

SOUTH CAROLINA BOARD OF BARBER EXAMINERS
BOARD MEETING MINUTES
9:00 A.M., AUGUST 8, 2011
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
COLUMBIA, SOUTH CAROLINA

BOARD MEMBERS PRESENT:

Edwin Barnes, Chairman

Paul Robinson

Frederick M.G. Evans

Renee Patton

Sheridan Spoon, Counsel

Lisa Hawsey, Assistant Administrator

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1 9:00 a.m.

2 MR. CHAIRMAN: Public notice of
3 this meeting was properly posted at the South
4 Carolina Board of Barbers Examiners Office,
5 Synergy Business Office, Kingstree Building, and
6 provided to all requesting persons, organizations
7 and news media in compliance with Section 30-4-80
8 of the South Carolina Freedom of Information Act.

9 Let's stand and pledge allegiance
10 to the flag.

11 (Pledge of Allegiance)

12 MR. CHAIRMAN: Approval of the June
13 13th, 2011 minutes. Do we have any questions
14 about that?

15 MR. EVANS: Just one correction,
16 Mr. Chairman.

17 MR. CHAIRMAN: Okay. What number?

18 MR. EVANS: Line 11. My last name
19 should be reflected as Evans, E-v-a-n-s, as
20 opposed to McEvans.

21 MR. CHAIRMAN: Oh, look at this.
22 You got a new name change. I think we asked for
23 these for clarification for the appointment of
24 Mr. Norris and Mr. Stewart for the Disciplinary
25 Review Committee. On line 127, there's a question

1 as to whether or not they were doing the
2 contacting and when they would begin their service
3 at the last meeting, and it was requested that the
4 record be clarified on that as unfinished
5 business.

6 Ms. Hawsey, do you remember
7 anything? Do you know anything about that?

8 MS. HAWSEY: Whether they were
9 contacted?

10 MR. CHAIRMAN: Yes.

11 MS. HAWSEY: Yes. But I do have a
12 report on DRC, which I'll give in just a moment.

13 MR. CHAIRMAN: Okay. But have they
14 already begun their service?

15 MS. HAWSEY: But they have been
16 notified.

17 MR. ROBINSON: Mr. Chairman, I make
18 a motion that we accept the Board meeting minutes
19 of June 13th with the correction on line 11 as
20 information.

21 MS. PATTON: I second.

22 MR. CHAIRMAN: All in favor?

23 (Response)

24 MR. CHAIRMAN: All right. Well,
25 there's been a lot of changes going on around

1 here, I understand, so a lot's happening. And as
2 we well know, Mr. Jones is not with us today and
3 we're really going to miss him. And I just wanted
4 to go on record as saying he's been really, really
5 good to the Barber Board and I really appreciate
6 everything he's done to assist us and to help us
7 progress as we have in the last few years under
8 his direction.

9 I think Ms. Hawsey has assumed the
10 interim at this particular moment. Am I correct,
11 Ms. Hawsey?

12 MS. HAWSEY: Yes.

13 MR. CHAIRMAN: Okay. And we
14 welcome you. And, of course, you and I have been
15 around this Barber Board for quite some time and
16 it's not like she doesn't know what's going on
17 around here. She does. So I guess any questions,
18 we will direct towards Ms. Hawsey since we do not
19 have Mr. Jones anymore.

20 The 2011 National Convention, which
21 we are hosting in the State of South Carolina, is
22 coming close. We're a month away from the
23 beginning of it as I speak. Eddie was supposed to
24 check to see if the rooms could be prepaid. I
25 don't know if he ever got around to it. I think

1 it was a request from Mr. Evans.

2 MR. EVANS: That's correct.

3 MR. CHAIRMAN: Okay. I was wanting
4 to make sure we followed up on that. And
5 everybody, I think, is going to plan on being down
6 there for the starting on Saturday or Sunday, I
7 don't know which, but you can with each person. I
8 start on Saturday and I will go through Thursday
9 myself. Actually, I'll be going in on Friday
10 night because the national president is going to
11 be there and asked me to be there so we could go
12 over some stuff Friday night to get there. So
13 I'll be there on Friday to get that taken care of
14 with him.

15 Then Saturday, we'll start
16 welcoming people come in, hopefully. I don't have
17 a clue at this point how many people. We've got
18 speakers lined up. I think Mr. Evans has a
19 gentlemen I think who's scheduled for Wednesday;
20 is that correct?

21 MR. EVANS: That's correct.

22 MR. CHAIRMAN: Okay. What time are
23 we talking about?

24 MR. EVANS: It's set between 9:30
25 and 10:30.

1 MR. CHAIRMAN: All right. Just
2 make sure, because I will let you introduce him,
3 that you guys bio on that, if you will?

4 MR. EVANS: Sure.

5 MR. CHAIRMAN: I assume, but I
6 don't have a clue what he's going to speak on, but
7 it's something to do with college, I would think,
8 something in that neighborhood?

9 MR. EVANS: Yes. In South
10 Carolina, yes.

11 MR. CHAIRMAN: All right. So we're
12 looking forward to that. I have several other
13 speakers. House member Grady Brown, I'm going to
14 have him come down. I'm not sure what day yet.
15 We're still working on that. Hopefully, he'll be
16 able to come on the day. We've got Monday, we've
17 got several things going on with speakers.

18 I've got a call into the Chamber of
19 Commerce to make sure that they can help me with
20 the opening ceremony of having high the ROTC, high
21 school ROTC come in and present the flag. So I'm
22 working as diligent as I can to take care of all
23 this so it'll be a successful conference.

24 So I don't have any idea how much
25 staff that we're going to be able to bring to

1 help, but it's something we need to know about
2 because it had been requested from the National to
3 have a couple of people helping with the desk as
4 far as the people registering, and I need to make
5 sure I've got a couple of people down there to
6 help us. That would be on Sunday and Monday. The
7 registration will go on Sunday and Monday. Monday
8 morning or Sunday. It'll start Sunday afternoon
9 sometime around three o'clock, I believe it is.
10 So I need somebody there to assist the National
11 Board. And Eddie had talked to the National Board
12 previously about that, so I need to get that
13 clarified that I'm going to have some help down
14 there at that particular time. So if you will
15 help with that, I'd appreciate it.

16 Other than that, I don't have any
17 other remarks. Do any of y'all have any remarks
18 about anything?

19 (No response)

20 MR. CHAIRMAN: All right. Advisory
21 general counsel, we don't have anything going on,
22 I don't think, do we?

23 MR. SPOON: No, sir.

24 MR. CHAIRMAN: Would you like to
25 introduce yourself?

1 MR. SPOON: I don't have any
2 advisory opinions. We had a reconfiguration of
3 the advice function such that there are three
4 attorneys who will be serving as the advice
5 attorneys for all Boards. Each attorney has a
6 primary group of Boards or programs that they're
7 assigned to.

8 Each attorney has roughly 15 or 16
9 Boards that they'll have primary assignment for
10 and, of course, you always have two that can back
11 up whereas previously, you only had one under the
12 other arrangement. And we have two attorneys that
13 can back up in the absence of the primary
14 attorney. And so I'm looking forward to working
15 with you.

16 I have once filled in once or
17 twice, I think, in some meetings over the last
18 couple of years, and I've always enjoyed it so I'm
19 looking forward to being your primary attorney.
20 I'll be here for your entire meeting, be it a
21 disciplinary case or a licensing case, pretty much
22 the entire meeting.

23 MR. CHAIRMAN: Did you introduce
24 yourself?

25 MR. SPOON: Oh, I'm sorry. My name

1 is Sheridan Spoon. I apologize.

2 MR. CHAIRMAN: Okay. I understand
3 the Legislature is not in so we don't have any
4 legislative announcements, other than the fact
5 that, you know, things are really changing in this
6 state as far as the economy goes and a lot is
7 happening, it really is, with the Legislature and
8 the Governor's office and so forth.

9 Okay. OIE report?

10 MR. TAYLOR: Good morning.

11 MR. CHAIRMAN: Good morning.

12 MR. TAYLOR: Vonnie Taylor from
13 Investigations and Enforcement. Since January 1,
14 we have received twelve complaints and as of
15 today, we've been able to close four of those
16 complaints. And for Board consideration today, we
17 have five additional; 200117 and 200118 are both
18 dismissals. These were hair braiders and both
19 were properly licensed. 201025, formal complaint,
20 consent agreement was issued.

21 MR. CHAIRMAN: Do you have a copy
22 of that, Mr. Taylor?

23 MR. TAYLOR: Do I have a copy? I
24 do.

25 MR. CHAIRMAN: Do the members have

1 a copy?

2 MR. TAYLOR: I don't have a copy
3 for everybody.

4 MR. CHAIRMAN: I was looking for
5 it, but --

6 MR. TAYLOR: I've got my copy, but
7 I don't have copies for each one of you. I
8 apologize. I can run and make some copies.

9 MR. CHAIRMAN: Let's do that.

10 MR. TAYLOR: Before we go forward,
11 I've got 201025 and 20114 and 20116. Do you have
12 copies of those? You don't have copies of any of
13 them?

14 MR. CHAIRMAN: I do not. We'll
15 call you right back just as soon as she gets the
16 copies done --

17 MR. TAYLOR: All right.

18 MR. CHAIRMAN: -- so we can move
19 on. The inspection report, who's got that?

20 MS. HAWSEY: I guess I will take
21 over there.

22 MR. CHAIRMAN: All right,
23 Ms. Hawsey, you take over there.

24 MS. HAWSEY: Okay. There's been a
25 few changes in the inspection area as I've been

1 told, so I do not have an inspection report from
2 that area. With that said, as of July the 18th,
3 2011, our office was notified that the Office of
4 General Counsel will no longer allow the
5 inspectors to charge fines for violations that
6 have occurred in barbershops, beauty salons, et
7 cetera. They will be just the finders of the
8 facts, is what they've told me, and bring those
9 back to the Administrator or the Board, whichever
10 it may be. That's all I've been told at this
11 time, so that's a change.

12 MR. CHAIRMAN: How is that?

13 MS. HAWSEY: They're saying that
14 our statute does not provide for a fine schedule.
15 We have not --

16 MR. CHAIRMAN: I thought it was in
17 the Engine Bill that we could fine --

18 MR. SPOON: Were we going to get a
19 report from anybody on that directly? Okay.

20 MS. HAWSEY: No. I was told that
21 they would not be attending meetings any longer
22 either.

23 MR. CHAIRMAN: I don't know if I
24 understand what's going on here.

25 MR. SPOON: We'll get you some more

1 information on that as far as the citation. I
2 think what Ms. Hawsey is saying is accurate. It's
3 just that I know that you want to hear that from
4 OGC as far as what their rationale was.

5 My understanding was that the
6 citation process is not in your statute. Now, you
7 as a Board can -- it's just simply a question of
8 the inspectors themselves issuing citations. Is
9 that right?

10 MS. HAWSEY: That's the way we
11 understand it.

12 MR. SPOON: So it's not something
13 that the Barber Board itself cannot do. It's just
14 a matter of there's no specific provision in your
15 practice act for an inspector to go out and write
16 a citation.

17 MS. PATTON: So they would bring
18 the information to us?

19 MR. SPOON: Yes, ma'am.

20 MR. CHAIRMAN: The information
21 would come to us?

22 MR. SPOON: That's right. That's
23 right.

24 MR. CHAIRMAN: And then we would
25 make the fine --

1 MR. SPOON: Doing the inspections
2 or -- still, that's in your practice act. And the
3 inspectors themselves can do what they do. It's
4 just that the specific paper citation itself,
5 there was nothing in your -- there's nothing in
6 your practice act to permit you to do that. So
7 what you'll see is, you'll still see those
8 inspections being done and those places being
9 subject to being fined or disciplined, or whatever
10 as the case may be. It's just that it'll be
11 something that the Board is taking action directly
12 for.

