

AGENDA
South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., August 8, 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 (followed by a moment of silence for recent events that occurred since the last board 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.

Other Board members participating in the meeting included:

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

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Johnnie Rose, Staff; Sharon Wolfe, Office of Investigations and Enforcement (OIE); Kyle Tennis, Office of Disciplinary Counsel (ODC); Robbie Boland, Office of Investigations and Enforcement (OIE); Kathy Meadows, Office of Investigations and Enforcement (OIE)

All Other Persons Attending:

Gary Haygood, Court Reporter; Jeffrey Goethie; Bert D. Lewis; Dinah Shaw; Cliburn Lane; Yvette Alston

3. Approval of Excused Absences

N/A

4. Approval of Agenda

Ms. Renee Patton made a motion to approve the agenda with any necessary changes. The motion was seconded by Dr. Frederick Evans. The motion carried.

5. Approval of Meeting Minutes

June 13, 2016

A motion was made to approve the minutes from the last meeting by Dr. Evans and it was seconded by Ms. Patricia Durkin. The motion carried.

6. Chairman's Remarks – Paul E. Robinson

Chairman Robinson is excited to have the NABBA convention in Columbus, Ohio. There are two (2) delegates attending, along with Mr. Edwin Barnes.

Ms. Theresa Richardson asked if someone could get in touch with NABBA for an invoice for the delegate registration fees and Ms. Renee Patton stated that she would do so again on that day.

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

a. Budget/Draw-downs – For Information

There is an \$8,140 for the fines and they are moving in the right direction according to Chairman Robinson. The document sent to the State Treasurer's Office refers to a percentage of collected funds.

b. OIE Report – For Information - Sharon Wolfe

There is a total of 18 complaints this year through July 29th that have been received. Out of the alleged issues, unlicensed practice holds the highest number with 19 turned in so far this year. 46 cases have been closed this year that have dealt with non-compliance with statutes and regulations. They also dealt with unlicensed practice and allowing unlicensed practice.

- c. **IRC Report** – For Approval - Sharon Wolfe
Two (2) cases were dismissed and one (1) received a letter of caution.

Dr. Evans made a motion to approve the IRC report and Ms. Patton seconded the motion. The motion carried.

- d. **ODC Report** – For Information – Tracey Perlman
Mr. Kyle Tennis filled in for Ms. Perlman.

There are 17 open cases:

- 10 (Pending Action)
- 2 (Pending Consent or MOA)
- 4 (Pending Hearings)
- 1 (Pending Final Order Hearing)
- 6 (Closed this year after June 8th of 2016)

Dr. Evans asked if they were caught up with backlog cases and Mr. Tennis stated that a number of cases have been scheduled in efforts to catch up. Two (2) of the hearings today have been continued. By the end of the year, the backlog should be reduced.

- e. **Inspection Report** – For Approval - Robbie Boland
In June, 204 inspections were attempted and 54 shops were closed at the time. 150 inspections were conducted in June. In July, there were 106 attempted inspections and 23 shops were closed during those attempts. 83 inspections were conducted in July.

Mr. Boland is down two (2) inspectors and should be back up to speed on next month. Their goal is to touch every shop by the end of December.

8. **Old Business**

9. **New Business**

- a. **Proposed Board Meeting Date for February 2017**
i. February 6th, 2017

This meeting will be on February 6, 2017, in room 105.

Ms. Patton made a comment that she was going to do an ad for the NABBA convention. She has a photo of everyone except Ms. Durkin. She also mentioned a message received from a school dealing with a shave for crossovers from cosmetologists and read the message aloud. Cosmetologists have not been adequately prepared to become Master Hair Care Specialists.

According to Ms. Richardson, 375 hours are needed for a person to gain a crossover license with less than two (2) years of experience. It is incumbent upon the person to ensure they are prepared for the exam. This will be an agenda item for the next Board meeting and the person that originally sent the message to Ms. Patton will be invited to come to the meeting.

With mobile barbershops, Ms. Patton is unsure of how to address the issue after findings on Facebook. Mr. Boland would like for Ms. Patton to e-mail him the names. He will be able to monitor it on Facebook. They would have to cease and desist services with the mobile barbershop. Mr. Boland does not have the police power to stop them from practicing on the spot.

Mobile barbershops will fall under unlicensed practice without a physical location. After an inspector writes a report, it may go to the IRC. That committee may send it to the Board for a hearing, so that the individuals may explain to the Board why they were operating a mobile shop. Mr. Edwin Barnes stated that anyone with

a license can cut hair anywhere, but they cannot accept gratuity of any kind. If a student is cutting hair in a school (i.e. college), they may accept money. Mr. Boland stated that if someone states that they are cutting hair (non-profit), they may be taken to the Board if need be or it may go to the investigation side to see if there is any disciplinary action that should come of it.

Chairman Robinson stated that the Barber regulations do not allow people to establish a barbershop in a truck, trailer, or mobile device.

