Barnes posed the question, "What does the word due mean?" The hours are due to the Board of Barber Examiners on or before the 10th of each month. Ms. Theresa Richardson was called as another state witness. She stated that essentially reports are due on the 1st of each month, but she petitioned the Board for the grace period.

She also stated that she notified Barber Instructors that the laws would become more stringent. Letters were mailed out to Barber Instructors with their address given on file. The letters were sent out early April of 2015. Ms. Harley asked about mail that is sent to the Board of Barber Examiners and the consistency of it. She also asked about how many people handle the mail. The mail is pretty consistent unless it is during high volume times and only one person date stamps the mail. If that person is out, there is a person designated to handle the mail on that day. During that timeframe, it was a high volume time for barber renewals. There were no new staff members being trained during that time. A manual date stamp is used. Ms. Harley mentioned that there could have been an error in the date stamp. The memorandum sent to the Barber Instructors was sent out on April 3, 2015, stating that the change would take place on April 24, 2015. Ms. Harley called the Board to see what she needed to do to submit the hours, in which she states that she was told to mail them, whereas she usually e-mailed them to the Board. She stated that there were many errors shown with the school at that time from the Board, in which she showed one error as evidence. An e-mail was mentioned that occurred between Ms. Harley and Mr. Rodney Pigford of the OIE, where she stated that she did not send the hours in late. Mr. Barnes requested to see the letters that were sent to the Barber Instructors, in which a 10 minute recess was needed to provide the documentation. The documentation was provided, along with a memorandum that was placed online. Ms. Harley called Ms. Bridget Richardson back up as a witness and asked her how many students were on the roster at the time for the school, in which she could not recall the number. She was also unsure of if other hours were sent for other students at the time. Mr. Barnes stated that the letter sent to Barber Instructors stated that you could not fax the report of student hours, but you were able to still e-mail them. Ms. Harley stated that it was not her intention to mislead the Board in any way and that there is no proof that hours were submitted late. Ms. Perlman stated that Ms. Bridget Richardson is a credible witness and that she has no reason to misrepresent anything and believes that she accurately documented the information that she received. Ms. Perlman is not saying that it was intentional, but it is what happened. She asks that the Board upholds the findings that the hours were received late and to provide sanctions deemed appropriate. Vice Chairman Patton made a motion to go into executive session for legal advice and Ms. Durkin seconded the motion. The motion carried.

A motion was made to come out of executive session by Mr. Barnes. It was seconded by Ms. Durkin. The motion carried.

The motion was made by Ms. Durkin that the state has proven the violation alleged that the hours must be in the office by the 10th of each month. The sanction is a fine of \$400 to be paid within 60 days. Vice Chairman Patton seconded the motion. The motion carried. There will be no public reprimand. Ms. Harley may appeal the decision with the Administrative Law Court.

- **2015-19 (MOA)**

This is in the matter of the Colorist Hair Studio. Mr. John Leaptrott is representing the studio. Mr. Leaptrott does have legal representation, Ms. Lynn Rogers. This Memorandum of Agreement (MOA) was determined by the 2 parties agreeing to the facts.

Attention was called to the bottom of page 1 of the memorandum. It was in regards to the failure of submission of student hours for Mr. Kenneth Gertzler.

Ms. Lynn Rogers stated that Mr. Leaptrott has been licensed for 41 years and has never been disciplined. He did not intend to turn the report in late. The student was to hand deliver the hours to the Board, but failed to do so within the timeframe. She asked if they could consider dismissing the matter. Mr. Leaptrott has never been late before and she would hate to see this matter blemish his record. This was the last report needed for that particular student.

Vice Chairman Patton made a motion to into executive session to receive legal advice on this matter. It was seconded by Mr. Barnes. The motion carried.

Mr. Barnes made a motion to come out of executive session that was seconded by Vice Chairman Patton. The motion carried.

A motion was made by Vice Chairman Patton. The Board accepts the sanction of the MOA and there

will be a fee of \$400 with no public reprimand. Ms. Durkin seconded the motion. The motion carried.

11. Discussion

None.

12. Board Member Reports

Chairman Robinson stated that they are continuing to work on the recommendations with NABBA and are researching and comparing the curriculums throughout the nation. They have done a good job and the report will be prepared for the national meeting in Columbus. He will ensure that each Board member gets a report of the recommendations. The purpose of it is to make sure the practitioners will be able to seamlessly travel around and work in whatever state. It will also give information to various boards to make the curriculum nationally acceptable.

13. Public Comments

None.

14. Adjournment

Vice Chairman Patton made a motion to adjourn the meeting. It was seconded by Mr. Barnes. The motion carried.

The next meeting of the S.C. Board of Barber Examiners is scheduled for June 13, 2016.