13 MR. CHAIRMAN: All right. Would
14 that go under this IRC to make the decision of how
15 much had been found? In other words, the person
16 we have in charge of the --

17 MS. HAWSEY: He's the IRC --

18 MR. CHAIRMAN: Oh, yeah. What's
19 the other one?

20 MS. HAWSEY: DRC.

21 MR. CHAIRMAN: Yeah. Who makes the
22 decision?

23 MR. SPOON: I don't know if it
24 would DRC or IRC. I have to apologize. Those are
25 basically the same thing. When you have a

1 complaint --

2 MR. CHAIRMAN: I know.

3 MR. SPOON: I mean, that's just a
4 terminology thing. It's basically the same thing.
5 But, yeah, those investigations would go to your
6 IRC -- I'll just use IRC. Those investigations
7 would go to your IRC, just as you heard from Mr.
8 Taylor, and they would be subject to a range of
9 discipline from you that you can do under your
10 practice act.

11 MR. CHAIRMAN: All right. So the
12 IRC person that we appointed will make the
13 determination of basically what's going to happen
14 with the fine or whatever?

15 MR. SPOON: Right.

16 MR. CHAIRMAN: Then it comes to us
17 --

18 MR. SPOON: As a recommendation to
19 you, yes.

20 MR. CHAIRMAN: Make a
21 recommendation to us that it be fined \$500 and
22 then we either say yes or no --

23 MR. SPOON: You would authorize
24 that as a formal complaint. And, at that point,
25 the licensee can either have a hearing or they may

1 enter into a consent agreement by which they agree
2 that there is a violation and they agree to a
3 stipulated sanction. And, again, you sort of
4 determine what those parameters for those
5 sanctions are back to the IRC.

6 MR. CHAIRMAN: Okay. Well, here's
7 my problem with that, okay? And I don't know if
8 the rest of you -- we don't have a clue, you know.
9 It's normally the person that gets up here that
10 tells us, yes, there was an unlicensed act. We
11 had this going on in the shop, we had this going
12 on in the shop. But we're not going to have
13 anybody to tell us what actually happened?

14 MR. SPOON: You would have several
15 sources of that information. The information
16 would be presented to the IRC that you have
17 appointed. So that information from the
18 investigation or that inspection would be
19 presented to the IRC and they will make a
20 determination. And then that information, if it
21 is authorized by you as a formal complaint,
22 something other than a dismissal, it's authorized
23 by you as a formal complaint, then you would hear
24 either in the form of a consent agreement, which
25 is basically like a settlement where the person

1 admits that there's this violation.

2 But let's just say that they didn't
3 enter into a consent agreement and they had a
4 hearing, they would have a hearing here the Board
5 if it was something that was done by a licensee.
6 And if it's something that was done by an
7 unlicensed person, then you would have your
8 authority to issue a cease and desist, an order to
9 cease and desist.

10 MR. CHAIRMAN: Do all of you
11 understand?

12 MR. ROBINSON: Not completely, but
13 a little bit.

14 MR. CHAIRMAN: Have I asked enough
15 questions to give enough clarity to all of you?

16 MR. EVANS: Well, I understand what
17 he's saying. Naturally, I respect counsel's
18 guidance here, but it goes back to the question
19 that I posed several years ago along this same
20 line. And the response that we have received at
21 that time from legal counsel was, the Board has
22 the authority to impose such powers on the
23 investigative unit to levy or to make the
24 determination; however, not to exceed the amount
25 as stipulated in our guidelines, if you will. And

1 I think that is still true. I think it's just
2 simply a change in the form that that takes. So
3 as opposed to the investigators writing a citation
4 --

5 MR. SPOON: And as I understand it
6 -- and, again, I haven't worked with the
7 inspectors for the Barber Board directly -- but,
8 as I understand it -- and I know this to be true
9 for a couple of other Boards as well -- there are
10 several practice acts in which there is explicit
11 language in the statute in your practice act which
12 is State law that says the investigator issues a
13 citation basically on the spot. And then the
14 majority of those practice acts, you don't have
15 that.

16 So in the cases where you don't
17 have that, a way to get to there, the way to get
18 to where you want to get to, is not with the
19 citation, again, because it's not in the law, but
20 rather through the IRC process. And then the
21 other alternative is, of course, take that up
22 through the Legislative process, to go ahead and
23 suggest or put forth a change to the statute
24 itself.

25 MR. EVANS: Now, it was my

1 understanding further that the IRC process was the
2 Board's check and balance.

3 MR. SPOON: What the IRC does is
4 they --

5 MR. EVANS: As it pertains to the
6 levy. Well, the fines, we call it.

7 MR. SPOON: That's right. And what
8 the IRC is doing on your behalf is looking at the
9 results of the completed investigation and using
10 some parameters that you've set forth and
11 delegated back to them to propose to the licensee.
12 It's not discipline at that point, but they can
13 certainly be proposed parameters in the form of a
14 consent agreement.

15 A licensee could then choose, you
16 know, under all the components of due process, to
17 either enter into the consent agreement or say
18 that I contest the charges and have a hearing. So
19 you're still getting to where you want to be with
20 discipline of a licensee for a violation of the
21 act.

22 It's just simply, unfortunately, a
23 matter of something -- and to be candid, I mean, I
24 agree with this. If it's not in your practice
25 act, then it may be something that you'll run into

1 a problem later on about someone challenging that,
2 and it really isn't necessary in this case. You
3 can get to that same place without having that
4 actual citation process that would subject to
5 challenge.

6 MR. EVANS: Okay. I just have, I
7 guess, one other question or observation. So does
8 that mean that now the case load, if you will, for
9 IRC will include every barber that's been cited?

10 MR. SPOON: I don't know how it
11 would affect a case load. It's not going to
12 necessarily -- and I don't want to speculate --
13 it's not going to necessarily affect the number of
14 inspections that are done.

15 MR. EVANS: No. For every
16 inspection where there's a violation, that means
17 that that barber must appear before the IRC
18 Committee.

19 MR. SPOON: No, they don't. The
20 licensees do not appear before the IRC. The IRC
21 consists of -- your IRC consists of your public
22 member, your administrator, your investigator and
23 your litigation attorney. I'm your advice
24 attorney, not your litigation attorney.

25 MR. EVANS: Correct.

1 MR. SPOON: So that's the four
2 components of the IRC. The licensee does not
3 appear or have any sort of a hearing because we're
4 not there yet, actually. The IRC is making a
5 recommendation to you to authorize the disposition
6 of a case, be it a dismissal, a letter of caution
7 or a formal complaint.

8 For that percentage of cases that
9 they say, this needs to be a formal complaint and
10 you agree, then that's where the licensee's due
11 process -- that's where the charges get made, so
12 that's where they're faced with either entering
13 into a consent agreement -- a consent agreement
14 basically says, I agree that these are the facts
15 and I agree that these facts are a violation of
16 your practice act and I'm willing to accept a
17 stipulated sanction.

18 The consent agreement then comes
19 before you for approval, but you don't have to
20 accept the consent agreement necessarily. In most
21 cases, it is accepted because it's within the
22 parameters that you had already set forth. But
23 that's when the person is entitled to make the
24 appearance. That's when they make the appearance.

25 MR. EVANS: So, therefore, as

1 opposed to the individual appearing, their
2 paperwork will appear before the committee is what
3 you're telling us?

4 MR. SPOON: That's right. And I
5 don't know that that really -- I don't know that
6 that aspect of it really represents a change. I
7 think the change comes in where the actual
8 physical citation -- I mean, it is -- and I don't
9 want to down play it because I understand your
10 concerns. I'm not trying to down play it at all.
11 It's just that I do think that, for the most part,
12 it is an administrative sort of which form and
13 which set of paperwork do we use, rather than
14 altering the authority of the Board to discipline
15 licensees.

16 I mean, it's clearly an
17 administrative change. It's based on the fact
18 that the citation process is not in this
19 particular practice act.

20 In closing here -- and you may want
21 to talk about it, you know, some more at some
22 point. You don't have to close the issue out
23 today.

24 MR. EVANS: Well, just as a public
25 member, I just wanted just to say, if the

1 investigators, if they do not have leverage to
2 fine on the spot, then there is no true
3 enforcement immediately. I agree there's
4 enforcement on the back end, but -- there is
5 something out of sync with this, is what I'm
6 saying. I'm not advocating that we go around
7 fining everyone.

8 MR. SPOON: There are concern
9 Boards where that citation process is spelled out
10 in law and there are a number that aren't. The
11 majority, I believe, are not, which there's
12 nothing specific in this practice act, for
13 whatever reason. So, I mean, one option is always
14 to change the law.

15 MR. CHAIRMAN: But I thought ours
16 had that right in our practice act. Am I wrong?
17 I am wrong?

18 MR. SPOON: Lisa lives with this
19 practice act every day.

20 MS. HAWSEY: I've reviewed it. I
21 don't see anything in there now. I know when we
22 had our practice act many years ago, Mr. Barnes,
23 you probably remember, I think there was something
24 in that old, old, old statute about --

25 MR. CHAIRMAN: But the statutes

1 haven't been changed, though.

2 MS. HAWSEY: It wasn't very
3 specific. Not changed?

4 MR. CHAIRMAN: Maybe I'm just going
5 back to the old times, so --

6 MS. HAWSEY: I think we're thinking
7 back to that --

8 MR. BARNES: Obviously, I've been
9 here too long.

10 MR. SPOON: Well, I mean, like most
11 practice acts, what your practice act does have in
12 Section 80 is the section that deals with
13 investigation of complaint -- let start over.
14 Results of investigation to be presented to Board
15 hearing. That section -- really, sections 80 and
16 90 of your act. And I could give you an example
17 of a different act under the Residential Builders
18 where there's different language and it's spelled
19 out clearly that the investigators do have the
20 authority to issue a citation.

21 They are not, even with that Board
22 -- and I don't want to single out the Residential
23 Builders -- but even with that Board, an
24 investigator for the Residential Builders
25 Commission is not the, by law, is not the

1 individual that is imposing discipline on that
2 licensee. Only the Board can do that.

3 Now, it is very similar in my mind
4 to when, if you drive on Broad River Road very
5 much, you might get pulled over for not wearing
6 your seat belt and you may get a citation for that
7 or you may get a ticket for speeding or something
8 of that nature. That is a charge. That is not
9 something the trooper there who is issuing that
10 citation, is not finding you guilty or not guilty
11 of anything. That is a charge and there's a court
12 date written on the back of the ticket, et cetera,
13 et cetera. So it's much more similar to that.

14 But the investigator, even if you
15 had a citation process, your investigator is not
16 handing out discipline because that would be --
17 and there's some fairly strong case law on this
18 that talks about the conflict between those two
19 functions where you have an investigator
20 investigating and also adjudicating.

21 Now, you have a true legal conflict
22 there and that's part of, I think, what the aim
23 is, to try to avoid that.

24 MR. CHAIRMAN: We have a downside
25 and we have an upside.

1 MR. SPOON: That is true.

2 MR. CHAIRMAN: We have a down side
3 here and we have a upside, too. I'm not sure
4 which is -- because we're so accustomed to doing
5 it one way, I'm not sure which is what's
6 happening. But the inspector being able to go in
7 and he still writes the citation, is the way I'm
8 getting it? He still would write a citation or
9 something with no fine on it?

10 MR. SPOON: No. They'd do an
11 investigation.

12 MR. CHAIRMAN: They'd just go in
13 and investigate and then they have to come to our
14 guy and say -- I'm just trying to get this in my
15 brain.

16 MR. SPOON: It is essentially like
17 a complaint that we might receive from the public.
18 I mean, the source of it may be different. We may
19 have gone out on a routine schedule of inspections
20 of that nature, but that's where the similarity
21 ends. It becomes a potential complaint or a
22 potential violation of your statute.