Ms. Mary League advised the Board members that if any of them provided names to inspectors, then they would need to recuse themselves from future discussions.

b. Consideration of a New Barber School

i. Legacy Barber and Beauty Institute, LLC

Mr. Cliburn Lane represented the Legacy Barber and Beauty Institute, LLC. Mr. Lane would like to open a new barber school in Lugoff (Kershaw County). He feels as if it is a big opportunity in the community for people to create their own income and create better opportunities for themselves. There are currently no students enrolled and he would like to open the school as soon as it is approved. Students will need a total of 1,500 hours.

Dr. Evans asked about the station requirement and this school can only accommodate eight (8) stations. Chairman Robinson stated that the requirements are just for the stations to accommodate the students as stated in the regulations.

Ms. Durkin asked about kits being provided and Mr. Lane stated that once they provide the enrollment fee, a kit will be provided to them.

Dr. Evans made a motion that the application from Legacy Barber and Beauty Institute, LLC be approved, pending inspection from a Board member and an inspector (LLR). It was seconded by Ms. Patton. The motion carried.

Chairman Robinson inquired about the word "beauty" in the name of the school. Mr. Lane stated that he will have students that will crossover. Chairman Robinson's concern was that the name of the business will have the public thinking that it was a barbering and cosmetology school when the curriculum is barbering only.

c. Alternative Methods to Achieving an Instructor License

In April, a person came to the Board meeting inquiring about a different avenue to obtain an instructor's license in barbering.

With the infrequency of requests or state of concern, it should stay the way it is. Ms. Richardson has had three (3) other requests, with one including a school, on this issue.

Although the licenses are related in nature, Dr. Evans would like to adhere to what the Board has already approved.

It will remain as is. For changes, it would be a regulatory change, according to Ms. Mary League.

The position of the Board is to follow the statute.

10. Hearings – Tracey Perlman (Mr. Kyle Tennis filling in.)

• 2014-25

This hearing is to determine whether Mr. Larry Dreher should have disciplinary action taken against his license. The respondent was not present and did not have any counsel representation. Mr. Dreher was served with notice of the hearing. Mr. Dreher is a Barber instructor who failed to submit all hours for a student. Mr. Jonnie Rose, Program Assistant for the Board of Barber Examiners, was the first witness. He confirmed what was sent as seen in exhibits. The second witness, Ms. Kathy Meadows, Investigator for LLR, received the complaint from the student. The notice of the hearing was hand carried to Mr. Dreher by Ms. Meadows and he was not available, but it was left with a barber there. Mr. Dreher was

extremely hostile on phone calls in reference to the notice and belittled Ms. Meadows. Ms. Meadows explained what the notice was in reference to. Mr. Dreher stated that the student had not paid for anything, so the hours were not being sent. Ms. Meadows requested a statement from him, in which it was never received.

Mr. Dreher violated Regulation 17-11 and there are no exceptions for nonpayment or disagreements between the instructor and the student, according to Mr. Tennis.

A motion was made by Mr. Barnes to go into executive session and it was seconded by Ms. Patton. The motion carried.

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

Ms. Patton made a motion to dismiss the case without prejudice because the action was brought against the wrong license. It was seconded by Ms. Durkin. The motion carried.

Ms. League stated that the complaint only references Mr. Dreher's Master Hair Care license.

No other hours are seen in the file for the student, according to Ms. Richardson. We cannot contact him about his hours; that will be left up to the student.

- 2015-27
This hearing has been continued.
- 2016-10, 2016-18
This hearing has been continued.

11. Discussion
None.

12. Board Member Reports
None.

13. Public Comments
Mr. Jeffrey Goethie, Master Hair Care Specialist and Barber Instructor of the Donaldson Career Center, wanted to know if there was a fine distinction between the monopolizing of cosmetology shops opening as gentleman's salons and hiring a lot of cosmetologists that are providing barbering services and not hiring Master Hair Care Specialists. Ms. League stated that Board members cannot answer questions from public comments. They can only provide clarification or that person may contact Ms. Richardson. Mr. Goethie is trying to bring exposure to the barbering program and the students are being falsely misled with the gentleman's salons after graduating from the program and not being able to get a job.

Chairman Robinson stated that in general, Cosmetologists can work in barbershops, but they cannot do a shave on a male client. As a business practice, that is their decision not to hire Master Hair Care Specialists and there is nothing that the Board may be able to do. If an inspector comes in and finds Cosmetologists providing barber services, they will be found in violation.

Mr. Goethie asked about becoming a Board member or inspector to help with some issues. To become an Inspector, that is merely applying for the position when it becomes available. To become a Board member, contacting a Legislator in your county to let the governor know about your interest. It is up to the governor to fill the opening on the Board. A background check will be conducted as well.

Mr. Barnes inquired about Ms. Richardson attending the NABBA convention and thinks that it will be very beneficial. He made a motion that she attend the NABBA meeting. It was seconded by Dr. Evans and the motion carried.

Ms. League stated that it could be ratified at the next meeting, but could be voted on at this meeting.

Ms. Patton asked where our state stands on deregulations and Ms. Richardson stated that there were none this year.

14. Adjournment

Dr. Evans made a motion for adjournment and it was seconded by Ms. Patton. The motion carried. The meeting adjourned at 10:32 a.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for October 10, 2016
