

MINUTES
South Carolina Board of Barber Examiners
Board Meeting
9:00 A.M., August 10, 2015
Synergy Business Park, Kingtree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Meeting Called to Order

Public notice of this meeting was properly posted at the S.C Board of Barber Examiners, Synergy Business Park, Kingtree 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

Board Members Present

Chairman Paul Robinson called the meeting of the SC Board of Barber Examiners to order. Other Board members participating in the meeting included: Edwin Barnes, Fredrick Evans and Patricia Durkin.

Staff Members

Staff members present included: Mary League, Advice Counsel; Theresa Richardson, Administrator; Bridget Richardson, Roz Bailey-Glover and Johnnie Rose, Administrative Staff; Tina Behles, Court Reporter; Tracey Perlman, Assistant General Counsel; Robbie Boland; Inspector Sharon Wolf, Office of Investigation (OIE).

Approval of Excused Absence

Motion

Dr. Evans made a motion to approve the absence of Renee Patton. Edwin Barnes seconded the motion which carried unanimously.

Changed of Agenda

Tracey Perlman requested that agenda item (I) be moved under new business item 10 letter (D).

Motion

Edwin Barnes made a motion to change the agenda. Patricia Durkin seconded the motion which carried unanimously.

Chairman's Remarks - Paul Robinson

Mr. Robinson remarked that our state has been tremulously touched by the killings in Charleston. One victim was a licensed barber, Tywanza Sanders. He asked for a moment of silence for the victims that were touched by the tragedy. A moment of silence was observed by all in attendance.

Approval of Minutes-June 8, 2015

Motion

Patricia Durkin made a motion to approve the minutes for the June 8, 2015 board meeting. Dr. Evans seconded the motion, which carried unanimously.

Administrator's Remarks - Theresa Richardson

OIE Report - Sharon Wolfe

Sharon Wolfe presented the OIE case report from January 1, 2015- July 29, 2015. There were a total of cases received during the above time frame which included: 6 cases in inactive investigation, 1 closed 64 case, 13 cases marked do not open, 5 open cases, 3 cases pending board action and 4 cases pending IRC 65 hearings. Additionally there were a total of 6 active cases, 5 unknown cases, 4 cases of unlicensed practice, 14 cases of noncompliance with Statutes and Regulations, 4 non classified cases and 9 cases of 67 unlicensed practice. There were a total of 15 closed cases and 16 do not open cases.

IRC Report - Sharon Wolfe

Sharon Wolfe presented IRC report from July 29, 2015 citing 4 formal complaints.

Office of Disciplinary Council (ODC) Report - Tracey Perlman

Tracey Perlman presented the ODC report stating that, as of July 28, 2015 there were 3 open cases, 2 cases pending action, 1 case pending hearing and 5 closed cases. After June 3, 2015, 5 cases were closed.

Inspection Report-Robbie Boland

Robbie Boland presented the inspection report stating that in May of 2015 there were 71 shops where an inspection was attempted, 18 shops that were closed at the time of inspection and 53 shops were actually inspected. In June of 2015 there were 74 shops where an inspection was attempted, 15 shops were closed at the time of inspection and 59 shops were actually inspected.

Budget

The board budget had an increase due to security software; however, the budget should be going in the right direction. Mr. Robinson stated that in the previous month the board's revenue was going down but it looks now like it is moving in the right direction. Ms. Richardson stated that staff was still processing reinstatement applications which would show a decrease in the deficit. Staff has been doing things differently by emailing correspondences instead of mailing notices. Dr. Evans stated that he does not want the Board to be held accountable for something that happened out of the Board's control.

Proposed Board Meeting Dates for 2016

The Board approved board meeting dates for 2016 with one exception, changing October 3, 2016 date to October 10, 2016.

Motion

Dr. Evans made a motion to approve the 2016 board meeting dates. Patricia Durkin seconded the motion, which carried unanimously.

