

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

**2. Introduction of Board Members and All Other Persons Attending**

Chairman 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
- ❖ Patricia Durkin
- ❖ Renee Patton
- ❖ Frederick M.G. Evans

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Bridget Richardson, Staff; Johnnie Rose, Staff; Kathy Meadows, Office of Investigations and Enforcement (OIE); Tracey Perlman, Office of Disciplinary Counsel (ODC); Robbie Boland, Office of Investigations and Enforcement (OIE); James Kyzer, Office of Investigations and Enforcement (OIE)

**All Other Persons Attending:**

Tina Behles, Court Reporter (Capital City Reporting); Patrick Myers; Dinah Snow; Chris McCaleb; Michelle Hampton-Furtick; Zoraida Harley; John Shupper

**3. Approval of Excused Absences**

None

**4. Approval of Agenda**

Ms. Renee Patton made a motion to approve the agenda. It was seconded by Mr. Edwin Barnes. The motion carried.

**5. Approval of Meeting Minutes**

April 11, 2016

Mr. Barnes made a motion to approve the meeting minutes. It was seconded by Ms. Patton. The motion carried.

**6. Chairman's Remarks – Paul E. Robinson**

The House Bill 477 for mobile barbers went through the Senate. Persons were thanked for the various phone calls and contact given to the representatives. Mr. Barnes stated that it was dead. The two (2) authors of the bill were spoken to at a subcommittee meeting and they felt that it was in the interest of developing job opportunities in Chesterfield, Marlboro, and a part of Darlington counties. Access to barbering services in those areas were limited. They thought that if other states had it, then we should have it. Mr. Barnes stated that it will come back, so we should keep a watch out on the subject. He also spoke to a few people from the Cosmetology Board who thought that it had nothing to do with them, but it does. Chairman Robinson stated that cosmetologists and cosmetology school owners were in opposition of it. Their (cosmetologists) network is larger than ours (barbers) and they are willing to lend their help if needed.

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

- a. **Budget** – For Information – Ms. Theresa Richardson stated that they would be drawing down on fines later this month. Drawing down on fines consists of taking monies out of the fines account and adding it to the budget to pay for legal fees and investigations. Chairman Robinson stated that it has been used before to help our deficit.
- b. **OIE Report** – For Information - Sharon Wolfe – Ms. Wolfe was not in attendance. Ms. Richardson went over the information. The information given was for cases from January 1, 2016 – June 1, 2016.
- 1 (Active Investigation)
  - 2 (Closed)
  - 4 (Do Not Open)
  - 6 (Open)
  - 5 (Pending Board Action)
  - 6 (Unknown Alleged Issues)
  - 4 (Allowing Unlicensed Practice)
  - 2 (Imposter Cases)
  - 3 (Non-Compliance with Statutes and Regulations)
  - 1 (Non-Compliance with Health and Safety Requirements)
  - 4 (Other)
  - 1 (Practicing Outside Scope of Practice)
  - 7 (Unlicensed Practice)

Chairman Robinson stated that the numbers did not add up to twenty-seven (27). He is also under the impression that as an imposter, the individual had incorrect or fake identification.

- c. **IRC Report** – For Approval - Sharon Wolfe – Ms. Sharon Cooke spoke in place of Ms. Wolfe. She asked that it be reviewed and the recommendations be approved.

Dr. Evans 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 - There are fourteen (14) open barber cases.
- 9 (Pending Action)
  - 5 (Pending Hearings)

Since January 28, 2016, they have closed eighteen (18) cases.

- e. **Inspection Report** – For Approval - Robbie Boland  
In April, 89 inspections of barber shops were attempted. 68 of those barber shops were physically inspected. In May, 130 inspections of barber shops were attempted and 88 were physically inspected. From January to the end of May, 499 barber shops had attempted inspections and 382 were physically inspected with 117 being closed. The plan is to touch all of the barbershops before the end of December.

8. **Old Business**

Ms. Patton has a student taking an examination on today and inquired about a time limit on the razor shave. On the student's form, it stated that it was untimed. The recommendation was made to Professional Credentialing Servicing. They are also requiring the students to use guards. Clarity is not there with PCS. The minutes may need to be checked as it is recalled being discussed. Ms. Patton is not crazy about PCS and is not sure why we have been inclined to use them for another four (4) years. She also mentioned attending a future event (overview of testing) with PCS that had filled up. Ms. Richardson stated that she would look into the Board members getting into the overview. Mr. Robinson stated that there will be a problem if they do not get in. The overview consists of PCS going over how they administer the testing. The current status of the contract will not expire until June 30, 2018. The renewal of PCS was discussed in a meeting and it was done above the Administrator. Once it is time to renew again, it would be good to have a replacement in mind.

