

AMENDED AGENDA
South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., June 12, 2017
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 Chairperson
- 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 Evans
- ❖ Edwin Barnes

Other persons in attendance included:

Theresa Brown, Administrator; Mary League, Advice Counsel; Shalon Genwright, Staff; Eric Thompson, Office of Investigations and Enforcement (OIE); Sharon Wolfe, Office of Investigations and Enforcement (OIE); Tracey Perlman, Office of Disciplinary Counsel (ODC); Johnnie Rose, Staff; Tina Behles, Court Reporter

3. Approval of Excused Absences

Chairperson Robinson stated that Ms. Patricia Durkin has resigned from the Board of Barber Examiners and he wanted to publicly thank her for her service to the state.

4. Approval of Agenda

Dr. Frederick Evans made a motion to approve the agenda for the meeting and it was seconded by Mr. Edwin Barnes. The motion carried.

5. Approval of Meeting Minutes

April 10, 2017

Mr. Barnes made a motion to approve the meeting minutes from the April 10, 2017, meeting. The motion was seconded by Ms. Renee Patton and it carried.

6. Chairperson's Remarks – Paul E. Robinson

Ms. Theresa Brown, Administrator, has gotten married since the last board meeting and she was congratulated.

Preparation is being given for the planning of the NABBA conference in September and it will be held in Mount Pleasant. Practitioners and supporters will be reached out to to ensure that it is best conference of them all. The Board will ensure that we have adequate vendors and participation from the barbers of the state. There will be an open session on that Monday. They are looking forward to that.

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

a. Budget – For Information

Dr. Evans needs understanding. He asked about the beginning balance for the 2017 fiscal year, seen under April 2017. The beginning balance is negative. The total revenue is positive. He is trying to figure out the year-end balance by finding out what was added. The total revenue is not being subtracted by the beginning balance. Indirect expenses were also mentioned. Mr. Robinson stated that at the last meeting, someone from the finance department was supposed to attend the meeting, but there has been conflicts with scheduling. It will be placed on the agenda for the next board meeting, as it is getting confusing. A separate meeting may be added, if needed. Everyone needs a better understanding. By the end of June (end of renewals), the numbers should change to help the figures.

Dr. Evans is in full agreement with needing greater understanding. The bottom line is to recognize the difference as they fail to see the impact. Dr. Evans requests that someone from the finance department attend the next meeting for 10-15 minutes to explain how the budget works as they are running a half million dollar deficit. The budget is on the agenda and if the board is not responsible for it, then it should be taken off of the agenda.

b. OIE Report – For Information - Sharon Wolfe

The numbers given are from January 1, 2017, through June 5, 2017. There have been 51 complaints. 59 cases have been closed so far this year. Unlicensed practice and general non-compliance were the higher numbers of the complaints. Dr. Evans asked if the unlicensed practice was seen in a concentrated area of the state. Ms. Wolfe stated that it is spread out throughout the state.

c. IRC Report – For Approval - Sharon Wolfe

Mr. Barnes made a motion to approve the IRC report and it was seconded by Ms. Patton. The motion carried.

d. ODC Report – For Information – Tracey Perlman

- 28 (Open cases)
- 23 (Pending action)
- 27 (Closed since the last meeting)

e. Inspection Report – For Information – Eric Thompson

The report covers April and May 2017. These inspections are in reference to barbershops. In April, there were 99 inspections conducted. In May, there were 122 inspections. Since the year has started, there have been 621 attempted inspections, whereas 92 were closed, for a total of 529 inspections this year.

Chairperson Robinson asked if there was any way to get the barbershops, as they renew their licenses, to give their office hours (open to close) in order to prevent dry runs during the inspection periods. Mr. Thompson stated that he would get with the Administrator to try to gain that information.

Ms. Patton mentioned the shop in Spartanburg that has opened and has been operable the last three to four weeks and doing live shaves. The owner is licensed as a barber, but the shop is not licensed at all.

8. Old Business

There was no old business.

9. New Business

a. Executive Session

i. Legal Advice Regarding Instructor Qualifications

Ms. Patton made a motion to go into an executive session for legal advice regarding instructor qualifications. The motion was seconded by Dr. Evans and it carried. Ms. Brown was also included in the executive session.