Old Business

There was no old business

New Business

Late Reporting of Monthly Barber Hours

The question was raised by Mary League regarding late submission of student hours and subsequent consequences. Mr. Robinson stated the first offense would be a fine of five hundred dollars. Mr. Robinson felt like barber instructors turning in late hours is a detriment to the students. The administrator and inspectors requested a tiered fee structure; making the first offense five hundred dollars but making sure we are not too lenient with that tiered fee structure. An alternate suggestion was made that the first offense was not five hundred but the concern was a show of leniency. Mr. Robinson suggested the first offense being set at two hundred and fifty dollars but making sure reports are turned in by the tenth of each month. Mr. Evans suggested that the first offense would warrant a warning, the second offense would carry a two hundred and fifty dollar fine, third offense would carry a five hundred dollar fine and fourth offense would warrant a hearing. Theresa Richardson asked the Board for guidance on how staff should process student monthly hours, discussion ensued. The board made the recommendation that Staff should process any envelopes post marked before or on the 10th. Envelopes post marked the 11th will be considered late and Ms. Richardson was tasked with submitting complaints for schools and instructors found not in compliance.

Motion

Dr. Evans made a motion to change the resolution guidelines regarding student monthly hours to a first offense warning, second offense fine of \$250.00, third offense \$500.00 fine and fourth offense warranting a hearing. No one seconded the motion.

Mr. Robinson explained due to no other motions the resolution guidelines will remain the same. First offense is a fine of \$500.

Motion

Dr. Evans made a motion to enter executive session to obtain legal advice. Edwin Barnes seconded the motion which carried unanimously.

Motion

Dr. Evans made a motion to enter back into regular session. Edwin Barnes seconded the motion which carried unanimously.

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

Review for Consideration of Secondary Barber Program Curriculum - Dr. Glover

Dr. Glover voiced concerns regarding guidelines for secondary barber programs. Stating that programs must be in compliance and consistent statewide. Her first concern was the 1540 hours required for graduation in secondary programs. At one point, we were told that the department could divide the hours at their discretion and asked for clarification. Discussion ensued. The question arose regarding students not completing the 1500 hours in a secondary program and what would become of the hours completed. Once the student exits the secondary program, they are no longer under the secondary program guidelines. Mr. Robinson did not see an issue with students receiving more hours than the Board requires.

Motion

Dr. Evans made a motion to approve 1540 hours for secondary programs. Patricia Durkin seconded the motion which carried unanimously.

Review of Consideration of Examination Site-Fairfield Career & Technology Center - Christopher Dinkins

Mr. Dinkins did not attend the meeting; however, the center was requesting to be approved as an additional testing site. Discussion ensued regarding adding appropriate examination sites throughout the state, making it easier for candidates to test. Mr. Robinson did not feel that Columbia should be the only location where graduates could test. The underlying issue was candidates having access to water because of the live shave portion of the exam and barber chairs. The Board wants the new locations to meet the same high standard approved in the past. This discussion was tabled for the next board meeting. Mr. Robinson asked schools to get in contact with the staff if they wished to become a testing site by submitting a letter and layout of the school.

Tracey Perlman requested to take a five minute break.

Meeting Called Back to Order

Hearing - Tracey Perlman

2014-24 Gary Champion (BOJ 71747)

On May 7, 2014 an inspection was conducted at All Stars Barbershop in Camden, South Carolina. Mr. Champion was working with an expired on the job training license. Mr. Champion only completed 1140 hours but he had a copy of a transcript showing he completed 1960. Mr. Cliburn Lane (barber instructor) had a letter from the respondent stating that he only completed 1140 hours. Mr. Champion did not appear to testify. Sharon Wolfe testified that Mr. Champion's student monthly hours showed completion of 1140 hours. Ms. Wolfe also confirmed the copy of the license Mr. Champion was working on the day of the inspection. Mr. Champion submitted an examination application to PCS showing that he completed 1960 hours but the name on the affidavit was not legible. Mr. Champion failed the theory examination and he does not have a license. The state alleged that Mr. Champion was not in compliance with S.C. Code 40-7-30, S.C Code 40-7-200 and S.C Code 40-7-230(C)(3).

Motion

Mr. Robinson made a motion to go into executive session. Dr. Evans seconded the motion which carried unanimously.

Motion

Dr. Evans made a motion to come back from executive session and Edwin Barnes seconded the motion. During executive session no motions were made and no votes were taken.

