

AMENDED AGENDA
South Carolina Board of Barber Examiners
Board Meeting
9:00 a.m., December 11, 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
- 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
- ❖ Edwin Barnes
- ❖ Dr. Frederick Evans

Other persons in attendance included: Theresa Brown, Administrator; Mary League, Advice Counsel; Shalon Genwright, Staff; Jennifer Stillwell, Office of Investigations and Enforcement (OIE); Kyle Tennis, Office of Disciplinary Counsel (ODC); Johnnie Rose, Staff; Tina Behles, Court Reporter

3. Approval of Excused Absences

N/A

4. Approval of Agenda

5. Approval of Meeting Minutes

October 9, 2017

Mr. Edwin Barnes made a motion to approve the meeting minutes. The motion was seconded by Ms. Renee Patton and it carried.

6. Chairperson's Remarks – Paul E. Robinson

Chairperson Robinson asked for a moment of silence pending from the fires in California, along with the explosion in New York.

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

a. Budget/Drawdowns – For Information

- b. OIE Report – For Information - Sharon Wolfe –** The report was read by Ms. Theresa Brown, Board Administrator, in Ms. Wolfe's absence. There are a total of 119 cases from January 1, 2017 through December 6, 2017.

Case Statuses

- Active Investigation - 2
- Closed - 49
- Do Not Open Case - 37
- Opened - 3
- Pending Board Action - 4
- Pending IRC - 1

Total 119

Alleged Issues

- Unknown - 17
- Allowing Unlicensed Person to Practice - 14
- Failure to Maintain/Provide Records - 1
- Misconduct - 4
- No Issue Found - 5
- Non Compliance with Statutes & Regulations - 24
- Other (Not Classified) - 2
- Practicing Outside Scope of Practice - 1
- Unlicensed Practice - 52
- Unprofessional Conduct - 1

Total 121

- c. IRC Report – For Approval - Sharon Wolfe -** The report was read by Ms. Theresa Brown, Board Administrator, in Ms. Wolfe's absence. 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 – Kyle Tennis

- 21 (Open cases)
- 7 (Pending action)
- 10 (Pending CA/MOAs)
- 4 (Pending hearings)

e. Inspection Report – For Information – Eric Thompson – Ms. Jennifer Stillwell went over the inspection report in Mr. Thompson's absence. There were 125 inspections conducted on barbershops and 7 inspections conducted on schools in October. In November, there were a total of 88 barbershops inspected, along with 3 schools. These inspections took place from January through November of 2017. They are having issues keeping records of hours for students.

8. Old Business

The task force will be reviewing and updating the state statutes. There will be four people on the task force to begin meeting in January. The task force consists of Mr. Paul Robinson, Ms. Renee Patton, Mr. Anthony Gibson (Palmetto Barbers Association), and Mr. Jermaine Harrison. The last member will be a school owner. The task force meetings will be public meetings.

It was stated that at a previous meeting, the recommendations for the amendments of the Code of Regulations would be in a report.

9. New Business

a. Consideration of Attendance at the Mid-Winter Conference

This agenda item was an amendment to the agenda for exigent circumstances. A motion to amend the agenda was made by Mr. Barnes and seconded by Dr. Frederick Evans. The motion carried.

The conference will be in Savannah, Georgia and will be held on February 17th through 19th.

A motion was made by Dr. Evans for two (2) board members and the Administrator to attend the mid-winter conference. The motion was seconded by Ms. Patton and it carried.

A motion was made by Dr. Evans to go into executive session for legal advice in regards to the application hearings. The motion was seconded by Ms. Patton and the motion carried.

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

b. Application Hearings

i. Cornelius Summers, Sr.

Mr. Summers was at the last board meeting and the hearing was deferred, pending additional documentation being needed. He is seeking approval to gain his Master Hair Care Apprentice license with a criminal background record. His witnesses were Ms. DeVonda Summers, Ms. Trina Greenwood, Ms. Angela Morrison, and Mr. Stevie McCall. No witness feels as though Mr. Summers will be a threat to the public and he has also been a leader at his school.

