

AGENDA
South Carolina Board of Barber Examiners Board
Meeting
February 6, 2017, 9:00 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference Room 105
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

Other persons in attendance included:

Theresa Richardson, Administrator; Mary League, Advice Counsel; Shalon Genwright, Staff; Robbie Boland, Office of Investigation and Enforcement (OIE); Sharon Wolfe, Office of Investigation and Enforcement (OIE); Tracey Perlman, Office of Disciplinary Counsel (ODC); Kitty Lindler, Court Reporter

3. Approval of Excused Absences

Mr. Edwin Barnes made a motion to excuse the absence of Ms. Patricia Durkin and it was seconded by Ms. Renee Patton. The motion carried.

4. Approval of Agenda

Mr. Barnes made a motion to approve the agenda for February 6, 2017. The motion was seconded by Ms. Renee Patton and it carried.

5. Approval of Meeting Minutes

December 12, 2016

Dr. Frederick Evans made a motion to approve the meeting minutes from December 12, 2016, and it was seconded by Mr. Barnes. The motion carried.

January 10, 2017

Dr. Evans made a motion to approve the meeting minutes from January 10, 2017, and it was seconded by Mr. Barnes. The motion carried.

6. Chairman's Remarks – Paul E. Robinson – Happy New Year!

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

- a. **Budget** – For Information – The budget is making less and less sense and a liaison from the finance department needs to be scheduled to attend a board meeting. Dr. Evans is questioning the deficit and has done so for a number of years. Multiple comments and feedback have been given that the Board was not responsible for the budget when prior requests were made inquiring about expenditures. A greater understanding is needed on how the budget is processed. The simple observation is

how has the Board ended up in a negative situation without giving any input? When travel/conference requests are made by the Board, they are denied based on the deficit. Dr. Evans wants an explanation for the deficit of the budget as the Board has had no direct input and when requests are made for budgetary expenditures and denied based on the deficit, he finds that odd and needs a greater understanding. He wants to know the process of the Board's responsibility and if they are responsible, how did the budget end up in the negative when no direct input was given from the Board? Also, with the impact on requests for budgetary expenditures, Dr. Evans wants to know how it is processed and what it is based on. Clarity is needed. Ms. Theresa Richardson will get the Finance Manager to attend the next Board meeting, which will be held on April 10, 2017. Ms. Mary League stated that the fees may be adjusted per the statute as a consideration. There is no other revenue being generated outside of application and renewal fees. The budget rolls over each fiscal year and the fees were recently adjusted. The deficit is not fair without an explanation. Dr. Evans does not understand. The Board was in the positive before being given an order not to keep and maintain documents from the Board meetings and he has documents showing when they were not in a deficit for a long time. Mr. Barnes stated that before the Board went under the Department of Labor, Licensing and Regulation (LLR), they were giving money back to the state. Under LLR, they went into the red, adjusted the fees, and are still in the red. Mr. Barnes does not understand as well and stated that the budget needs to be broken down to be proven where it is going.

- b. **OIE Report** – For Information - Sharon Wolfe – The cases given are from January 1, 2017, through February 1, 2017. Thus far, there have been 13 incoming cases and 17 cases have been closed this year. The breakout of the alleged issues were listed.
- c. **IRC Report** – For Approval - Sharon Wolfe – The report lists two (2) different cases. Dr. Evans made a motion to accept the IRC report and it was seconded by Ms. Patton. The motion carried.
- d. **ODC Report** – For Information – Tracey Perlman – Currently, there are 36 open cases with 29 pending action. There are 7 cases pending hearings. Since December 6, 2016, 26 cases have been closed.
- e. **Inspection Report** – For Approval - Robbie Boland – From January 1, 2016, through December 16, 2016, 1,112 barbershops were inspected. This year so far, 116 barbershops have been inspected. Currently, there are approximately 1,450 active barbershops. Mr. Barnes and Ms. Patton mentioned a new barbershop opening on April 1, 2017, in the upstate region.

8. Old Business

House Bill 3417 is back again for mobile barbershops. It is the same legislators that presented the bill on last year, but with a few changes. The Board is standing against mobile barbershops. There are some provisions in the bill that are not favorable to brick and mortar barbershops. For brick and mortar barbershops, inspections are conducted once a year and randomly throughout the year. Also, students cannot operate in a mobile barbershop. Students should not serve the public in mobile barbershops. Mr. Barnes assumes that LLR is standing with the Board. Chairman Robinson wants the Board members to ensure that they attend the subcommittee meetings as a licensee to speak.

9. New Business

- a. **Consideration of Licensure with Criminal Background History**
 - i. Vincent Black (Barber Instructor Applicant)

Mr. Black would like to be approved to test in order to become a Barber Instructor. He has criminal background history. Mr. Black respects the barber industry and would not do anything that would mix that with criminal conduct and is open to counseling, if need be. He would like to help children, as well as his own. Mr. Black

has been in the barbering industry for 16 years. He would conduct on-the-job training (OJT) at his current barbershop.