Motion

Patricia Durkin made a motion that the State proved its case using Section 40-7-30 and 40-7-230 (C) but (3) the State did not meet the burden of proof for Section 40-7-200; therefore, Mr. Champion shall pay a fine in the amount of \$250.00 within 90 days without a public reprimand. Dr. Evans seconded the motion which carried unanimously.

Review for Consideration of a School Opening

Dorchester County Career - James Boderick and Sheniqua Riley

Mr. Boderick and Ms. Riley appeared before the Board seeking approval for a secondary school. The school serves high school students from Districts 2 and 4 in Dorchester County. The school also is responsible for home study, private and virtual students in these districts. The school has been operating since 1973. The Barber program will consist of 10th, 11th and 12th grade students. If a student does not complete hours in a secondary program, hours will not be able to transfer. The school is ready to open.

Motion

Dr. Evans made a motion to approve Dorchester County Career secondary barbering program pending an inspection from a board member and an inspector. Edwin Barnes seconded the motion which carried unanimously.

Protégé Barber College-Shanita Peppers and Okey Uzor

Ms. Peppers and Mr. Uzor appeared before the Board seeking approval for a new barber school. It will be a private barber school and the secondary instructor will be Rena Glenn. The planned opening date will be August 16, 2015. The building is freestanding, with 2500 total square feet. Mr. Okey Uzor is responsible for the school's financial aid.

Motion

Dr. Evans made a motion to approve Protégé Barber College pending inspection from a board member and an inspector. Patricia Durkin seconded the motion which carried unanimously.

Academy of Barber Training - Genia O'Bryant

Ms. O'Bryant appeared before the board seeking approval for a new barber school. The planned opening date is August 28, 2015. The school is 1600 square feet and adjacent to another building and secondary instructor will be Dorothy Jones.

Motion

Ms. Durkin made a motion to approve the Academy of Barber Training pending a diagram of work stations, dryers, classrooms an inspection from a board member and an inspector. Dr. Evans seconded the motion which carried unanimously.

Profile Academy of Beauty & Barber – Dr. Zoraida Harley

Dr. Harley appeared before the Board seeking approval for a location change. The school will be moving into a free standing building. The planned opening date is August 18, 2015.

Motion

Dr. Evans made a motion to approve the location change. Patricia Durkin seconded the motion which carried unanimously.

Paul Mitchell the School-Columbia- Scott Bills

Mr. Bills appeared before the Board seeking approval for a new barber school. Paul Mitchell the School is an existing cosmetology school for the past 7 years. It has one of the top cosmetology programs in the State. They currently have 3 other locations: Charleston, Greenville and the third location is in Fayetteville, North Carolina. They are looking to add a barbering program at the Columbia location. The school will have 3 instructors and are adding an additional 600 square feet to the client floor and 500 square feet to the classroom. A solid wall will separate the cosmetology and barber program. The planned

opening date is November 1, 2015, pending construction. If not, the planned opening date will be January 1, 2016.

Motion

Dr. Evans made a motion to approve Paul Mitchell the School's barber program pending the receipt of the following information: school curriculum, a construction completion date, the barber instructor list and an inspection by a board member and LLR inspector. Edwin Barnes seconded the motion which carried unanimously.

Review for Consideration of Licensure with Background History

Clifford Hoyles

Mr. Hoyles appeared before Board regarding the reinstatement of his registered barber license. Mr. Hoyles is currently on probation with the Board. The Order was dated March 6, 2014. Mr. Hoyles answered "YES" to the criminal background question on the renewal application. The new charges were from 2013 and the Board did not review those charges from the previous criminal background report. Mr. Hoyles was involved in vehicle accidents that resulted into a DUI and a drug charge. He stated that the accident changed his life. He was sentenced to 2 years of parole. After moving back to Rock Hill, Mr. Hoyles opened a barber shop. Mr. Holyes is giving back to the community by doing a back-to-school drive with a local news station. He will be giving out free haircuts. He is on parole until December 22, 2015; and is currently under supervision until October, 2015. He has to report to the parole office twice a week to pay fines and give clean urine samples. His parole will end December 22, 2015.