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

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 motions made or votes taken during the executive session.

Ms. Patton made a motion to grant the Master Hair Care Specialist Apprentice licensure to Mr. Cornelius Summers, Sr., with a five (5) year probation period. He must provide a SLED report at his expense at the end of each year. She is glad that he came to the board and appreciated his honesty. The motion was seconded by Dr. Evans and it carried.

ii. John Huggins

Ms. Patton recused herself from the hearing as Mr. Huggins is an immediate family member.

Mr. Huggins would like to be exempt from taking the practical component of the Barber Instructor

examination. When he applied to take the examination with Professional Credential Services (PCS), there were software problems on the testing agency's side. He stated that if things had worked correctly, he could have been licensed already. The implementation date of taking the practical was October 1, 2017. Mr. Huggins initially contacted PCS on August 23rd. PCS had not contacted the agency staff about any software issues or problems.

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

A motion was made by Dr. Evans to come out of the executive session and it was seconded by Mr. Barnes. The motion carried. There were no motions made or votes taken during the executive session.

Concerning Mr. John Huggins, Dr. Evans made a motion that under the circumstances given, the application was attempted prior to the implementation date of the practical component of the instructor examination. Mr. Huggins will be granted his Barber Instructor licensure. The motion was seconded by Mr. Barnes and it carried.

iii. Levi Lingard, Jr.

Mr. Lingard would like prior barber training hours accepted in order to take the examination. His prior training hours were earned while incarcerated with the South Carolina Department of Corrections. Mr. Levi Lingard, Sr. and Ms. Carol Lingard served as witnesses. He obtained 1,380 barber hours while incarcerated and has held an on-the-job training student permit since May of 2017, whereas he has earned an additional 580 hours. He has always taken pride in barbering and is striving to be a better person. The 1,380 hours is seen on a certificate given to him from the Palmetto Unified School District (PUSD). His witnesses appealed to the board to accept the prior hours.

A motion was made by Ms. Patton to go into an executive session to garner legal advice and it was seconded by Dr. Evans. The motion carried.

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

Chairperson Robinson made the motion to defer making a decision on Mr. Levi Lingard's barber training hours as more information is needed from PUSD. Agency staff will contact PUSD to get an understanding of what the certificate represents. If there is additional documentation that may be used, that may be given as well.

c. Consideration of a Third Student Permit

i. Douglas Moore

Mr. Moore is seeking permission for a third student permit. Ms. Genia O'Bryant served as a witness for him. He earned 333 training hours with the first permit and no hours were earned for the second permit as he had to relocate.

A motion was made to reissue a second student permit to Mr. Douglas Moore as no hours were earned with the second permit. The motion was seconded by Mr. Barnes and it carried.

d. Discussion Regarding Revisions to Sanitary Regulations

The sanitary regulations will be taken home by the board members to review.

e. Consideration of Appointment of Committee to Revise Sanitary Regulations

Ms. Patton made a motion to approve Chairperson Robinson as the committee and it was seconded by Dr. Evans. The motion carried.

10. Hearings – Kyle Tennis

i. 2016-112

This case was in the matter of Ms. Antoinette Williams.

The respondent was not present, but was properly notified of the meeting. Monthly student reports for September and October of 2016 were submitted on November 17, 2016. Mr. Johnnie Rose, former Program Assistant for the Board of Barber Examiners, served as a witness for the state. The timestamps for receiving monthly barber hours are the time and date that the e-mail was sent. The respondent is in violation of S.C. Code of Regulations, 17-11.

Ms. Patton made the motion for case 2016-112 that the state proved its case as Ms. Williams was negligent with sending the hours in late for two months in a row. This is in regards to her Barber Instructor license and was presented as one case. Dr. Evans seconded the motion and it carried.

ii. 2016-118

This case was in regards to Mr. Vincent Black who stipulated to the facts of the hearing. He should have checked 'yes' on the renewal application in regards to having a conviction since the last renewal, but was under the assumption that since he attended a meeting that February of 2017 for the approval of his instructor license for the same charge and been approved, that he didn't have to. He was not trying to deceive anyone as the board has been good to him.