Dr. Evans made a motion to grant licensure to Mr. Vincent Black and it was seconded by Ms. Patton. The motion carried.

ii. Gregory Spry (Master Hair Care Apprentice)

Mr. Spry is seeking to gain licensure as a Master Hair Care Specialist Apprentice. This opportunity could save his life. He is currently on parole and it will end on September 7, 2018, and is earning credits to try to get that reduced.

A motion was made by Ms. Patton to approve Mr. Gregory Spry's licensure for apprenticeship with conditions. The motion was seconded by Dr. Evans and the motion carried.

b. **Consideration of a Third Student Permit**

i. Denitrius Gilliard

Mr. Gilliard is seeking to gain a third student permit. He has no hours on file for the first or second permit. With the first permit, he was a student for four months and an associate told him that he wasn't earning any hours, so he stopped attending the school. With the second permit, he did not think that he would get the permit that fast and wanted to do regular barbering, but was told that everything was already final with the school for him to be a Master Hair Care Specialist student. Dr. Evans asked was it possible to reissue a second permit from the testimony made by Mr. Gilliard, citing the Code of Regulations, section 17-10. His interpretation of that section was that the permit was not valid because of not using it. Ms. League stated that with a permit being issued, there is no requirement to actually "use" it. The first permit was issued on May 2, 2016, and the second permit was issued on October 28, 2016. It is not the Board's pattern to issue fourth student permits. Mr. Gilliard must ensure that his relationship with the instructor is solid as all of the barber hours required must be completed with the third permit.

Chairman Robinson wants to begin requiring instructors to be at the Board meetings when requesting student permits. He is sick and tired of the student/instructor issues. If the problems continue to arise, they may have to do away with the OJT program.

Dr. Evans made a motion to grant Mr. Denitrius Gilliard a third student permit and it was seconded by Mr. Barnes. The motion carried.

c. **Consideration of House Bill 3417**

This agenda item was discussed during 'Old Business'.

10. **Hearings – Tracey Perlman**

i. 2016-56

This hearing was in the matter of Mr. Douglas McGirt and LLR receiving a monthly student report after the 10th of the month. Mr. McGirt does not deny that the reports were submitted late. They were mailed out on April 11, 2016, for the month of March 2016. The state asked that the Board uphold the \$500 fine of the violation sanction.

A motion was made by Ms. Patton to uphold the \$500 fine against Mr. Douglas McGirt's Barber Instructor license and it was seconded by Mr. Barnes. The motion carried.

Ms. League stated that an order will be drafted and signed. If the licensee wants to appeal the decision, they may do so with the Administrative Law Court.

ii. 2016-63

This was in the matter of Mr. Dexter Pauling. Mr. Pauling came into the office on last week and paid the fine.

iii. 2016-65

This case was in the matter of Mr. Hampton Glover who was not present and the state proceeded in his absence. Mr. Glover sent in monthly student reports after the 10th of each month. Mr. Glover was notified of the hearing. There was no certified mail receipt that came back to LLR. The notice of the hearing was sent to the address on file with LLR. Mr. Johnnie Rose, Program Assistant with LLR, was called as a witness for the state. The April 2016 monthly student report was received at LLR on May 11, 2016. The documents were stamped as a walk-in. The state asks that the fine of \$500 be upheld.

Ms. Patton made a motion that the state proved their case and to uphold the \$500 fine on the Barber Instructor license. The motion was seconded by Dr. Evans and it carried. The fine should be paid within 30 days.

iv. 2016-66

This case was in the matter of Ms. Lawanda Murphy and monthly student reports being turned in after the 10th of the month. The reports were for two different students, Mr. David Bomar and Mr. Danny Orellana, who were also witnesses for Ms. Murphy. There was only one fine of \$500 and Ms. Murphy is currently considering a Consent Agreement for a different sanction of \$500, same violation. Ms. Murphy lets her students mail their reports out themselves as it gives a sense of pride and they may ensure that the hours were sent off. She provides them with a stamped envelope as well. Mr. Rose served as a witness for the state. It was reiterated that the students must read their paperwork carefully. It was a good gesture that Ms. Murphy was doing, but the instructor is essentially responsible for all late reports.

Ms. Patton made a motion that the state proved its case and a \$500 fine be given to Ms. Lawanda Murphy against her Barber Instructor license. The fine must be paid within 30 days. The motion was seconded by Dr. Evans and it carried.

The interest is in protecting the students.

v. 2016-68

This case is in the matter of Ms. Melissa Horton and the submission of a late monthly student report. The April 2016 report was received on May 13, 2016. Ms. Horton admits to the violation and takes full responsibility as she had computer issues. Ms. Theresa Richardson served as a witness for the state.

Dr. Evans made a motion to go into executive session and it was seconded by Mr. Barnes. The motion carried.