Dr. Evans made a motion to come out of the executive session and it was seconded by Ms. Patton. The motion carried. There were no decisions made during the executive session.

b. Proposed Board Meeting Dates for 2018

- February 12, 2018
- April 9, 2018
- June 11, 2018
- August 13, 2018
- October 8, 2018
- December 10, 2018

The February date will work as the conference is usually after that date.

Ms. Patton made a motion to approve the meeting dates for 2018 and it was seconded by Dr. Evans. The motion carried.

10. Hearings – Tracey Perlman

a. 2016-47

This case was in the matter of Karen Shabazz. Ms. Shabazz stipulated to the violations, as she was at a hearing on last year for a similar situation. The dates on a training affidavit were incorrect. Ms. Shabazz asked for leniency as it was a clerical error that happened back to back with two students. It was not intentional. The student in reference is licensed now and working. The allegations and complaints are correct. Ms. Shabazz violated the Code of Laws, section 40-1-110 (d) and the Code of Regulations, sections 17-7(d) and 17-7(h). Ms. Shabazz has been a willing participant and very forthcoming in this process. Ms. Perlman asks for any leniency that may be given.

Ms. Patton made a motion to go into executive session for legal advice on the matter. The motion was seconded by Dr. Evans and it carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Ms. Patton. The motion carried. There were no decisions made during the executive session.

Ms. Patton made a motion that the state proved its case and they appreciated Ms. Shabazz's willingness to participate. No fines will be instituted at this time in regards to her Barber Instructor license. This motion was seconded by Dr. Evans and it carried.

b. 2016-92

This case was in the matter of Julio Navarro. Mr. Navarro was given an amended formal complaint with less than 30 days' notice prior to the hearing, but he accepted moving forward. He understood that he had the right to have the hearing rescheduled 30 days out with the amended complaint. The original formal complaint had the wrong violation listed. He admitted that he had an unlicensed person working in his barbershop. The unlicensed person working is licensed as a barber in another state. This has been Mr. Navarro's first and only violation before the board. Mr. Navarro asked about temporary permits for 60 or 90 days for persons coming from other states and relocating for better opportunities. Ms. Perlman spoke to Mr. Navarro about the practice act being amended for a change like that. Mr. Navarro is now well aware that if someone does not have a South Carolina license, they cannot practice in this state. Ms. Patton asked about the turnaround time for licensees coming from other states. Ms. Brown stated that with all

documentation, it may take up to ten (10) business days. If all documentation is not received, a deficiency letter is sent requesting what is needed. This timeframe could go upwards to a year. Chairperson Robinson stated that the process should start before you move. Ms. Perlman asked that leniency was given as well.

Ms. Patton made a motion to go into an executive session for legal advice. The motion was seconded by Mr. Barnes and it carried.

A motion was made by Ms. Patton to come out of the executive session and it was seconded by Mr. Barnes. The motion carried. There were no decisions made during the executive session.

Dr. Evans made a motion that the state proved its case and that a fine of \$500 be imposed. This fine must be paid within 90 days from the date of the board order. The motion was seconded by Ms. Patton and it carried.

Ms. League stated to Mr. Navarro that he would receive an order from the Board that contains the Board's decision. He may appeal it within 30 days to the Administrative Law Court.

c. 2016-104

This case was in the matter of Ms. Lawanda Murphy and the late submission of student hours. Mr. David Bomar, the student in question, also attended the meeting with Ms. Murphy as a witness. Mr. Johnnie Rose served as a witness for the state. Ms. Murphy had a similar case in February. Hours for last September were received on October 14th and postmarked on October 11th. Ms. Murphy was found to be in violation of the Code of Regulations, section 17-11. Ms. Murphy had been leaving the responsibility to the students to mail out their own hours. Mr. Bomar stated that the hours were mailed out prior to the 10th of the month. The envelope was postmarked for September 11, 2016. Ms. Perlman stated that there was an error in the formal complaint as the establishment listed was not the same establishment that Ms. Murphy works in. Ms. Murphy objected to the error on the formal complaint as she stated that LLR is very thorough and that the error should not be corrected during the hearing. The objection was overruled as it was a non-material fact to the actual case. Mr. Johnnie Rose was called as a witness for the state. Monthly student hours can be e-mailed, mailed, or hand carried to the LLR office. The hours are due by the 10th of each month. Ms. Murphy stated that after looking at the state's evidence, she decided to rest her case. Ms. Perlman stated that she felt bad as this type of incident has happened back to back for Ms. Murphy and asks for leniency for her. Usually, when items come in back to back together, only one fine is given. For Ms. Murphy, the cases came in one after another and she has already paid her initial fine.