23 So I think the change is merely
24 that the form or the paperwork that says citation
25 is not issued, it's not used. And, again, that's

1 because we don't have the statutory authority to
2 actually do that. You do, of course, have the
3 statutory authority always to discipline that same
4 person or that same shop or whatever the case may
5 be. It's just you're using a more, a process
6 that's a little bit more consistent with what is
7 and is not in the statute.

8 MS. PATTON: So some walks into my
9 shop and I'm doing something that I'm not supposed
10 to be doing. Unbeknown to me, I've done the
11 inspection. I have no knowledge that I'm doing
12 something that I shouldn't be doing. The
13 inspector doesn't inform me of that. He just goes
14 back and files it with a complain?

15 MR. SPOON: I don't think that your
16 knowledge of whether or not there's an inspection
17 that's taking place, I don't think that that
18 aspect of it changes. Am I correct?

19 MS. HAWSEY: I'm assuming we'd know
20 the inspector was there. If there's a problem, I
21 would know.

22 MR. SPOON: You have the right to
23 be present, you have the right to --

24 MS. PATTON: No, no. He comes in
25 to my shop. I know he's there. He's the

1 inspector. He does his little thing and he
2 leaves.

3 MR. SPOON: Well, as I understand,
4 again, I think you have a right to be present
5 during the inspection and you have the right to
6 know what the results of the inspection were and
7 what happened after that.

8 MR. CHAIRMAN: So if he finds a
9 mistake in her shop and he does not inform her
10 that there's something here --

11 MR. SPOON: I don't think that
12 aspect of it would change.

13 MR. CHAIRMAN: So he would inform
14 her?

15 MR. SPOON: He would say, these are
16 the results of my inspection and my --

17 MS. HAWSEY: I believe that is
18 correct.

19 MR. SPOON: It's just the act of
20 the issuance of the citation.

21 MR. CHAIRMAN: So once he informs
22 her that something is wrong -- this is what I've
23 been trying to get at --

24 MR. SPOON: Okay.

25 MR. CHAIRMAN: -- and then she can

1 expect something to happen down the road?

2 MR. SPOON: Uh-huh. Just like
3 anyone who would be the subject of the complaint,
4 they have the right to be in communication with
5 the inspector/investigator to provide a response.

6 MS. PATTON: So we're creating a
7 paper trail, a longer one. So here I'm in the
8 shadow. I know something is fixing to come down
9 the pike to months, three months, four months
10 later it may be. But, yet, I can still continue,
11 if I chose to, the path that I'm on?

12 MR. CHAIRMAN: That's the problem I
13 see with it.

14 MR. SPOON: Okay.

15 MR. CHAIRMAN: Do you see where
16 we're going with it?

17 MR. SPOON: I do see that. But,
18 again, I think it would require to get back to
19 where you have been with this and it would require
20 that you -- and, again, it's not the end of the
21 discussion today -- but, again, I think you'd have
22 to ultimately change the practice act itself in
23 order to have them more clearly define it than to
24 actually issue a citation on the spot.

25 And I think -- and I don't want to

1 go out on too far of a limb here -- but I think
2 even if you were to issue a citation as you have
3 been, the individual who receives the citation has
4 the right to contest that.

5 MR. CHAIRMAN: Sure. Sure. We
6 understand that.

7 MR. SPOON: And that's the only
8 change.

9 MR. CHAIRMAN: Okay. My only
10 problem was, that that person could continue to do
11 -- if they fine a person and allow somebody to
12 work without a license, they honestly can't do
13 anything, is what you're telling me, at that
14 particular point, until we get back with our
15 person and then --

16 MR. SPOON: Well, in any case of
17 unlicensed practice where you have an individual
18 -- again, I know how this is an issue for both the
19 entity and the individual -- but in any case, you
20 always have that authority under current law to
21 issue an order to cease and desist.

22 MS. PATTON: And the Board to do
23 that, not the inspector.

24 MR. SPOON: And the Board.

25 MR. CHAIRMAN: So we'd have to wait

1 till we met, or can they notify the chairman or
2 --

3 MR. SPOON: I believe that the
4 orders to cease and desist have been done sort of
5 as you go, as they come about. Not necessarily
6 having to wait, if we're talking about an order to
7 cease and desist. I believe. And I'll have to
8 get clarification on that part of it.

9 MS. PATTON: A cease and desist can
10 be administered by the Administrator.

11 MR. SPOON: That's right. That's
12 why I say, that's not something that you would
13 have to wait --

14 MR. CHAIRMAN: Okay. So they would
15 call Lisa at that particular point and say that
16 she's doing the interim and that she could say,
17 yes, let's stop it right now.

18 MR. SPOON: As I understand it.

19 MR. CHAIRMAN: But the fine for
20 that figure would wait and come to us two months
21 later or a month later or whatever?

22 MR. SPOON: Right.

23 MR. EVANS: Now, Counsel, I'm not
24 going to drag this out, but what's the difference
25 if Ms. Hawsey issues a cease and desist to a

1 barber that impact financial gain versus an
2 inspector levying a fine? Because it carries a
3 monetary value to a licensee.

4 MR. SPOON: I think there's two
5 differences. One of them is authorized by your
6 practice act and one does not appear to be, one
7 isn't.

8 MR. EVANS: Good answer.

9 MR. SPOON: And I'm almost sure I'm
10 right about this. I'm right at least twice a
11 week. Then that is actually two different things.
12 You have people that are licensed and you have
13 people that are not licensed. The people that are
14 licensed, you have a different set of tools
15 available at your disposal called disciplinary
16 sanctions. People that are not licensed, what you
17 have is a process that starts with an order to
18 cease and desist.

19 If I say that I'm not Mr. Spoon, my
20 name is Dr. Spoon, then I'm probably going to get
21 a cease and desist from the Medical Board, for
22 instance. I don't have a medical license. That's
23 what they can do to me initially. Should I
24 continue with that, you know, holding out as a
25 physician, say, then -- and, again, it's in your

1 engine and your act -- that issue goes directly to
2 the Administrative Law Court for an injunction,
3 and there are fines associated with that that can
4 be imposed by the Administrative Law Court. So I
5 don't know if that helped.

6 MR. EVANS: I understand what
7 you're saying. But I think this will require, if
8 the Board is in agreement, more discussion and
9 conversation.

10 MR. SPOON: Sure.

11 MR. CHAIRMAN: Without question.
12 Do you want to continue, Ms. Hawsey?

13 MS. HAWSEY: I have no further
14 comments.

15 MR. CHAIRMAN: You were the one
16 that started this. Weren't you giving a report of
17 something?

18 MS. HAWSEY: No. I do not have an
19 inspector's report.

20 MR. CHAIRMAN: Okay.

21 MR. EVANS: So this is effective
22 immediately?

23 MS. HAWSEY: That process is.

24 MR. EVANS: So in layman's terms,
25 what do we tell the public? What are we saying in

1 layman's terms? I mean, we had a nice
2 discussion.

3 MS. HAWSEY: There are no citations
4 being written by inspectors and --

5 MR. EVANS: So when inspectors go
6 out, no citations will be written?

7 MS. HAWSEY: No fines or assists
8 at this time by them.

9 MR. EVANS: By the --

10 MS. HAWSEY: Right.

11 MR. EVANS: Okay.

12 MS. HAWSEY: Because we have had
13 calls and that's what we were told to tell the
14 licensee when they called.

15 MR. EVANS: Okay. So then the
16 inspectors will then write up their findings --

17 MS. HAWSEY: And present it to us.

18 MR. EVANS: Okay. And then in
19 return, it goes before the IRC?

20 MS. HAWSEY: That is what I
21 understand. We have not even gotten that far in
22 the process yet. We haven't had an IRC meeting
23 that this has occurred, but that is what I
24 understand.

25 MR. EVANS: So do you think that

1 the Board will be in order to suspending all
2 inspections until we have a process intact?

3 MR. SPOON: Uh-huh.

4 MR. EVANS: My only fear as a Board
5 member is the liability and accountability if we
6 do not have a clear system intact. And going out,
7 guessing, I'd like to be in compliance, as you've
8 stated, with our statutes and practices and we all
9 understand our boundaries.

10 MR. SPOON: Well, to be candid, I
11 wouldn't advise you to suspend the activities, and
12 I'd have to even research as to whether you have
13 the authority to do that. But I wouldn't advise
14 you to suspend the activities of the State
15 inspectors, assuming you can even do that. But I
16 don't think that that would be --

17 MR. CHAIRMAN: Well, I think he's
18 concerned a little bit about the liability towards
19 this Board, but he wouldn't be under no liability
20 himself, would he?

21 MR. SPOON: No.

22 MR. EVANS: Okay. Let the record
23 reflect that Frederick Evans will not be under any
24 liability.

25 MR. CHAIRMAN: That's the reason I

1 brought that up.

2 MR. EVANS: Okay. I have no
3 further questions.

4 MR. CHAIRMAN: It's always good to
5 protect yourself. But I think that's something
6 that concerns everybody is the liability thing.
7 The think I'm still really kind of confused on
8 this issue.

9 I kind of understand it, but I kind
10 of don't. In other words, I don't understand
11 what's going on, but now we've got the IRC coming
12 back up here and I'm not sure of when I'm reading
13 here, it says no violation, statute violations,
14 issue a strong letter of caution. But we can --
15 those are things that we can change if we want to,
16 if what I'm gathering you're telling me; is that
17 right?

18 MR. SPOON: Okay. Well, you've got
19 a case on here which, this is your IRC process
20 that met on the 22nd of June and there was a
21 complaint, obviously, that was received and
22 investigated and the IRC logic was for a letter of
23 caution. Cases that get disposed with a letter of
24 caution tend to be cases that present a single
25 issue, not multiple issues. And they tend to be

1 cases that are not outright dismissals, but they
2 come close to be being a violation. And, as you
3 know, a letter of caution is a form of dismissal.
4 It is a type of a dismissal.

5 MR. CHAIRMAN: But we have the
6 right to change that.

7 MR. SPOON: You would. You would
8 have the right to either request more information
9 or, I should say, the investigator collect more
10 information before you make a determination and
11 maybe hold that case open until they do that.

12 MR. CHAIRMAN: Well, the same thing
13 if this says, unlicensed practice, no violation,
14 properly licensed, what does that mean?

15 MR. SPOON: I would have to let
16 Mr. Taylor help me out with that.

17 MR. CHAIRMAN: So, Mr. Taylor, will
18 you come back up, please?

19 MR. TAYLOR: Yes. Those were cases
20 involving hair braiders. The individuals that
21 went into these shops to have their hair braided
22 did not see a license posted. And most of these
23 people are African people and they speak very
24 little English, or if they speak English it's not
25 good English, so they're not able to communicate

1 with the customers the way we feel they need to.

2 In other words, these folks go in,
3 get their hair braided, didn't see a license, they
4 sent in a complaint. I got my hair braided, I
5 didn't see a license, check it out. That's the
6 meat and potatoes of the complaint. We go in and
7 we ask these people for their license. They
8 present the license so we ask for a dismissal
9 because they were properly licensed.

10 MR. CHAIRMAN: They did not have
11 them in --

12 MR. TAYLOR: Just didn't have them
13 displayed where these folks could see them. We
14 explained to them that they have to be out in
15 plain view where they can be seen. In both of
16 these cases, both of these individuals were
17 properly licensed but just did not have the
18 license out where it could be seen. Once they
19 post it on the wall, not a problem.

20 MR. CHAIRMAN: So in this essence,
21 if we wanted to override what he said, no
22 violation and to us it's a violation, I could say
23 we're going to fine these people?