Motion

Edwin Barnes made a motion to continue probation for 2 years. Dr. Evans seconded the motion which carried unanimously.

Possible Revision to Crossover License Regulation

Ms. Richardson stated that while reviewing the Regulations and Statutes she found a direct conflict. Per Statute Section 40-7-230(d) (3), an individual can become a master hair care specialist by taking the examination if the individual is a South Carolina cosmetologist and licensed for two years. According to Regulation 17-51, there is a tiered system. Ms. Richardson made the recommendation that the Board go with the Statute instead of the Regulation. Discussion ensued. Mr. Robinson asked Ms. Richardson to assure this regulation change in language is updated for the January Regulatory meeting.

Review for Consideration of the Education Committee Recommendations

The education committee met July 6, 2015 and during the meeting six recommendations were made:

- (1) prior to a registered barber or master hair care specialist obtaining a barber instructor license a methods of teaching course should be completed in an accredited institution of higher learning facility by an instructor who has a minimum of a master degree in education;
- (2) rotation of multiple practical examination sites;
- (3) utilize the 100 theory question examination for registered barber candidates without chemical knowledge;
- (4) combine the scope of practice for barber assistant and hair braiders;
- (5) clarify the scope of practice for a barber assistant;
- (6) Remove the hair braider examination and the application from the board's website. The education committee wants to review and consider using components of a natural hair styling examination that is offered by NIC. The current NIC natural hair styling examination is based on 150 hour curriculums.

Motion

Dr. Evans made a motion to approve a method of teaching course for the potential barber instructor candidates. Patricia Durkin seconded the motion with carried unanimously.

Edwin Barnes made a motion for approval site to be routine throughout South Carolina. Patricia Durkin seconded the motion with carried unanimously.

Edwin Barnes made a motion to move forward with the register barber theory exam to be move from 50 questions to 100 questions. Patricia Durkin seconded the motion with carried unanimously.

Mr. Robinson stated combining the scope of practice for the barber assistants and hair braiders needs further study and legal counsel.

Mr. Robinson stated clarifying the scope of practice for a barber assistant needs further study and legal counsel.

Edwin Barnes made a motion to oversee the hair braider exam in person and remove the online examination until we are able to establish NIC examination. Patricia Durkin seconded the motion with carried unanimously.

Discussion of Updates to the Statute-Holly Beeson

Ms. Richardson and Mrs. League met with Mrs. Beeson to discuss some statute changes. The team worked to draft possible updates for the Board's review and approval. Most of the changes will be coming from Sections 40-7-230 and 40-7-250.

SECTION 40-7-230. ~~Barber assistant; r~~Requirements for licensure; ~~certificate of registration for registered as a barber assistant, barber apprentice, registered barber, or master haircare specialist, or barber instructor; 90-day permit.~~

(A) The board shall issue a license to practice as a barber assistant to a person who:

- (1) is at least sixteen years of age;
- (2) has passed a physical examination prescribed by the Department of Health and Environmental Control;
- (3) has been issued a student permit and completed six weeks' training as a barber assistant under the supervision of a ~~registered~~ licensed barber instructor who is qualified to train an assistant barber as provided for in Section 40-7-290;
- (4) has been examined by the board and has been determined to be qualified to give shampoos and manicures.

A barber assistant only may work under the direct supervision of a licensed barber or master haircare specialist.

The board may promulgate regulations for the purpose of examination, supervision, and licensing of these persons.

A barber assistant employed as of February 1, 1976, may within sixty days obtain a barber assistant license without further training or examination by paying the required fee.

(B) The board shall issue a ~~certificate of registration~~ license as a ~~registered~~ barber apprentice to a person who:

- (1) is at least sixteen years of age and has achieved a ninth grade education or its equivalent;

- (2) has passed a physical examination prescribed by the Department of Health and Environmental Control;
- (3) has completed either:
 - (a) ~~at least nine months' course~~ fifteen hundred hours in a ~~reliable~~ barber school or college approved by the board; or
 - (b) ~~twelve months' one thousand nine hundred twenty hours of~~ training under the personal supervision of ~~registered~~ a licensed barber instructor 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;
- (4) has passed the examination prescribed by the board;
- (5) has submitted the applicable fees established by the board in regulation.