9. **New Business**

- a. **National Association of Barber Boards of America – Annual Conference**

The NABBA conference is coming up for September 18<sup>th</sup> through the 22<sup>nd</sup>. We normally send two (2) delegates who need to be voted on. Ms. Patton looked at the agenda on last night and it looks very informative with a lot of activity. She suggests that when the delegate fees are paid, three (3) members should be paid for, instead of two (2). Mr. Barnes is the past president and would like to go. She asks that it is considered. A big presentation will be done and Ms. Patton is unsure of where we stand as far as de-regulations. She would like any information from staff regarding this.

A motion was made by Dr. Frederick Evans to approve 2 delegates (Chairman Robinson and Ms. Patton) to travel with their credentials paid for, in addition to Mr. Barnes' credentials being paid for. It was seconded by Ms. Patricia Durkin. The motion carried.

**b. Updated Documents Published to the State Register**

This is regarding Registered Cosmetologists wanting to become Master Hair Care Specialists. The language for this crossover license had passed as of May 27, 2016. This was stated by Ms. Richardson regarding the South Carolina code of Regulations, 17-51.

**c. Consideration of Licensure with Criminal Background History**

**i. Patrick Myers**

Mr. Myers is seeking to gain licensure as a Registered Barber. He went into details of the actual incident that stemmed from the charge. He would now like to continue barbering as a profession, as it is his passion. Mr. Myers completed his training and was licensed in Kansas. This will be reciprocity to South Carolina from Kansas. The reciprocity will be through examination for the written portion. All supervision has been completed since January. He has a few places in Spartanburg with opportunities for barbering.

A motion was made by Dr. Evans to go into executive session for legal advice with a few questions. 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.

No decisions were made during the executive session.

A motion was made by Ms. Patton to grant reciprocity from Kansas for Mr. Myers, so that he would be able to get his license. It was seconded by Ms. Patricia Durkin. The motion carried.

**ii. Christopher McCaleb (Closed Session)**

Mr. McCaleb was represented by counsel, Mr. John Shupper.

A motion was made by Dr. Evans to go into closed session in compliance with state and federal law and it was seconded by Ms. Patton. The motion carried.

Ms. Patton made a motion that included the following:

There will be a five year period of probation to run concurrent with his criminal probation, during which time he:

- 1) Should be fully compliant with the directives and requests of his probation agent;
- 2) Shall not have any additional criminal charges or arrests and if so, he shall immediately self-report them to the Board with any such violation or additional criminal offenses;
- 3) Must not provide any professional barbering services to minors, which is defined as an individual 18 years of age or younger.
- 4) Has his license suspended, with the suspension immediately stayed and subject to full compliance with all conditions of the order. If he fails to comply, the stay will be lifted pending further Board appearance or Order.

It was seconded by Ms. Durkin and the motion carried.

He will receive a full Board Order once it is prepared.

iii. David Thompson (Closed Session)

Mr. Thompson was not present.

A motion was made by Ms. Patton for Mr. Thompson to provide additional information and appear before the Board. It was seconded by Ms. Durkin. The motion carried.

d. **Proposed Board Meeting Dates for 2017**

Ms. Richardson went over the meeting date and they were as follows:

- February 13
- April 10
- June 12
- August 14
- October 9
- December 11

A motion was made by Ms. Patton to accept the meeting dates with the exception of the February date until confirmation is given on a conference during that timeframe. It was seconded by Dr. Evans. The motion carried.

Ms. Patton confirmed that the conference will be held during the February board meeting date given. It was asked upon the staff to use February 6<sup>th</sup> or the 20<sup>th</sup>.

10. **Hearings – Tracey Perlman**

• **2014-25**

This is in reference to Mr. Charles Bernard Harris who was not present, but given notice of the hearing. Mr. Harris was indicted and convicted of obtaining money from Veteran Affairs. The barber school is now closed that Mr. Harris worked at. Currently, the question is what to do with his Registered Barber license. Exhibits given consisted of the original notice of the hearing from October, the current notice of hearing, and the certificate of service. Ms. Richardson, Administrator for the Barber Board, was called as a witness for Ms. Perlman. Ms. Richardson was shown the indictment document against Mr. Harris, as well as the document where he pled guilty. Both of his licenses are currently lapsed. Ms. Perlman would like to know how they want to deal with the four (4) charges where schools were fraudulently used to gain funds from the government. Several codes were violated.