24 MR. SPOON: I believe that you
25 could -- you have to authorize the disposition of

1 the case that the IRC makes. The IRC makes a
2 recommendation to you.

3 MR. CHAIRMAN: But we don't have to
4 accept it, though.

5 MR. SPOON: If you, in a given
6 case, decide that, for whatever reason, you're not
7 going to -- to cut to the chase, I mean, if you
8 said, no, we think that's a violation, then you
9 could authorize that to be a formal complaint
10 rather than a dismissal and the person would be
11 entitled to those procedural due process things
12 that I talked about earlier about the hearing --

13 MR. CHAIRMAN: But I just want to
14 make sure that we're retaining that right.

15 MR. SPOON: Yes.

16 MR. CHAIRMAN: I mean, I don't have
17 a problem with this, but I'm just using that as a
18 for instance.

19 MR. SPOON: Right. That's how the
20 process works. And the IRC exists because there's
21 a need for there to be some evaluation of the
22 numbers of complaints that come in, and that there
23 has to be a sort of way to evaluate those things
24 that doesn't create a situation where the Board
25 members would have to then, could not be able to

1 hear the case, would have to recuse themselves.

2 So that's why the IRC process has been used.

3 MR. CHAIRMAN: Well, like I say, we
4 have no clue who this is. But if we decide, no,
5 we're not going to accept that, that it should be
6 at least a fifty dollar violation, we could impose
7 that right now.

8 MR. SPOON: No. You could not
9 impose that right now. You would recommend that
10 they be charged accordingly.

11 MR. CHAIRMAN: Right.

12 MR. SPOON: You could not
13 discipline the individuals that are associated
14 with those two cases here today, no, you could
15 not.

16 MR. CHAIRMAN: Okay. So we could
17 say that they need more what, now?

18 MR. SPOON: More information if you
19 want to hold it open or --

20 MR. CHAIRMAN: But if we said there
21 is a violation that needs to be fined and it's up
22 to the determination of who? Our IRC?

23 MR. SPOON: Then you would have to
24 say that rather than authorizing those two cases
25 as dismissals, you authorize those as either a

1 formal complaint or a letter of caution. Those
2 are the three choices.

3 MR. CHAIRMAN: Two choices,
4 rather.

5 MR. SPOON: Yes, sir.

6 MR. EVANS: Counsel, you're such a
7 nice person and I hate to make it seem like you're
8 in a hot seat here with all these questions, but
9 --

10 MR. SPOON: It's just a seat, it's
11 not a hot seat.

12 MR. EVANS: But this is where I
13 have my problem. And, of course, no offense to
14 Investigator Taylor here, but to present this to
15 the Board and then we say yea or nay, I don't have
16 anything to read.

17 MR. SPOON: That's right.

18 MR. EVANS: I don't know what I'm
19 making a decision on.

20 MR. SPOON: That's right.

21 MR. EVANS: And we have a
22 responsibility as a Board, and so -- I mean, it
23 goes back to the new changes, even with the
24 investigator not being able to levy fines. So
25 we're going to literally -- there are six words

1 and I'm going to cast a vote yes or no that we
2 impact someone.

3 MR. SPOON: And I don't disagree
4 with that at all. And I would add that my
5 understanding of how the IRC process works is a
6 delegation based on the statute that says the
7 results of the investigation must be presented to
8 the Board and use the IRC process to avoid
9 conflict of interest issues and problems where you
10 would ultimately have to recuse yourself from
11 hearing a case.

12 Similar to what you -- what this
13 Board has, and many others have done is, of
14 course, you have investigators and then you use
15 the IRC which is the folks that you have appointed
16 as a Board to do that for you, to hear the
17 results, to have the investigator present the
18 results of the investigation and say, I went out
19 there, this is what I found, et cetera, and they
20 get into a lot more detail, obviously, at the IRC
21 meeting. They get into all of the details of the
22 investigation and then the IRS is making that
23 recommendation that's here before you now.

24 MR. EVANS: Okay. I promise you I
25 will be quiet, but that's exactly what I wanted to

1 hear, is that the Board appointed the IRC
2 Committee. They're acting on behalf of the
3 Board.

4 MR. SPOON: They are.

5 MR. EVANS: Such as, the
6 investigator.

7 MR. SPOON: It's your investigator
8 --

9 MR. EVANS: They're acting on
10 behalf of the Board.

11 MR. SPOON: -- the Administrator,
12 the public member, the litigation attorney who
13 will ultimately have to handle that case if a
14 formal complaint is authorized.

15 MR. EVANS: Okay. Very good.
16 Thank you.

17 MR. TAYLOR: But also within
18 parameters of the question, once you see these
19 things on our recommendations, you can ask
20 questions. If you said six words, if that's not
21 enough, you can ask for additional information.
22 And within certain parameters, I can give you
23 additional information. We wouldn't name names or
24 things of that nature. But I could give you more
25 information as to how we came about this dismissal

1 or formal complaint or whatnot. What our findings
2 were, in other words.

3 MR. EVANS: I think that a finding
4 of the facts would be nice, you know, in a summary
5 format so we can pretty much understand the nature
6 of the --

7 MR. SPOON: You'd like to see a bit
8 more detail under the IRC logic section.

9 MR. EVANS: Yes.

10 MR. CHAIRMAN: Would that be a
11 problem, Mr. Taylor?

12 MR. TAYLOR: Excuse me?

13 MR. CHAIRMAN: Would that be a
14 problem?

15 MR. TAYLOR: I don't have any input
16 as to that. I'm not the one that puts that in
17 there, you know. My superior is sort of the one
18 that puts that there. The Board can ask for it,
19 and I wouldn't see a problem with it myself. But,
20 again, the people that put that in this, that
21 wrote this down are not here so I can't answer for
22 them.

23 MR. CHAIRMAN: Okay. So do we need
24 just a directive or just --

25 MR. SPOON: Yeah. I would, you

1 know --

2 MR. CHAIRMAN: Do you all agree?

3 MR. SPOON: The investigator is
4 here so that he -- and he did sort of flush it out
5 verbally. But I think that we can carry that word
6 back to OIE --

7 MR. CHAIRMAN: There don't need to
8 be a motion or anything?

9 MR. SPOON: No.

10 MR. CHAIRMAN: Okay.

11 MR. SPOON: I think we can carry
12 that word back to OIE. And, again, it's always a
13 fine line, I agree with Mr. Taylor about, you need
14 to know what the basics, the objective facts were,
15 what the complaint alleged, what sort of basic
16 investigation was took place and what the end
17 result was that the investigator uncovered. And
18 the investigators are basically going out there as
19 fact-finders, you know. Fact-finders in an
20 investigative sense. You're the fact-finders in
21 the disciplinary sense, but they are collecting
22 facts and evidence, documents, et cetera.

23 But then when they've completed the
24 investigation, they lay it out for the IRC and the
25 IRC, especially the professional member component,

1 that's the person that you have identified or
2 appointed to do that. So, I mean, in layman's
3 terms, and I know you've probably heard this
4 before, but you kind of have to have a certain
5 level of trust with your IRC.

6 MR. CHAIRMAN: We've got the first
7 two. What's the next one?

8 MR. TAYLOR: The dismissals. The
9 formal complaint, these folks were issued a
10 consent agreement. The consent agreement being
11 two years' probation, a \$500 fine and quarterly
12 inspections.

13 MR. CHAIRMAN: Is it on
14 22102511-4?

15 MR. TAYLOR: 2011-4. That was the
16 investigative review committee's recommendation,
17 two years' probation, a \$500 fine and quarterly
18 inspections. And then 2011-6, this individual was
19 issued a letter of caution, just cautioning to be
20 more careful. And it's spelled out in that
21 letter.

22 MR. CHAIRMAN: I've got to stop
23 with this one.

24 MR. TAYLOR: Okay.

25 MR. CHAIRMAN: We've had a big

1 problem with people in the industry out there not
2 doing these students' transcripts as they should.
3 They're not providing the hours that they should.
4 Well, now, a big thing with the high schools not
5 too long ago, as we well know, and I don't agree
6 with that one.

7 MR. TAYLOR: Well, there, again,
8 let me expand just a little. And, again, I have
9 to stay within parameters.

10 MR. CHAIRMAN: Right.

11 MR. TAYLOR: This student requested
12 his transcripts. The instructor had the
13 transcripts ready to give to him. They had to be
14 notarized. He did not have a notary present, so
15 he asked the student to meet him at his local bank
16 where there was a notary present. The student did
17 not want to go. He says, I go to school here. I
18 don't go to that bank. He left, sent us a
19 complaint.

20 That's the meat and potatoes of it.
21 The instructor had the notarized transcript -- I
22 mean, that the transcripts ready to go. It just
23 needed to be notarized. And the student didn't
24 want to meet him at the bank. And that's where we
25 were on that.

1 MR. CHAIRMAN: You know, when I
2 read that, I'm going, wait a minute.

3 MR. TAYLOR: Right.

4 MR. CHAIRMAN: Because anybody that
5 doesn't get them in now, I would strongly suggest
6 we fine them, unless it's something that's just
7 not --

8 MR. TAYLOR: But that's not the
9 case here, and I'm able to tell you that.

10 MR. CHAIRMAN: Okay. Do you all
11 have any questions? We don't vote on this, do
12 we?

13 MR. SPOON: If there are not any
14 questions about the IRC report, then you can have
15 a motion to approve it.

16 MR. EVANS: How about the fine
17 part? Do you recommend that --

18 MR. CHAIRMAN: Request \$500.

19 MR. EVANS: Now, on the second one,
20 I heard a two-year probation.

21 MR. TAYLOR: Right. Two-year
22 probation, a \$500 fine and quarterly inspections.

23 MR. SPOON: Yeah. And, again, what
24 that is, I think, is the IRC is applying the
25 parameters to those facts of that case, the

1 parameters that they have from you. And, again,
2 that's not something that this person or those two
3 individuals under formal complaints, they have not
4 been disciplined. Those are the parameters that
5 will appear in their consent agreement which they
6 can decline or accept. They can sign it or not
7 sign it. If they don't sign it, they could be
8 entitled to a hearing.

9 MR. CHAIRMAN: Were there priors on
10 that?

11 MR. TAYLOR: Yes.

12 MR. EVANS: Oh, okay. Well, then
13 that answers that. Thank you.

14 MR. CHAIRMAN: I need a motion.

15 MS. PATTON: I make a motion that
16 we accept the IRC report.

17 MR. EVANS: Second.

18 MR. CHAIRMAN: All in favor?

19 (Responds)

20 MR. CHAIRMAN: All right. Any
21 unfinished business?

22 (No response)

23 MR. CHAIRMAN: None?

24 MR. EVANS: Are the rules going to
25 be paid for?

1 MR. CHAIRMAN: I don't know. She's
2 checking.

3 MS. HAWSEY: I'll have to check
4 into that.

5 MR. CHAIRMAN: See, when Eddie was
6 supposed to be looking into it and let us know --

7 MR. ROBINSON: He called me about
8 it personally.

9 MS. HAWSEY: It was submitted.

10 MR. CHAIRMAN: It's been submitted?
11 Okay. So when will we know an answer?

12 MS. HAWSEY: I'll have to check
13 with finance on that.

14 MR. SPOON: Are you talking about
15 the registrations of something?

16 MR. CHAIRMAN: Our convention and
17 registration and, also, the rooms because it takes
18 so long to get our money back.

19 MS. HAWSEY: Now, I wasn't involved
20 in this in the beginning, but did each of you tell
21 Mr. Jones what days y'all were going to be
22 checking in and checking out?

23 MR. ROBINSON: He called me back
24 because I was able to stay the entire time, up
25 through Wednesday night, as opposed to a shorter

1 time, so that's why he called me, to verify it.

