

**South Carolina Board of Barber Examiners**  
**Board Meeting**  
**9:00 a.m., August 13, 2018**  
**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**

Chairperson Paul Robinson called the meeting of the S.C. Board of Barber Examiners to order. Other Board members participating in the meeting included:

- ❖ Edwin Barnes
- ❖ Dr. Frederick Evans
- ❖ Renee Patton

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

**3. Approval of Excused Absences**

There were no excused absences.

**4. Approval of Agenda**

Ms. Renee Patton made a motion to approve the meeting's agenda with any changes necessary and it was seconded by Mr. Edwin Barnes. The motion carried.

**5. Approval of Meeting Minutes**

June 11, 2018

Mr. Barnes made a motion to approve the minutes from the June 11, 2018, meeting. The motion was seconded by Ms. Patton and it carried.

**6. Chairperson's Remarks – Paul E. Robinson – There were no remarks.**

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

- a. **Budget/Drawdowns** – For Information – It looks as though the deficit is decreasing.
- b. **OIE Report** – For Information - Sharon Wolfe - From January 1, 2018, through August 6, 2018, there have been 88 incoming cases. Of those, there are 12 cases still active. Since January, 38 cases have been closed.
- c. **IRC Report** – For Approval - Sharon Wolfe – Dr. Frederick Evans made a motion to approve the IRC report. It was seconded by Ms. Patton. The motion carried.
- d. **ODC Report** – For Information – Kyle Tennis - Currently, there are 30 open cases.
  - 22 (pending action agreement)
  - 1 (pending consent agreement/memorandum of agreement)
  - 4 (pending Board hearings)
  - 3 (pending IRC)
  - 7 (closed since May of this year)

Dr. Evans inquired about older cases. There is only 1 case that is over 3 years old and it is on this meeting's agenda. Mr. Tennis introduced the new disciplinary counsel for the Board of Barber Examiners, Mr. Charlie Gwynne.

- e. **Inspection Report** – For Information – Eric Thompson – In June, there were 111 barber shops and 6 barber colleges inspected. In July, there were 121 barber shops and 7 barber colleges inspected. Between January and July of this year, there have been a total of 709 barber shops inspected. The inspections department has inspected approximately 47% of the barber shops in the state thus far for the year.

When it comes to mobile barber shops, if a Board member sees notification of such via social media, they may file an official complaint online as it has to be in writing.

## **8. Old Business**

### **a. Consideration of Early Testing**

Chairperson Robinson spoke out of turn at the previous meeting and would like to revisit and reconsider this approval for barber students. Ms. Theresa Brown, Board Administrator, stated that allowing early testing for barber students would allow the barber college students to test once they obtain at least 1,350 hours and on-the-job training students to test at 1,728 hours. If the students fail the examinations, it gives them the opportunity to have more training in the areas that they are lacking in. When barber students graduate, they take the examinations, but have no mechanism for refresher training. The license is not given until the hours are fully completed. An affidavit of completion will be needed to obtain licensure. The way that it stands today is that the hours must be fully completed to register for the examination. Dr. Evans suggested the students only acquiring 1,350 hours as they may have mastered the content already. The Board of Cosmetology has had success with the examinations being taken early. Ms. Patton mentioned safety issues. The Board is in agreeance to not make any changes. If the students are failing the examination, then it falls back on the instructors as they are not preparing them to pass the examinations. Dr. Evans stated that there is no accountability when it comes to the instructors, and he is unsure of how the Board can legally address it. The consensus of the Board was for the barber students not to take the examination early.

A motion was made by Ms. Patton to rescind the previous Board decision on early testing consideration and it was seconded by Mr. Barnes. The motion carried.

## **9. New Business**

### **a. Application Hearings**

#### **i. Kristy Owens**

Ms. Kristy Owens came before the Board for approval of a second student permit. She currently has an active student permit with B-Unique Beauty & Barber Academy. A motion was made by Ms. Patton into a closed session for Ms. Kristy Owens's application hearing, in order to stay in compliance with federal law. The motion was seconded by Dr. Evans and it carried.

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

Mr. Barnes 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.