(C) The board shall issue a ~~certificate of registration as a registered~~ license as a barber to a person who:

- (1) is at least seventeen years of age;
- (2) has passed a physical examination as prescribed by the board;
- (3) has practiced as a ~~registered~~ licensed apprentice for twelve months under the direct supervision of a ~~registered licensed barber or master haircare specialist, and this practice must have included at least one thousand nine hundred twenty hours, proof of which must be submitted to the board by affidavit of one registered licensed barber or by other methods of proof that the board may prescribe;~~
- (4) has passed the ~~registered~~ licensed barber examination prepared and conducted by the board to determine if the applicant has:
 - (a) the requisite skill to perform properly all the duties associated with the practice of barbering including, but not ³ limited to, the ability of the applicant in the preparation of tools, shaving, haircutting, and all the duties and services incident to them;
 - (b) sufficient knowledge concerning diseases of the face, skin, and scalp.

(D) The board shall issue a ~~certificate of registration~~ license as a master hair care specialist to:

- (1) a cosmetologist licensed under Chapter 13 who has:
 - (a) satisfied educational requirements prescribed by the board in regulation;
 - (b) passed the examination required by the board.
- (2) a person who after July 1, 1985, meets the requirements of subsection (C) and has passed a written and practical examination conducted by the board to determine the person's ability to use chemicals to wave, relax, straighten, or bleach the hair;
- (3) a cosmetologist licensed under Chapter 13 who has two or more years' experience working as a cosmetologist and after successfully completing a practical examination prescribed and conducted by the board. The examination shall include a basic tapered haircut.

(E) The board shall issue a ~~certificate of registration~~ license as a barber instructor to:

- (1) ~~a person who is a licensed barber or master haircare specialist; and~~
- (2) ~~have practiced for three years as a licensed barber or master haircare specialist~~

.....
 (F) The board shall issue a 90-day permit to a student upon completion of at fifteen hundred hours in a ~~reliable~~ barber school or college approved by the board or one thousand nine hundred twenty hours of training under the personal supervision of registered a licensed barber instructor 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, provided:

- (1) that the barber student has applied to take the examination required by the board; and
(2) the barber student practice under supervision.

* * *

SECTION 40-7-250. ~~Renewal; of master haircare specialist license; reinstatement of certificate of registration for registered barbers and registered apprentices.~~ reinstatement.

(A) A person who is licensed as a barber assistant, barber or master haircare specialist ~~on May 13, 1986,~~ may have this license renewed ~~annually~~ biennially upon payment of the required license fee.

(B) A barber assistant, barber or master haircare specialist ~~registered barber or a registered apprentice~~ whose ~~certificate of registration~~ license has expired may have the ~~certificate~~ license reinstated immediately upon payment of the required reinstatement fee. A ~~registered barber assistant, barber or master haircare specialist~~ who does not engage in the practice of barbering for three years or less may renew the license by submitting a reinstatement application and a reinstatement fee. If more than three years have elapsed, the person must pass an examination and pay the reinstatement fee.

(C) An ~~registered apprentice~~ who has submitted proof of completing an apprenticeship for the purpose of becoming licensed as a registered barber or master haircare specialist must submit the upgrade application for licensure. (D) A barber instructor who has not taught school or college within a period of five years shall be required to apply for and take such examinations as are required by the Board.

Discussion

No discussion

Board Member Reports

National in Phoenix, AZ September 20-24.

Public Comments

Dr. Glover commented about the education committee and statutes. She asked the Board to take into consideration secondary programs since they are not in the original language of the statutes and regulations.

Scott Bills commented he loves the idea of Methods of Teaching, site examination requirements and curriculum for method of teaching.

Dr. Harley commented consider the secondary school when it comes down to issuing 90-day work permits.

Adjournment 1:14 pm

Motion

Dr. Evans made a motion to adjourn. Edwin Barnes seconded the motion which carried unanimously.

The next meeting of the S.C Board of Barber Examiners is scheduled for October 12, 2015.