2 MS. HAWSEY: Okay.

3 MR. CHAIRMAN: All right. DRC
4 report.

5 MS. HAWSEY: You have that in your
6 packet. And we do not have a representative to
7 present it to you.

8 MR. CHAIRMAN: Oh? Well, we're not
9 going to approve it, then, if we don't have
10 anybody to present it to us. Who's supposed to
11 present it?

12 MS. HAWSEY: This is the way they
13 handled it last time.

14 MR. CHAIRMAN: Did they?

15 MS. HAWSEY: You're to review it
16 and --

17 MR. SPOON: So what is this again,
18 Lisa? How does this differ from the IRC? Are
19 these cases that have already been closed?

20 MS. HAWSEY: It's my understanding
21 these are cases that the investigator presented to
22 the DRC Chairman and --

23 MR. CHAIRMAN: What's his name?

24 MS. HAWSEY: Nathaniel Stewart.

25 MR. CHAIRMAN: Yeah, Mr. Stewart.

1 Okay.

2 MS. HAWSEY: And this is a result
3 of those findings in that meeting.

4 MS. PATTON: So they can issue
5 penalties in this?

6 MS. HAWSEY: The DRC process can.
7 And, see, this happened on June the 13th.

8 MS. PATTON: So this won't be any
9 different than it's always been?

10 MS. HAWSEY: Right.

11 MR. CHAIRMAN: So we won't have
12 this anymore?

13 MS. HAWSEY: That, I'm not sure.
14 We haven't gotten that far in the process. We are
15 still discussing that. I have asked that question
16 and I have not gotten a complete answer yet.

17 MR. ROBINSON: Well, when you all
18 figure it out, can y'all let us know?

19 MR. SPOON: This differs from the
20 IRC report that was just discussed, in that these
21 are coming off of the citations. So this is
22 related to the other discussion about citations.

23 MR. CHAIRMAN: This won't happen
24 anymore?

25 MR. SPOON: Correct.

1 MR. ROBINSON: Not at all or this
2 happens after the IRC?

3 MR. SPOON: It will happen. It
4 will simply, the terminology will be different.
5 And, again, I'm not trying to down play it, but
6 it's really the same process and the same result
7 will happen.

8 MR. ROBINSON: We'll just be
9 sharing this information, in other words?

10 MR. SPOON: Uh-huh. So this is
11 basically a carry-over of some citations that were
12 issued. I don't see the dates they were issued on
13 here. But, basically, that's what this is.

14 MS. HAWSEY: Prior to the changes?

15 MR. SPOON: Yes, ma'am.

16 MR. ROBINSON: When were the
17 parameters set for the fines by the Board?

18 MR. CHAIRMAN: \$500 is all we can.
19 I mean, I know I've never seen it. We've actually
20 never done that. In other words, we always left
21 enough. And if we wanted to change it, we could
22 change it. And under these guidelines is the way
23 I always understood it, that we were allowed to
24 change it. We still don't much about who it is or
25 anything else. So that if we had it here and all

1 -- we could have it here, correct? The way it was
2 in the past?

3 MR. SPOON: As I understand it.

4 MR. ROBINSON: So why are we
5 changing? Can we review the parameters for the
6 fines?

7 MR. SPOON: For the IRC? Yes.

8 MR. ROBINSON: Right.

9 MR. CHAIRMAN: But engine bill only
10 allows you \$500.

11 MR. SPOON: You would use the
12 engine, the amount that's in the engine unless you
13 have a different amount in your practice act, in
14 Chapter 7 in your practice act.

15 MR. CHAIRMAN: If we have to do
16 each violation, we could be -- five violations we
17 could do \$2500.

18 MS. PATTON: It has the potential
19 of being more hands on.

20 MR. EVANS: 40-1-120.

21 MR. CHAIRMAN: Okay. So we don't
22 vote on this?

23 MR. SPOON: This would be for
24 information.

25 MR. CHAIRMAN: Okay. I'd like to

1 ask questions to Mary Ann about it. So this is
2 already gone and done.

3 MR. EVANS: I would like to make a
4 motion that this very report of Monday, June 13th,
5 2011, will be accepted as information.

6 MS. PATTON: I second.

7 MR. CHAIRMAN: All in favor?

8 (Response)

9 MR. CHAIRMAN: Okay. Approval of
10 new school, Rodrick Samuels, Profile Barber
11 Institute. Is he here? Hello, Mr. Samuels.

12 MR. SAMUELS: Good morning. How
13 are y'all?

14 MR. CHAIRMAN: Tell us why you're
15 here, sir.

16 MR. SAMUELS: To get a school --

17 MR. CHAIRMAN: Will you give your
18 full name for her please?

19 MR. SAMUELS: I'm sorry. Rodrick
20 Samuels, Profile Barber Institute. And I'm here
21 to get a school application approved.

22 MR. SPOON: Do you have your little
23 script, Mr. Barnes? The little sort of format for
24 the application hearing?

25 MR. CHAIRMAN: Are you talking

1 about in here? No.

2 MR. SPOON: It's just a half a page
3 little format. I'm sure you've probably used it
4 before without --

5 MR. CHAIRMAN: I don't remember
6 it.

7 MS. HAWSEY: No. The Barber Board
8 has not.

9 MR. SPOON: Okay. Well, we'll get
10 that to you. It's helpful.

11 MR. CHAIRMAN: All right.

12 MR. SPOON: And you would want to,
13 Mr. Samuels, also be sworn in. There's a court
14 reporter that can swear you in.

15 Rodrick Samuels, having been duly
16 sworn and cautioned to speak the truth, the
17 whole truth and nothing but the truth,
18 testified as follows:

19 MR. CHAIRMAN: And would you
20 restate what you are here for, sir?

21 MR. SAMUELS: Approval of the
22 application.

23 MR. CHAIRMAN: Do y'all have
24 questions for Mr. Samuels?

25 MR. ROBINSON: Mr. Samuels, what is

1 the Academy of Cosmetology?

2 MR. SAMUELS: What is it?

3 MR. ROBINSON: Yes, sir.

4 MR. SAMUELS: The Academy of
5 Cosmetology is a place where I used to be
6 employed.

7 MR. ROBINSON: So your reference to
8 it in your application under management is just
9 that?

10 MR. SAMUELS: Yes, sir.

11 MR. ROBINSON: Okay.

12 MR. CHAIRMAN: And under your
13 heading over here, you've got me as Chairman, but
14 everybody else is -- other than Administrator
15 would be Lisa Hawsey.

16 MR. SAMUELS: That could be an old
17 one.

18 MR. CHAIRMAN: Okay. I mean,
19 Napoleon Rogers has been gone for how many years?

20 MS. HAWSEY: A long time.

21 MR. ROBINSON: How many instructors
22 do you intend to have, Mr. Samuels?

23 MR. SAMUELS: Two.

24 MR. ROBINSON: Okay. Who's the
25 second one?

1 MR. SAMUELS: Ms. Shenquia Riley.

2 MR. ROBINSON: The first name
3 again, please?

4 MR. SAMUELS: Shenquia,
5 S-h-e-n-q-u-i-a.

6 MR. ROBINSON: And she's currently
7 licensed by the Barber Board?

8 MR. SAMUELS: Yes, sir.

9 MR. ROBINSON: Can we find out
10 whether she has any violations on her license
11 currently? And the same for Mr. Samuels, please.

12 Who in your business will be
13 responsible for maintaining student hours?

14 MR. SAMUELS: I go to an outsource
15 staff. I have hired a secretary to handle that
16 part of the operation. Well, I haven't hired a
17 secretary yet, but that is in the works, sir,
18 contingent upon approval today.

19 MR. CHAIRMAN: Do y'all have that
20 on record? Has there been any violations or
21 anything at this point for either one of them?
22 Okay. Do y'all have any other questions for him
23 at this point?

24 MR. ROBINSON: Do you understand
25 that it is the obligation of the instructor, it is

1 the responsibility of the instructor to track
2 student hours?

3 MR. SAMUELS: Yes, sir.

4 MR. ROBINSON: Do you plan to
5 delegate that to a secretary?

6 MR. SAMUEL: Well, you know,
7 through training. But, you know, I know that for
8 me having to do the instruction as well as, you
9 know, take care of the necessary paperwork, it
10 will be overseen by me.

11 MR. CHAIRMAN: Have you owned a
12 school before?

13 MR. SAMUELS: Yes, sir.

14 MS. PATTON: Now, with these hours,
15 do you give each student a copy --

16 MR. SAMUELS: Yes, ma'am.

17 MS. PATTON: -- monthly?

18 MR. SAMUELS: Absolutely.

19 MR. ROBINSON: Mr. Chairman, I make
20 a recommendation that we review Mr. Rodrick
21 Samuels' application under Executive Session.

22 MR. SPOON: A motion is on the
23 floor.

24 MS. PATTON: I second.

25 MR. CHAIRMAN: All right.

1 MR. SPOON: Any further questions
2 for the applicant before --

3 MR. EVANS: It's an impressive
4 packet.

5 MR. SAMUELS: Thank you.

6 MR. CHAIRMAN: All right. We'll
7 get back with you. All in favor?

8 (Respond)

9 MR. CHAIRMAN: Okay. We'll get
10 back to you in just a little bit. We'll clear the
11 room in a little bit, but don't leave the building
12 because we'll have to go in Executive Session and
13 then we'll get more information from her, so it'll
14 be just a little while, okay?

15 MR. SAMUELS: Okay.

16 MR. SPOON: Are we going to go into
17 Executive Session now on this application or are
18 you going to wait until --

19 MR. CHAIRMAN: No. We're going to
20 wait and go all at one time. Okay?

21 MR. SAMUELS: Thank you.

22 MR. CHAIRMAN: Is that all right,
23 sir?

24 MR. SPOON: Yes, sir. I just
25 didn't know how you were going to do all of those

1 at once.

2 MR. CHAIRMAN: Approval of third
3 student permit, Jonathan Oakman.

4 MR. OAKMAN: My name is Jonathan
5 Oakman and I'm here to apply for my third student
6 permit because the first school that I went to was
7 Neeses Barber College in Camden, South Carolina.

8 MR. SPOON: I'm sorry, Mr. Oakman.
9 Could we swear you in as well?

10 MR. OAKMAN: Oh, I'm sorry.

11 MR. CHAIRMAN: State your full name
12 first.

13 MR. OAKMAN: Jonathan Oakman.

14 Jonathan Oakman, having been duly
15 sworn and cautioned to speak the truth, the
16 whole truth and nothing but the truth,
17 testified as follows:

18 MR. OAKMAN: And I attended Neeses
19 Barber College. I started there April 1st of
20 2010. While I was going there, we lost our
21 instructor because -- I guess because they weren't
22 paying the lady like they were supposed to and so
23 she left. And we went for about a month without
24 an instructor, so I didn't know where my hours
25 were going.

1 So I decided to go to Ms. Shirley
2 White's school in Sumter, South Carolina, which is
3 Business Institute of Hair.

4 MR. CHAIRMAN: When did you go
5 there?

6 MR. OAKMAN: I went there in
7 November of 2010. I started there in November of
8 2010.

9 MR. CHAIRMAN: So you started on
10 April 1st of 2010 --

11 MR. OAKMAN: Yes, sir.

12 MR. CHAIRMAN: -- that was the
13 first place, and then you went to the other one
14 and you stayed there until --

15 MR. OAKMAN: Until November.
16 Because when I first got there, they said that we
17 had a instructor and the instructor was never
18 there. He was never there. I had never met him
19 until probably like a month or two down the line.
20 And then after he left --

21 MR. CHAIRMAN: Now, would you stop
22 there a minute, please.

23 MR. OAKMAN: Yes, sir.

24 MR. CHAIRMAN: This is on record,
25 now. You were saying that you went to this school

1 from November the 1st, 2010 and you did not see an
2 instructor until --

3 MR. OAKMAN: No, sir. I'm saying
4 that when I went to Neeses --

5 MR. CHAIRMAN: The first place?

6 MR. OAKMAN: Yes, sir. The first
7 place.

8 MR. CHAIRMAN: Okay.

9 MR. OAKMAN: The second place I
10 went to was Visions Institute of Hair in Sumter,
11 South Carolina. I started there in November of
12 2010 and I've been going there ever since. But
13 the reason why I'm here today to ask for this
14 third permit is because my wife, she's had a
15 newborn -- we got a newborn and then my daughter
16 came from Atlanta, Georgia to live with me and
17 it's just been -- it's just, you know, kind of
18 taxing on us right now, because my wife had a
19 surgery and I just feel like I need to be closer
20 to them. So that's why I'm asking the Harley's
21 Institute of Barbering in Columbia, South Carolina
22 because I actually reside in Irmo, South Carolina.