Dr. Evans made a motion to grant a second student permit to Ms. Kristy Owens and it was seconded by Mr. Barnes. The motion carried.

A motion was made by Ms. Patton to come out of the closed session and it was seconded by Mr. Barnes. The motion carried.

#### **ii. Charles B. Harris**

This application hearing took place after the disciplinary hearing, case 2014-25.

Mr. Charles Harris came before the Board seeking approval to reinstate his Registered Barber license. He has a criminal background record and is under supervised release until October of 2022.

Ms. Patton made a motion to grant Mr. Charles Harris his Registered Barber license and it was seconded by Dr. Evans. The motion carried. He must comply with the disciplinary order and provide a SLED report each year, at his own expense, showing no additional charges.

#### **iii. Zachary Fleming**

Mr. Zachary Fleming came before the Board seeking approval for a second student permit. He currently has an active student permit with the Academy of Barber Training.

A motion was made by Dr. Evans to go into a closed session to stay within federal guidelines and it was seconded by Mr. Barnes. The motion carried. Mr. Fleming requested that his mother remain present, which was allowed.

Dr. Evans made a motion to approve a second student permit for Mr. Zachary Fleming and it was seconded by Mr. Barnes and Ms. Patton. The motion carried.

A motion was made by Mr. Barnes to come out of the closed session and it was seconded by Ms. Patton. The motion carried.

A motion was made by Dr. Evans to grant authority to the staff to approve second student permits. This includes permits that have not expired. If something is seen that staff needs to make the Board aware of, it may be brought to the Board. This motion was seconded by Ms. Patton and it carried.

**iv. Nelson Wheaton**

Mr. Nelson Wheaton came before the Board seeking licensure as a Registered Barber Apprentice. He has a criminal background record that accompanied his PCS application. He previously came before the Board in 2011, prior to serving more prison time. He has successfully completed both examinations. Mr. Wheaton's supervised release began on August 23, 2017, and he has had no problems since being released.

A motion was made by Dr. Evans for Mr. Nelson Wheaton to be granted licensure with probation to run concurrent with his federal probation. Mr. Wheaton should supply a criminal record each year at his expense that shows no additional convictions. The motion was seconded by Ms. Patton and it carried.

**v. James Wallace**

Mr. James Wallace came before the Board seeking to gain licensure as a Registered Barber. Mr. Wallace has a criminal background record and was represented by an attorney, Mr. Douglas Jennings. Mr. Wallace was previously licensed as a Registered Barber, but he had to retake the practical examination as his license had been lapsed since 2007. Letters of recommendation were passed out from representatives of his hometown. He committed a federal offense in 2003 and is currently on probation for five (5) years, which began on April 19, 2018. He has successfully completed the re-examination.

Ms. Patton made a motion to reinstate Mr. James Wallace's licensure with five (5) years of probation. A SLED report should be submitted each year (at Mr. Wallace's expense) to the Board that shows no additional charges or convictions. The motion was seconded by Dr. Evans and it carried. A Board order will be sent to Attorney Douglas Jennings's office.

**vi. Maxton Johnson**

Mr. Maxton Johnson is requesting licensure as a Barber Instructor by surpassing the three year timeframe as a Master Hair Care Specialist. He previously held Master Hair Care Specialist and Barber Instructor licenses that lapsed in 2011 and has recently reinstated his Master Hair Care Specialist via examination. He does not want to wait three years to gain licensure as a Barber Instructor again, which seems more like a penalty.

It was noted that the Barber Instructor examination's requirement has since changed.

Dr. Evans made a motion to approve Mr. Maxton Johnson to take the Barber Instructor examination and it was seconded by Ms. Patton. The motion carried.

**b. Consideration of Licensure**

**i. Chelsea Henry**

Ms. Chelsea Henry is seeking approval to become a Barber Instructor as she was allowed to take the Barber Instructor examination and successfully completed both parts. She was just licensed as a Master Hair Care Specialist in March of 2018.

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

Mr. Barnes 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.