Ms. Patton made a motion to go into executive session for legal advice. It was seconded by Ms. Durkin. The motion carried.

Ms. Patton made a motion to come out of executive session that was seconded by Dr. Evans. The motion carried.

A motion was made by Ms. Durkin to defer the case until the next board meeting with both licenses referenced. The motion was seconded by Ms. Patton. The motion carried.

Dr. Evans thinks that it is important that staff determine who the other candidates or defendants were.

• **2015-52**

This is in reference to Patrick Lorenzo Burton who was not present for the hearing. He was notified of the hearing by regular and certified mail. Mr. James Kyzer, Investigator, was called as a witness. Mr. Burton was operating a barber shop without a license on two (2) visits by Mr. Kyzer. With the first visit, Mr. Burton was only counseled by Mr. Kyzer and there was no disciplinary action. Mr. Burton was also given an application to apply for a barber shop license. Exhibits given were the formal complaint and the inspection reports from both visits (August and September of 2015). The shop was originally owned by Mr. Carl Page. 'Mr. Cut Up' is the name of the barber shop, which has had a lapsed license since June 30, 2015, as stated by Ms. Richardson, who also served as a witness. Mr. Kyzer thinks that the shop did officially close. A valid hanging license is needed for the barber shop to be currently licensed. Mr. Kyzer states that the shop is licensed at this point. Several codes had been violated with operating without a license and barbers engaging in unlicensed practice.

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

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

It was stated by Ms. Perlman that the barber shop at the same location became licensed on October 29, 2015, as Logan's Barber Shop. Dwayne Nick is listed as the manager, and not Mr. Burton, although he signed the inspection reports. The complaint is still against Mr. Burton.

A motion was made by Dr. Evans to dismiss the case and it was seconded by Ms. Patton. The motion carried.

- **2015-59**

This hearing is in regards to Mr. Tommy Tate, Barber Instructor, who was not present for the hearing, but had been notified. Ms. Bridget Richardson was called as a witness, along with Ms. Kathy Meadows, who was the investigator involved. The issue concerns OJT hours being sent to the board that did not add up. There was also no valid OJT license for the student when the hours were accrued. Exhibits given consisted of the notice of the hearing, formal complaint, training affidavit, and a statement that Mr. Tate wrote in response to the allegations. Mr. Anthony Walls was the OJT student. The monthly reports given did not add up to 1,920 hours; it only showed 1,364 hours. Ms. Bridget Richardson went over the findings from the training affidavit. The instructor's license had expired on June 30, 2013, and was reinstated on March 31, 2015. Mr. Walls' OJT license expired on September 12, 2013. Mr. Walls was a student from September 2013 – July 2015. The training affidavit was completed in October of 2015. Mr. Tate accepts full responsibility in his statement sent to Ms. Meadows in January of 2016. Several codes were violated.

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

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

A motion was made by Ms. Patton that the state has proven their case. A \$250 fine was given that has to be paid within sixty (60) days and public reprimand against Mr. Tate's Barber Instructor license. It was seconded by Dr. Evans. The motion carried.

- **2015-64**

This hearing concerns McComb's Barber Shop. There was no one present for this hearing as notification had been made to the respondent. Exhibits given were of the notice of the hearing, consent agreements, and the inspection report. Mr. Robbie Boland was called as a witness. Jimmy McCombs is the owner and manager of the barber shop. This is the 3<sup>rd</sup> offense for unlicensed practice. The actual inspection was completed by Ms. Kristen Trowell who is no longer with the agency. McComb's Barber Shop was a part of Ms. Trowell's territory. All prior Consent Agreements have been fulfilled. For clarity, this is against the barber shop for allowing unlicensed practice.

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

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

A motion was made by Ms. Durkin that the state has made its burden of proof for two (2) of the violations out of the three (3) given. There will be a \$500 fine for each person that has to be paid within ninety (90) days and public reprimand. It was seconded by Ms. Patton. The motion carried.

Another motion was made by Dr. Evans regarding granting the Board Chairperson authority to sign any order on behalf of the Board pertaining to lifting the state of a suspended license in a disciplinary matter or state agreement. It was seconded by Ms. Patton and the motion carried.

11. **Discussion**  
None.

12. **Board Member Reports**  
None.

13. **Public Comments**

None.

14. **Adjournment**

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

The meeting adjourned at 1:05 p.m.

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**The next meeting of the S.C. Board of Barber Examiners is scheduled for August 8, 2016**

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