23 MR. CHAIRMAN: All right. How many
24 hours do you have presently?

25 MR. OAKMAN: Approximately 1,000

1 hours.

2 MR. CHAIRMAN: Approximately 1,000
3 hours?

4 MR. OAKMAN: Yes, sir.

5 MR. CHAIRMAN: Do you have your
6 sheets with you of how many you actually have?

7 MR. OAKMAN: No, sir, I do not.

8 MR. CHAIRMAN: All right. Under
9 the suggestion that we make to you and under the
10 guidelines that we present to these instructors,
11 they are to give you a copy. When you sign off on
12 your hours, they are supposed to give you a copy.

13 MR. OAKMAN: We never get a copy.
14 I've never gotten a copy.

15 MR. CHAIRMAN: Well, you just stand
16 there until you get one and then if they say
17 something, you say, well, the Chairman of the
18 Barber Board said you have to give me a copy.

19 MR. OAKMAN: Yes, sir.

20 MR. CHAIRMAN: So I don't care
21 where you go from this point on, so you should
22 know exactly how many hours you have.

23 MR. OAKMAN: Yes, sir.

24 MR. CHAIRMAN: And everybody else
25 in the room can hear that, too. You need to know

1 how many hours you have. And that instructor
2 hands you a copy for you to sign, correct?

3 MR. OAKMAN: Yes, sir.

4 MR. CHAIRMAN: You can ask them to
5 hand you one to sign and you say, well, I want a
6 copy of this, please, and you get one.

7 MR. OAKMAN: Yes, sir.

8 MR. CHAIRMAN: And that way, you
9 don't have to say approximately how many hours,
10 you could tell me how many hours. And I know you
11 just happen to be the first one up here, but
12 that's -- I'm not coming down on you, but we have
13 this all the time.

14 MR. OAKMAN: Yes, sir.

15 MR. CHAIRMAN: And, actually, they
16 did a video of me doing this one time, a
17 suggestion. I'm not even sure this video even
18 exists anymore. But, anyway, so make sure we get
19 that done, please.

20 MR. OAKMAN: Yes, sir.

21 MR. CHAIRMAN: Is this a school or
22 on-the-job training?

23 MR. OAKMAN: No. It's a school,
24 sir.

25 MR. CHAIRMAN: It's a school. So

1 you have approximately 500 more hours?

2 MR. OAKMAN: Yes, sir.

3 MR. CHAIRMAN: Do you realize the
4 fact that we do not give four permits?

5 MR. OAKMAN: Yes, sir.

6 MR. CHAIRMAN: You're got to make
7 sure this is going to be done.

8 MR. OAKMAN: Yes, sir.

9 MR. CHAIRMAN: And within the
10 parameters of the 500 hours that we give you,
11 you'll have approximately a year to get it in.

12 MR. OAKMAN: Yes, sir.

13 MR. CHAIRMAN: Which you'll have
14 plenty of time to do 500 hours, okay?

15 MR. OAKMAN: Yes, sir.

16 MR. CHAIRMAN: Do you all have any
17 other questions for him?

18 MR. EVANS: I'd like to make a
19 motion that Mr. Oakman be granted his third
20 permit.

21 MR. ROBINSON: Second.

22 MR. CHAIRMAN: All in favor?

23 (Response)

24 MR. CHAIRMAN: Okay. Good luck,
25 sir.

1 MR. OAKMAN: Thank you.

2 MR. CHAIRMAN: Tony Hall? Come
3 forward and state your full name for me.

4 MR. HALL: Good morning. My name
5 is Tony Hall.

6 MR. CHAIRMAN: Okay. She's going
7 to swear you in.

8 Tony Hall, having been duly sworn
9 and cautioned to speak the truth, the whole
10 truth and nothing but the truth, testified as
11 follows:

12 MR. CHAIRMAN: Tell us why you're
13 here, sir.

14 MR. HALL: My name is Tony Hall and
15 I'm here to request for a third permit as well.

16 MR. CHAIRMAN: How many hours do
17 you have, sir?

18 MR. HALL: 1127.

19 MR. CHAIRMAN: I like that. Thank
20 you. 1127. Very, very good. So you've been
21 receiving your copies of the hours as I
22 suggested?

23 MR. HALL: Yes, sir.

24 MR. CHAIRMAN: Thank you, very
25 much. And tell us why. Do you have a hardship

1 problem or --

2 MR. HALL: No, sir. What's
3 happened is, the reason I'm applying for a third
4 permit is, the first permit I applied for, once I
5 received it, the school I was applying for never
6 opened up and so I never used the first permit. I
7 then went to Harley's School of Barber and applied
8 for another permit and I started going to school,
9 I think it was in October. October of last year,
10 I started going to Harley's. I started out going
11 part time because I was a full-time employee at
12 Benedict College. And I quit going to school at
13 Benedict to go to school full time around December
14 of last year. So my permit ran out about 18 days
15 ago.

16 MR. CHAIRMAN: And are you going to
17 be in another school or --

18 MR. HALL: I'm going to the same
19 school.

20 MR. CHAIRMAN: You'll go to the
21 same school. Do y'all have any questions?

22 MR. ROBINSON: No questions.

23 MR. EVANS: All right. Just one
24 question. Based on Mr. Hall's testimony, if it
25 can be verified that he never used the first

1 permit, is there any way possible this could be
2 considered a second permit?

3 MS. HAWSEY: We do not have a way
4 to determine if they used their first permit. We
5 just have a record of the permit being issued.

6 MR. EVANS: Okay. He said the
7 school never opened. Which school was that, sir?

8 MR. HALL: Sir, I don't even know
9 the name of the school, but I think it should be
10 on the permit because the permit was given to me
11 by the instructor and he was saying that he was
12 having a problem as far as getting a Pell grant
13 approved and he had some type of problem as far as
14 zoning parking space. And so, at that time, he
15 just give me my permit and gave me all the
16 information.

17 I thought I could use it at
18 Harley's School, but Harley said I couldn't use
19 that permit, I had to get another permit under his
20 school. So I never used it at all.

21 MR. EVANS: Okay. What was the
22 name of the first school, sir?

23 MR. HALL: I don't even remember
24 it. I don't even remember the school.

25 MR. EVANS: The second school was

1 Harley's --

2 MR. HALL: Harley's Beauty and
3 Barber.

4 MR. EVANS: Okay. And the first
5 school was different but you don't recall the
6 name?

7 MR. HALL: Yes, sir.

8 MR. EVANS: Okay.

9 MR. HALL: It was supposed to be
10 located on Hampton Street.

11 MR. CHAIRMAN: How many years ago
12 was it?

13 MR. HALL: It was last year.

14 MR. CHAIRMAN: And you don't
15 remember the name of the school?

16 MR. HALL: No. Because when he
17 said I couldn't go there, I was kind of down about
18 it because I had just paid the \$35 for the permit
19 and now I can't use it. And then I thought I
20 could take that permit to Harley's. And when
21 Harley told me I couldn't use it, I just gave it
22 to Harley and he charged me \$35 to send the other
23 paperwork in to get another permit.

24 MS. HAWSEY: Was it possible you
25 were training in a barbershop?

1 MR. HALL: No, ma'am.

2 MS. HAWSEY: I mean, this was a
3 school?

4 MR. HALL: No. This was going to
5 be on-the-job training.

6 MS. HAWSEY: Okay. That was not a
7 school. On-the-job training?

8 MR. HALL: It was supposed to have
9 been on-the-job training.

10 MR. CHAIRMAN: Any other questions?

11 MR. EVANS: Still, I think that if
12 it can be verified that that permit was never used
13 to show due diligence to Mr. Hall, is there any
14 way that that permit can be classified as a second
15 permit? I understand the matter of record that
16 permits are issued as requested or upon request.
17 But I think that we have a responsibility here.
18 It just comes in the form of a recommendation
19 and/or a suggestion.

20 MR. CHAIRMAN: Do y'all want to do
21 anything?

22 MR. ROBINSON: We haven't in the
23 past, so --

24 MR. SPOON: So the question is, do
25 you want to count the first permit. It was

1 issued, the applicant paid the fee. Is that
2 correct?

3 MR. HALL: Yes, sir.

4 MR. SPOON: He paid the fee for
5 that first permit, but it was never -- and was
6 there some question about whether or not the first
7 location that you don't recall the name of was
8 actually a barber school at all?

9 MR. HALL: Well, it's my
10 understanding that this individual had at one time
11 worked for Mr. Harley at the school I attend now
12 and he branched off to open up his own place but
13 he was having problems with getting a grant
14 approved for parking. He told me couldn't get a
15 grant approved, then he said that he got turned
16 down because he didn't have sufficient parking
17 space.

18 MR. ROBINSON: With a barbershop,
19 he wouldn't be getting Pell grants and if it was a
20 school, he wouldn't be using OJT, so --

21 MR. EVANS: What is the person's
22 name?

23 MR. HALL: Abdul Almen. I think
24 that's the name. I can't remember the name.

25 MR. ROBINSON: I wonder if the

1 Board office would have copies of the prior
2 permits that were issued so y'all could look at
3 them.

4 MR. HALL: This is what I was told
5 by Mr. Harley, because I asked him about the name
6 of the school as well and he said that the Board
7 would have a copy of that permit and --

8 MS. HAWSEY: No, we wouldn't have a
9 copy. We would have record of him having had that
10 permit.

11 MR. CHAIRMAN: The only thing we
12 can do in this particular forum is, we can put an
13 asterisk by it. If it does come up, we can look
14 at it again, then we could always make some
15 changes at that particular point. But I feel like
16 at this particular time with him having 1127
17 hours, he's going to finish anyways.

18 MR. EVANS: That's three months
19 away.

20 MR. CHAIRMAN: Right. It shouldn't
21 be an issue, but if it is an issue then we'll take
22 it under that consideration at that time. But
23 other than that, I don't see any problem, but I
24 think he can finish it.

25 MR. ROBINSON: Mr. Chairman, I make

1 a motion that we allow Mr. Tony Hall to receive
2 his third student permit.

3 MS. PATTON: And I second it.

4 MR. CHAIRMAN: All in favor?

5 (Response)

6 MR. CHAIRMAN: Okay.

7 MR. SPOON: Did you have a
8 question, Mr. Hall? They've already approved your
9 request.

10 MR. HALL: Yes, sir. I still have
11 a question.

12 MR. SPOON: All right. Is it a
13 question you could ask the Administrator?

14 MR. HALL: Yes, sir. With all due
15 respect, being that I've been out of school for 18
16 days already, is it possible that I can get that
17 permit today so I can go to school tomorrow?

18 MS. HAWSEY: We wouldn't be able to
19 issue it today, sir. You would need to apply with
20 your school and you fill out the proper paperwork
21 and send it in and we will issue it to you.