A motion was made by Dr. Evans on the consideration of licensure for Ms. Chelsea Henry that the Board is restricted by state statutes/laws for three (3) years of experience as a Registered Barber or Master Hair Care Specialist. The motion was seconded by Ms. Patton and it carried.

Ms. Henry asked about the students who withdrew from their schools and tried to apply to become students with her. A letter may be issued to the students to let them know that they may get another instructor. She feels the motion was very unfair and that it was not her fault as she followed the path that she was told. After meeting with Ms. Theresa Brown, Board Administrator, she was told to be prepared for approval or denial at the Board meeting.

**c. Consideration of School Changes**

**i. Neechie's College of Barbering**

Ms. Audrey Boykin represented Neechie's College of Barbering and was seeking approval of a school location change. The number of students enrolled has grown and space is tight. Mr. Barnes inquired about "elementary chemistry" and what it consisted of. Ms. Boykin stated that it consisted of relaxing, color, and permanent waving. Her curriculum differs from what has been established according to the booklet.

Dr. Evans made a motion that approval of the location change of Neechie's College of Barbering is granted, pending corrections being made and inspections by a state inspector and Board member. The motion was seconded by Ms. Patton and it carried.

**d. 2018 Revisions to NIC Theory and Practical Examinations**

The old and new content was discussed thoroughly.

A motion was made by Ms. Patton to accept the NIC practical examination changes for the Registered Barber. The changes will be incorporated within 90 days. The motion was seconded by Dr. Evans and it carried.

Ms. Patton made a motion to accept the NIC practical examination changes for Barber Styling (Master Hair Care Specialist) and it was seconded by Dr. Evans. The motion carried. The changes will be incorporated within 90 days.

Ms. Patton made a motion to accept the new NIC theory examination for both Barber Styling and Registered Barber. The motion was seconded by Dr. Evans and it carried. The changes will be incorporated within 90 days.

The company reviews the examination every five (5) years and is still based on a 9<sup>th</sup> grade level.

**e. Consideration of Pivot Point Textbooks**

Once NIC gives official approval of the Pivot Point textbooks, they may be endorsed by the Board to use as a reference. The textbooks shows close similarities to the Milady textbooks.

Ms. Patton made a motion to accept the Pivot Point textbooks, if approved, to add as a reference for barber instructors and students to utilize. It may be added to the student permit application and we may ask PCS to send out a letter.

**10. Hearings – Kyle Tennis**

**i. 2014-25**

This case was in the matter of Mr. Charles Harris. A memorandum of agreement was signed by Mr. Harris where he has admitted to the facts. He pled guilty to crimes and has served time in prison, whereas he was released in 2017 and under supervised release status.

A motion was made by Ms. Patton to go into an executive session to garner legal advice on case

2014-25. The motion was seconded by Dr. Evans and it carried.

Ms. Patton was 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.

Ms. Patton made a motion in the case of 2014-25 that a fine of \$500 is given, to be paid within 90 days. A public reprimand will also be given and the Barber Instructor license will be permanently revoked. This motion was seconded by Dr. Evans and it carried.

**ii. 2018-32**

This case will be rescheduled per the respondent.

**iii. 2018-40**

This case was in the matter of Mr. Edward White. A memorandum of agreement was signed by Mr. White where he has admitted to the facts where there have been several sanitary issues. Mr. White was not present during the inspections.

A motion was made by Ms. Patton to go into an executive session to garner legal advice on case 2018-40 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.

Dr. Evans made a motion to accept the memorandum of agreement with a \$500 fine, to be paid within six (6) months. This will be against both licenses. The motion was seconded by Ms. Patton and it carried.

**iv. 2018-69**

This case was continued.

**11. Board Member Reports**

The NABBA conference will be held in Kansas City, Missouri on September 15<sup>th</sup> through 20<sup>th</sup>.

**12. Discussion**

There was no discussion.

**13. Public Comments**

Mr. Steven Dawson of Kenneth Shuler schools made a comment about early testing, stating that it would be a nice example to allow early testing and how gives less lag time in licensure.

**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 approximately 1:00 p.m.

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**The next meeting of the S.C. Board of Barber Examiners is scheduled for October 8, 2018.**

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