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

A motion was made by Dr. Evans that the state proved its case and to uphold the fine of \$500 towards the Barber Instructor license for Ms. Melissa Horton. The motion was seconded by Mr. Barnes and it carried.

Chairman Robinson stated that the latitude the Board has with reducing fines for any offense is that it has to be mitigating circumstances. It is up to the Board's discretion

as to what is mitigating. It is the responsibility of the instructor to have adequate back-up for such circumstances.

vi. 2016-69

This case was in the matter of Mr. Johnny Muhammed and his submission of late student reports. Mr. Johnnie Rose served as a witness for the state. The report was sent timely, but with two students on the report, so it had to be resubmitted. The March 2016 reports were not received again until May 3, 2016.

A motion was made by Dr. Evans that the state proved its case and to uphold the \$500 fine against Mr. Johnny Muhammed's Barber Instructor license. The fine should be paid within 30 days. The motion was seconded by Ms. Patton and it carried.

vii. 2016-79

This case is in the matter of the Strictly Business College, where Mr. Jason Collins is the owner. Mr. Collins submitted late reports for June 2016, as it was postmarked on July 11, 2016.

Ms. Patton made a motion that the state proved its case and to uphold the fine of \$500 against the school license. The motion was seconded by Mr. Barnes and it carried.

All respondents for each case violated the Code of Regulations, section 17-11 and were fined with \$500. The fine must be paid within 30 days of their receipt of the order.

11. Board Member Reports

None.

12. Discussion

Chairman Robinson mentioned what transpired today with the late submission of monthly student reports. He wants to require that Barber Instructors come in with the student applicants for permits. Instructors need to be informed in person, face-to-face. Ms. League stated that all options must be looked at on how to deal with this. She gave the idea of packets, hard copies or digital. Statistics are needed at the next meeting. Dr. Evans mentioned that those with problems and issues should only be addressed as opposed to having all new applicants come before the Board. Students need to file complaints to make this issue a disciplinary infraction. Ms. Patton mentioned meeting with the instructors every few months. Dr. Evans does not want to create an additional layer of approval as he does not want to disturb the existing process. There were 459 permits issued in 2016, according to Ms. Richardson. Terms/agreements may be added on the student permit application. Everyone should look at this subject to put some teeth in it. Ms. League mentioned that it should be placed in the application that students should contact the Board if they are not receiving their hours. Mr. Barnes mentioned that it worked before where he gave a class.

Dr. Evans suggested having two meetings, one for OJT instructors and the other meeting for school instructors, to address the issues with students, so that everyone is on the same page. It is just an idea.

Chairman Robinson asked the Board to consider what they need to talk about with representatives from NIC and PCS. They are eager to solve any problems that the Board has. There will be a meeting with them. A few concerns thus far are listed below:

- The transcripts that are sent to them have to be validated with the monthly reports that are sent to LLR and that is already being done. If the hours do not match, the Barber Instructor is contacted by LLR.
- Work permits for candidates with a criminal background is another issue. The candidates are being told that after they successfully complete everything, they will have a work permit.
- There are issues with the website and customer care when calling NIC.
- Reports are being requested from NIC of the pass/fail rate of the written and practical examination. That information may be found online, but it should be given to the Administrators every month. It should include the OJT versus barber college students and the total number of students tested. It is called the 'regular testing results'. It should be a part of the information that the Board receives.
- Board members should have access to the practical examinations. They will just be able to present their credentials with no questions asked. It is for observation purposes only.
- The testing site will need to be changed. We are advanced when it comes to testing sites, but to support the live shave, water should be close by, preferably right behind the student's station.
- We are considering rotating test sites for the practical portion of the examination to make it easier to transport some of the students. There are currently satellite sites for the written portion of the examination.

The recommendation of membership in the Federal Association of Regulatory Boards was mentioned, along with the validation of international documents with AEQUO. Ms. Richardson will look into that to ensure that it doesn't need to go through the procurement process. The agency has stated that companies cannot come to make presentations, but they may provide documentation that may be submitted to the Board. Ms. League stated that the agency is getting more focused in that the administrative process is being handled by LLR, rather than the Boards. If the Board wants a provider to validate foreign and international documents, it would be taken to LLR and go through a vetting process.

Ms. Patton made a motion to request that the entire Board be approved to attend the 2017 NABBA conference in September, along with the Administrator, as South Carolina is hosting the conference and it will be good for the state. Ms. Patton would like the representation there as it will be well attended. Mr. Barnes seconded the motion and it carried. The name of the hotel is the Hilton Garden Inn in Mt. Pleasant. This includes travel.

13. Board Member Elections

Mr. Barnes asked that the elections be deferred until the next meeting with Ms. Durkin being absent. Chairman Robinson stated that the elections will happen at the next meeting, regardless of all attendees being present.

14. Public Comments

None.

15. Adjournment

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

The meeting adjourned at 12:52 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for April 10, 2017.