22 MR. HALL: Okay.

23 MR. CHAIRMAN: Blake Green, third
24 student permit. State your full name for the
25 record for me, please.

1 MR. GREEN: Blake A. Green.

2 MR. CHAIRMAN: You've got to be
3 sworn in.

4 Blake A. Green, having been duly
5 sworn and cautioned to speak the truth, the
6 whole truth and nothing but the truth,
7 testified as follows:

8 MR. CHAIRMAN: How many hours do
9 you have, sir?

10 MR. GREEN: Currently with my last
11 instructor, I have 140.

12 MR. CHAIRMAN: 140 only hours?

13 MR. GREEN: Yes, sir.

14 MR. CHAIRMAN: What happened with
15 your first --

16 MR. GREEN: I had went to school in
17 Greenville, South Carolina with Number One Cuts
18 under instructor Fred Fielder in -- which allowed
19 2005, and I had a child. So in March of 2006 when
20 I went back to the school, it was empty. He had
21 just packed up and left. I mean, I've been trying
22 to find till today to get my hours from that
23 school, because I had like 900 hours with him that
24 I know and I can't even get no transcript, I can't
25 contact them. So I just gave up with him.

1 So I started going back to school
2 recently -- well, not school. I went to the
3 barbershop recently, with Southside Barbershop in
4 Spartanburg, South Carolina under instructor
5 Daniel Jones. And I was in their barbershop, but
6 the business was real, real slow and he was
7 charging me a hundred dollars a week for booth
8 rent and I was coming out of my pocket for like
9 the first rent and I couldn't keep doing it
10 because I have a family. So I asked him would
11 could he work with me and he was like he couldn't
12 work with me. So I started searching for other
13 instructors in the city, seeing what kind of
14 different price ranges and I found one, so I'm
15 wanting to go there.

16 MR. CHAIRMAN: All right. Let me
17 go back just a second. What year was it that you
18 went with Mr. Fielder?

19 MR. GREEN: Fred Fielder? It was
20 2005 to March of 2006. In July --

21 MR. CHAIRMAN: You started when in
22 2005?

23 MR. GREEN: July of 2005.

24 MR. CHAIRMAN: And went how long?
25 Until 2006?

1 MR. GREEN: March of 2006. I had a
2 child March 1st. I went back like four days after
3 he was born and the shop was closed, the school
4 was closed.

5 MR. CHAIRMAN: You don't remember
6 the date you started in July?

7 MR. GREEN: Not the exact date.

8 MR. CHAIRMAN: Okay. And how many
9 hours do you approximately think you have?

10 MR. GREEN: 900.

11 MS. PATTON: Well, we know where he
12 is.

13 MR. GREEN: I mean, he just closed
14 the school.

15 MR. CHAIRMAN: I think we need to
16 talk about this in Executive Session.

17 MS. PATTON: Yes.

18 MR. CHAIRMAN: I'd like to hold
19 this one over to Executive Session at this
20 particular point. No offense on you Mr. Green,
21 but we need to find out a little bit more about
22 your hours, so we're going to go into Executive
23 Session here shortly and you will be one of things
24 we discuss. So at this particular time, you are
25 not to leave the building, hang around. Once we

1 do this, we'll go into Executive Session. It
2 usually lasts about 15, 20 minutes, sometimes
3 little longer depending on how many we have to
4 deal with and so forth.

5 So if you will just hang around,
6 what we're trying to do is going to try to figure
7 out how to help you with the hours, okay?

8 MR. GREEN: Okay.

9 MR. CHAIRMAN: Now, wait a minute.
10 Before you go, do y'all have any other questions
11 for him at this point?

12 (No response)

13 MR. CHAIRMAN: No questions. You
14 said you've approximately now have got what?

15 MR. GREEN: 140. Because the
16 business was real slow and he was charging me a
17 hundred dollars a week for me just to be starting
18 back off and I couldn't afford it. My first
19 couple of weeks, I was coming out of my pocket
20 because I wasn't making no money there. I was
21 coming out of my pocket.

22 MR. CHAIRMAN: And who do you plan
23 on going to?

24 MR. GREEN: Reggie's Unique Cuts
25 under Reggie Rice.

1 MR. CHAIRMAN: What's the name of
2 it again, sir?

3 MR. ROBINSON: Reggie Rice.

4 MS. PATTON: So your 140 came from
5 Daniel?

6 MR. GREEN: Yes, ma'am.

7 MS. PATTON: And where was
8 Mr. Fielder's shop at the time?

9 MR. GREEN: Well, the first school
10 we was at was on Poinsett Highway in Greenville.
11 Then while I was at the school, he moved to
12 Augusta Road. That's where it closed down at.

13 MR. CHAIRMAN: All right.

14 MR. SPOON: And where did the 900
15 hours come in? I'm just trying to clarify. At
16 one point, you said something about 900 hours.

17 MR. GREEN: At the school, Greg
18 Fielder.

19 MS. PATTON: Did you do it at
20 Poinsett or Augusta Road?

21 MR. GREEN: At both because he
22 moved. Because we was at Poinsett and he moved
23 the school.

24 MR. SPOON: So is that 900 plus
25 140?

1 MR. GREEN: I don't have the
2 transcript for them hours. The 140 comes from
3 Daniel Jones.

4 MR. CHAIRMAN: Yeah. So it would
5 be approximately 1100.

6 MS. PATTON: And you did this when?
7 When were you with Mr. Fielder?

8 MR. GREEN: I was with Mr. Fielder
9 in July of 2005 to March of 2006. I really can't
10 say March because after my little boy was born, I
11 went back like four days later and the school was
12 gone, so I didn't really do anything in March.

13 MS. PATTON: Okay.

14 MR. CHAIRMAN: All right. If
15 you'll hang around, we'll come back to you.

16 MR. GREEN: All right.

17 MR. CHAIRMAN: Approval of
18 apprentice registered/master haircare application,
19 Rodney Talbert.

20 MR. TALBERT: Good morning.

21 MR. CHAIRMAN: Mr. Talbert, state
22 your full name and you'll be sworn in.

23 MR. TALBERT: My name is Rodney
24 Talbert.

25 Rodney Talbert, having been duly

1 sworn and cautioned to speak the truth, the
2 whole truth and nothing but the truth,
3 testified as follows:

4 MR. CHAIRMAN: All right.

5 Mr. Talbert, tell us why you're here.

6 MR. SPOON: You may want to hear
7 from the Administrator and just what questions did
8 the staff have about this application.

9 MS. HAWSEY: We received his
10 application from the testing and he was eligible
11 to receive a license. However, when we received
12 it, he had a criminal background report and, as
13 you know, when we receive an application with
14 that, we would like the Board to review it. We do
15 not approve applications at staff level with
16 criminal background reports per your request.

17 MR. CHAIRMAN: Now, you've already
18 been to school?

19 MR. TALBERT: Yes, sir.

20 MR. CHAIRMAN: So you've already
21 been through this once?

22 MR. TALBERT: Yes, sir.

23 MR. CHAIRMAN: Because when you
24 applied, you had to go through this. So you're
25 waiting to get what kind of license?

1 MR. TALBERT: Registered.

2 MR. CHAIRMAN: Registered?

3 MR. TALBERT: Yes, sir.

4 MR. ROBINSON: Mr. Talbert, are you
5 currently on probation or parole?

6 MR. TALBERT: No, sir.

7 MS. HAWSEY: He's reinstating his
8 registered barber license.

9 MR. CHAIRMAN: So he's already been
10 a barber for how long?

11 MS. HAWSEY: He's just been allowed
12 -- did you allow it to lapse and then you had to
13 re-take the practical exam?

14 MR. TALBERT: Yes, ma'am.

15 MS. HAWSEY: Okay.

16 MR. CHAIRMAN: So why did it lapse,
17 sir?

18 MR. TALBERT: Oh, no. I ain't
19 never had them. But I went to school in Georgia
20 and I transferred my hours. I finished in
21 Georgia, but I transferred because they said I can
22 -- they require 1500 hours so they said I could do
23 that, and that's what I did.

24 MR. CHAIRMAN: All right. Let's go
25 back here, now. Ms. Hawsey, can you help us out

1 here a little bit and what's going on.

2 MS. HAWSEY: When I reviewed his
3 application prior to placing it on the agenda, I
4 noticed that you had a previous registered barber
5 license with us.

6 MR. TALBERT: Well, no. I went to
7 school like years back in '03 off of Wade Hampton.
8 I maybe had probably like a thousand hours or
9 something like that. But then I moved to Georgia
10 because my wife's in the military. So I had went
11 back to school so I started all back over again.
12 They said I could have sent my hours, but I never
13 found my -- you know, I never called or nothing.
14 I just went back to school and did it all over
15 again in Georgia.

16 See, when we moved, I just
17 transferred my hours to here, South Columbia,
18 Columbia, and I just came and took the test.

19 MR. SPOON: On the application,
20 sir, on the first page, the very last thing that
21 is asked, there's a field there for reinstatement
22 and you did not check reinstatement. So can the
23 Board take that to mean that you've never had a
24 South Carolina license of any sort?

25 MR. TALBERT: No. I've never had

1 no South Carolina license. I went to school but I
2 never had no license. I think I transferred my
3 transcript --

4 MR. ROBINSON: Yeah. You didn't
5 transfer hours. You did your barber college all
6 together over again in Georgia.

7 MR. TALBERT: Yes, sir.

8 MR. ROBINSON: And now you're
9 coming back to South Carolina and you're trying to
10 transfer those hours so you can take -- you took
11 the exam here and passed the exam, but you had a
12 criminal background and that's why you're here.
13 That's why I asked you if you were on probation or
14 parole.

15 MR. TALBERT: No, sir.

16 MR. ROBINSON: What is the
17 disposition of -- I see a charge 3911. What's the
18 disposition of that charge?

19 MR. TALBERT: Well, I have never
20 went to court for it so I don't know why they put
21 it on my record. I had got a lawyer for it to
22 beat the case, but they got no proof or nothing.
23 They just said she just said something I did, but
24 they ain't got no proof of it but he locked me up
25 anyway. So I went and got a lawyer but I never

1 been to court about it.

2 MR. ROBINSON: So the charges are
3 pending to your knowledge?

4 MR. TALBERT: Yes, sir.

5 MR. ROBINSON: Okay. So the only
6 thing at issue is, the 2011 charge is pending?

7 MR. TALBERT: Yes, sir.

8 MR. ROBINSON: The CDV. Okay.

9 MR. CHAIRMAN: You've had a fair
10 amount of domestic violence; is that correct?

11 MR. TALBERT: Yes, sir.

12 MR. CHAIRMAN: And the crack
13 cocaine was dismissed. You were convicted of
14 disorderly conduct in '92, criminal domestic
15 violence in '94, gun laws in '94, assault and
16 battery in '96. It seems like every two years
17 you're going through something.

18 MR. TALBERT: Well, just like the
19 gun, I don't understand because it was my gun in
20 my name. I don't understand why I got charged
21 with it.

22 MR. CHAIRMAN: Probably because
23 you've been in jail before on domestic violence, I
24 would imagine. I'm not a judge so I don't know.
25 Driving under the influence in '99. Then we skip

1 to 2005, so we did go four years. But you've got
2 twice in 2005 and then in 2011 you did go a
3 while.

4 Convince us why we should give you
5 a license. That's what I'm trying to tell you.
6 Now, if you were looking at this, why would you
7 want me to give you a license? Why should I?
8 Obviously, you've got a big history here. Why
9 should I?

10 MR. TALBERT: Because I worked
11 hard for it. I mean, I ain't really no trouble
12 maker.

13 MR. CHAIRMAN: No. You ain't been
14 in no trouble except that right now you're in
15 trouble because we have a conviction of -- well,
16 we don't have a conviction, but we've got a
17 domestic violence thing going on in 2011.