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

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 motions made or votes taken during the executive session.

For case 2016-118, Dr. Evans made the motion that the state did not prove its case that Mr. Vincent Black was in violation of the S.C. Code of Laws, 40-1-110(1)(d). The state stated that he was in violation of that code and the state did not rise to the burden of intentional, therefore the case is dismissed. This motion was seconded by Ms. Patton and it carried.

iii. 2017-2

The state moved that this case be dismissed as there was no exigent evidence to prove its case. A motion was made by Dr. Evans to dismiss the case and it was seconded by Ms. Patton. The motion carried.

iv. 2017-53

This case was in the matter of Who? Barber Shop. The respondent was not present. But was properly served with notice of the hearing.

Mr. Glenn Frick, inspector with the Office of Investigations and Enforcement, served as a witness for the state. The barbershop was last inspected by Mr. Frick on May 16, 2017. Several photos were taken. The work stations were not clean and excess hair was seen on clippers and on the cabinets. The owner/manager was not present on that day. An illegal DVD business was also being ran, along with the selling of questionable jewelry. There was a mop bucket out with dirty water in it and there was no sanitation set up. There was no barbicide as well. It also had gym equipment in the barbershop. This was the 5th failed inspection that the barbershop has received.

Ms. Patton made a motion to go into an executive session to garner legal advice and it was seconded by Dr. Evans. The motion carried.

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

In the case of 2017-53, a motion was made by Ms. Patton that the state proved its case in regards to the lack of sanitation and the barbershop will be fined \$1,000 (\$500 per offense). The barbershop license will also be suspended until it is cleaned up and has a passing inspection. This includes a public reprimand. Once the inspection is passed, the suspension will be lifted. The motion was seconded by Dr. Evans and it carried. With the failed number of inspection reports, this barbershop's danger to the public is very high. This will send a message to all practitioners that this will not be tolerated.

11. Discussion

N/A

12. Board Member Reports

N/A

13. Board Member Elections

Ms. Patton made a motion to nominate Mr. Paul Robinson as chairman of the board for 2018. The motion was seconded by Dr. Evans and it carried.

Chairman Robinson nominated Ms. Renee Patton as vice chairman of the board and the motion was seconded by Dr. Evans. The motion carried.

14. Public Comments

Ms. Genia O'Bryant, Barber Instructor, stated that the instructors are teaching out of the textbook that consist of teaching students how to apply chemicals to the head, but the students get to choose which license they want to test for. Some of the discussion is that if they are under a Registered Barber for their apprentice license, it does not teach them anymore about hair color or chemicals if they are licensed as a Master Hair Care Apprentice. As an instructor, she sees having only Master Hair Care Specialists unless they gain their barber hours through OJT, as they are not always getting the textbook part. Also, after 800 or 900 hours have been obtained, the barber students in the schools should be allowed to earn compensation or the funds may be utilized to help pay for their education. It teaches them to retain clients. You cannot charge money in a school setting.

Mr. Joe Michaelis, Barber Instructor, commented on cosmetologists being allowed to shave in a barbershop. He would like to see it written in the future that if you work in a barbershop, you may be approved to provide shaving of the neck. Cosmetologists are not allowed to do live shaves as it is not in their scope of practice. The board is not opposed to anyone shaving if they are properly trained to do so, so the cosmetologist must crossover to become a Master Hair Care Specialist. This may be seen in the Code of Laws, section 40-7-230 and the Code of Regulations, section 17-51. The training hours cannot be obtained through OJT, but by barber school training only.

15. Adjournment

Dr. Evans made a motion to adjourn the meeting and it was seconded by Ms. Patton. The motion carried. The meeting ended at approximately 1:00 p.m.

The next meeting of the S.C. Board of Barber Examiners is scheduled for February 12, 2018.