Ms. Patton made a motion that the state proved their case and that no fine will be imposed at this time. Dr. Evans seconded the motion and it carried.

d. 2016-101; 2017-4; 2017-39

This case was in the matter of Mr. Kenneth Gilmore. Chairperson Paul Robinson recused himself from the hearing because of their personal and business relationship. A waiver of notice was signed by Mr. Gilmore as case 2017-39 was added without a 30 day notice being given. Mr. Gilmore admits that he had issues with getting the monthly student reports in in regards to the people who assist him and record keeping. He is now aware that he is responsible and asks for leniency. He truly believes that the Board will not see him again after this. For case 2017-39, November 2016 hours for Mr. Michael Scott were received on January 3rd. Mr. Gilmore apologized to the Board as he has been licensed for 22 years and has never had an issue. The students have finished their hours

and have been scheduled to test already.

A motion was made by Dr. Evans to go into an executive session for legal advice. The motion was seconded by Mr. Barnes and it carried.

Dr. Evans made a motion to come out of executive session and it was seconded by Mr. Barnes. The motion carried. There were no decisions made during the executive session.

Dr. Evans made a motion that the state proved its case and that the Board will impose a fine of \$500 against the Barber Instructor license, to be paid within 90 days of receipt of the Board Order. This motion was seconded by Mr. Barnes and it carried.

Mr. Gilmore stated that he had not instructed in three years and asked the Board about implementing a better program and having a brief session for instructors that included the implementation of new rules. He just found out how important the timeframe is. Ms. Perlman mentioned a pop-up being placed on the barber webpage that states hours are due by the 10th of each month. Ms. League stated to Mr. Gilmore that he may appeal the Board's decision to the Administrative Law Court within 30 days of the Board Order.

Ms. Perlman stated that there has been a vast reduction in these types of cases recently, since the board has been very consistent in the fines.

11. Discussion

For the overview, PCS has contacted licensees a few months ago. All schools and barber instructors should have been contacted. Instructors may still show up without currently having students.

Dr. Evans asked about the 10th being on the weekend for instructors getting their student hours in on time. Monthly student hours must be postmarked by the 10th of each month or e-mailed by the 10th.

12. Board Member Reports

A recommendation was made by Mr. Barnes that the board comes up with a South Carolina Barber of the Year award. The winner would come to the board meeting and given a plaque. Chairperson Robinson may form a committee. Mr. Barnes will head the committee and come up with criteria, which will consist of work beyond barbering. He would like to be a permanent member, even after leaving the Board of Barber Examiners. Mr. Barnes wants to follow the same Hall of Fame rules. This will take place on National Barber Day, which is the first Friday after Labor Day. Chairperson Robinson stated that it could not be done as a Board, but can spearhead the effort to establish the committee and guidelines. It is an excellent idea and they will meet to establish recommendations. Mr. Barnes will fund it himself.

Ms. Patton stated that she had been communicating with Ms. Shalon Genwright in reference to sending out e-blasts to licensees. The administrative staff have been very supportive. Ms. Brown stated that we just need the language to place in the e-blasts. Mr. Barnes added that for those who did not know, Ms. Patton is the national president for NABBA and wants your support at this conference.

The Academy of Barber Training was in attendance with five barber students and their instructor, Ms. Genia O'Bryant. This academy is located in Easley, South Carolina.

The entire board was approved for the conference in September. The hotel has been set aside

and is within the GSA rate. There can only be two (2) voting delegates.

13. Public Comments

There were no public comments.

14. Adjournment

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

The meeting adjourned at 11:18 a.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for August 14, 2017.