18 MR. TALBERT: Well, that's going to
19 get throwed out anyway.

20 MR. CHAIRMAN: But we don't know
21 that.

22 MR. TALBERT: I understand.

23 MR. CHAIRMAN: We don't know that.

24 MR. TALBERT: You're right.

25 MR. CHAIRMAN: It's just a big

1 history here, that's what I'm saying.

2 MR. TALBERT: I understand.

3 MR. SPOON: Understand,
4 Mr. Talbert, that when you answer that question on
5 the application, the Board -- and you're entitled
6 to have a copy of what they have as well -- but
7 the Board has a copy of your SLED check, your
8 state criminal background check, just to make you
9 aware.

10 MR. TALBERT: Yes, sir.

11 MR. SPOON: So that is what the
12 Board is referring to. And if you want to look at
13 my copy here, you're welcome to it.

14 MR. CHAIRMAN: Any more questions
15 for him?

16 MR. EVANS: Just a few,
17 Mr. Talbert. I'm the public member on the Board.
18 I'm not a barber.

19 MR. TALBERT: Yes, sir.

20 MR. EVANS: And my responsibility
21 is to protect the citizens of the state of South
22 Carolina as it pertains to the barbering industry.
23 For 21 years you've been pretty much in and out of
24 the system here with criminal activity. Have you
25 changed?

1 MR. TALBERT: Yes, sir. I mean --
2 yes, sir.

3 MR. EVANS: Are you receiving any
4 kind of counseling? You understand the nature of
5 my questions, right? Why I'm concerned? Because
6 there are some violent acts.

7 MR. TALBERT: But them charges
8 really are minor.

9 MR. EVANS: But you had been
10 charged with them.

11 MR. TALBERT: Yes, sir.

12 MR. EVANS: I'm not your judge,
13 okay?

14 MR. TALBERT: Yes, sir.

15 MR. EVANS: If you're cutting hair
16 and someone should sit in your chair and you have
17 an argument, a disagreement, what would you do?

18 MR. TALBERT: I don't argue. I
19 don't be arguing with them. I mean, that's
20 something I'll walk away from.

21 MR. EVANS: Okay. Did any of these
22 offenses on your criminal record check take place
23 in a barbershop?

24 MR. TALBERT: No, sir.

25 MR. EVANS: Near a barbershop?

1 MR. TALBERT: Never. At home.

2 MR. EVANS: Huh?

3 MR. TALBERT: At home as far as
4 like the criminal.

5 MR. EVANS: At home? Okay. Are
6 you working now?

7 MR. TALBERT: Yes, sir.

8 MR. EVANS: Okay. What do you do?

9 MR. TALBERT: I cut hair.

10 MR. EVANS: You're cutting hair
11 now?

12 MR. TALBERT: Uh-huh.

13 MR. EVANS: Where do you cut hair?

14 MR. TALBERT: In Greenville.

15 MR. EVANS: In Greenville? And why
16 are you here today?

17 MR. TALBERT: Because I got a
18 letter saying I had to come here about my
19 background check.

20 MR. EVANS: About your background
21 check and you're seeking to get your license,
22 right?

23 MR. TALBERT: Yes, sir.

24 MR. EVANS: Okay. But you're
25 cutting hair?

1 MR. TALBERT: Yes, sir. Well, they
2 told me I could cut off my --

3 MR. EVANS: You have a work permit.
4 You should have had a work permit if you passed
5 the test.

6 MR. TALBERT: Yeah. That's what I
7 had, yeah. She told me I can work off my exam,
8 that I passed the test. Use that for now until I
9 come here.

10 MR. EVANS: Right. And how long
11 have you had that?

12 MR. TALBERT: About two months
13 ago.

14 MR. EVANS: About two months?
15 Okay. I have no further questions.

16 MR. CHAIRMAN: Anything further?

17 MR. ROBINSON: No questions.

18 MS. PATTON: I'm just not clear on
19 the reinstatement. He's just actually getting a
20 registered barber license, correct?

21 MR. CHAIRMAN: I just don't see
22 what we can do till we get the final violation on
23 this.

24 MR. SPOON: Did you have a question
25 for the applicant or did you have a request that

1 maybe the Board had some records that would answer
2 your question?

3 MS. PATTON: That's what I would
4 like. Because it says reinstatement and she
5 mentioned something about him holding a license,
6 so I'm curious about that.

7 MR. SPOON: Okay. So you want a
8 license verification from the Administrator on
9 Mr. Talbert?

10 MR. ROBINSON: He's already stated
11 that he never had a South Carolina license and
12 that he completed all of his hours in Georgia. So
13 he's already taken his test and passed it. I
14 believe the issue is surrounding the pending
15 charge, and what we've done in the past is that if
16 there's a pending charge, we would not allow the
17 candidate to receive the license until the
18 disposition of the pending charge has been
19 completed. That's what we've done in the recent
20 past.

21 MR. CHAIRMAN: We have to follow
22 through with what we normally do.

23 MR. ROBINSON: We're concerned
24 about the pending charge and what that disposition
25 will be. So if you are exonerated, there's no

1 problem.

2 MR. TALBERT: Well, I need to go
3 talk to my lawyer to find out because he never got
4 back to me with that. The only thing he said,
5 they'll throw it out because --

6 MR. CHAIRMAN: When does your
7 temporary expire?

8 MR. TALBERT: On what? The
9 permit?

10 MR. ROBINSON: Not the permit.
11 That you passed and you have to have that in the
12 shop.

13 MR. CHAIRMAN: I thought it was so
14 many days before you --

15 MR. ROBINSON: You get 90 days, or
16 work 90 days, that's what I'm talking about.

17 MR. TALBERT: Yes, sir.

18 MR. ROBINSON: Okay. There's no
19 date stated on the letter. I know. My son just
20 got one. They don't give you a date of when it
21 expires. They don't give you an expiration date
22 on the letter informing you that you passed. They
23 just tell you to keep the letter and your exam
24 entrance with your picture at the shop so that if
25 an inspector comes, he can see that you passed the

1 test.

2 MR. CHAIRMAN: But isn't it
3 normally a 90-day grace period, work permit?

4 MS. HAWSEY: That's two different
5 things.

6 MR. CHAIRMAN: Yeah. Well, I'm
7 talking about the work permit.

8 MR. ROBINSON: It's 90 days. But
9 the letter, there's no expiration date on it.

10 MS. HAWSEY: From the testing
11 provider.

12 MR. CHAIRMAN: But that's all I was
13 concerned about is the fact that he's got a
14 temporary work permit, that that's going to run
15 out.

16 MS. HAWSEY: But he doesn't. He
17 has his exam.

18 MR. CHAIRMAN: Right. Okay. I
19 understand. All right.

20 MR. SPOON: Do you want to go into
21 Executive Session on it, Mr. Chairman, or do you
22 feel -- well, two things I was going to say. One
23 is the Executive Session issue which you may do.
24 Also, did you need any records that you don't have
25 in your packet from the Board office that you'd

1 like to request?

2 MS. PATTON: Well, my thing is just
3 the clarity on whether he had a license or just a
4 permit.

5 MS. HAWSEY: I'll go and retrieve
6 that information for you.

7 MR. CHAIRMAN: All right. So we'll
8 need more information so it'll be held over into
9 Executive Session.

10 MR. ROBINSON: So what are we
11 seeking for?

12 MR. PATTON: It was stated by
13 Ms. Hawsey that you had a license and they were
14 reinstating the license, and that's just my
15 question. And he says he's never had a license,
16 so there's some kind of confusion there.

17 MR. ROBINSON: Okay.

18 MS. PATTON: And then the pending
19 of his CDV --

20 MR. CHAIRMAN: Okay. Is that all
21 right? Do y'all want to go forward?

22 MR. ROBINSON: We're going to end
23 up in the same place, so --

24 MR. CHAIRMAN: We will. Because
25 he'll still be able to work.

1 MR. ROBINSON: I mean, he's still
2 got a pending that we have to deal with. So
3 whether he has a license or not is irrelevant in
4 my mind. You still won't get a license until the
5 charge is dealt with.

6 MS. PATTON: Right. So we can do
7 it concurrently. We can get the information about
8 whether he held a license, just for peace of mind.
9 But I agree, the pending with the criminal
10 domestic violence needs to be cleared.

11 MR. CHAIRMAN: So what do y'all
12 want to do? Is there a motion or do you just want
13 to go into Executive Session?

14 MS. PATTON: Well, he's passed his
15 exam here in this state, so he's eligible to work.
16 I don't think we should keep him from working, but
17 I think this needs to be contingent on whether
18 he's going to be charged with some kind of
19 criminal domestic violence.

20 MR. ROBINSON: I think the two
21 things are -- I don't think we're talking about
22 the same thing. His ability to work is tied to
23 that letter if his work permit is expired. The
24 work permit was only for 90 days. I'm assuming
25 that's expired now, the little purple work

1 permit?

2 MR. TALBERT: Whatever they give
3 you when you fill out the application to take the
4 test.

5 MR. ROBINSON: Right. That's
6 expired.

7 MR. TALBERT: Yeah, that expired.

8 MR. ROBINSON: Okay. So all he's
9 working on now is a letter that doesn't have an
10 expiration date on it.

11 MR. TALBERT: Right.

12 MR. ROBINSON: What's critical for
13 us to make a decision is the disposition of the
14 charge. And so unless that charge is disposed of
15 one way or the other, we're not able to make a
16 decision. If you're found guilty and go to
17 prison, I hope that doesn't happen, but we're not
18 going to issue a license. If you're exonerated,
19 then you'll go right to work. But that letter,
20 unless it has an expiration date, you can work on
21 that until this disposition --

22 MR. CHAIRMAN: Unless we stop it.

23 MR. SPOON: Again, I think the
24 letter -- you know, again, I'm not making any
25 decisions about the application. I don't know

1 what the letter says. I'm just noting for the
2 record that I don't think the applicant -- I think
3 you've stated you don't have the letter either?
4 You don't have the letter that you have been
5 discussing, the temporary permit or --

6 MR. ROBINSON: No. The letter
7 comes from the people that gave the test. And
8 they just tell you to keep that in the shop in
9 case an inspector comes.

10 MR. SPOON: Okay. So it would have
11 been sent to -- just for my own education, it
12 would have been sent to Mr. Talbert?

13 MR. ROBINSON: He was given a
14 notice that he passed. Because he took the
15 practical first and then a written.

16 MR. TALBERT: Correct.

17 MR. ROBINSON: He had been given a
18 notice and then a letter followed a week or so
19 later.

20 MR. CHAIRMAN: So he has a letter
21 just stating he can work, but --

22 MR. ROBINSON: No. It doesn't say
23 he can work. It just says you passed. And they
24 tell you to keep it --

25 MS. PATTON: In case you are

1 working.

2 MR. CHAIRMAN: But your work permit
3 has expired.

4 MR. ROBINSON: The work permit
5 expired.

6 MR. CHAIRMAN: He's not following
7 us.

8 MR. EVANS: Yeah. I'm not
9 following that either.

10 MR. CHAIRMAN: The letter don't
11 cease your work permit, though, does it?

12 MR. TALBERT: No.

13 MS. PATTON: No. But there can be
14 technicalities in the process of getting the
15 license to the person. So if an inspector were to
16 come --

17 MR. CHAIRMAN: I understand. But
18 once you give him a work permit, the letter says
19 you can work, I understand. But then you receive
20 a work permit, do you not?

21 MR. ROBINSON: No. The letter
22 doesn't say you can work.

23 MS. HAWSEY: When the person
24 applies for an exam with PTS, the testing
25 provider, they then notify us. We will in turn

1 send a 90-day work permit to him so he can work.
2 That usually gives him time to take his exams and
3 all of that.

4 Then when he goes to take the exam,
5 as Mr. Robinson alluded to, they get a letter at
6 the time that they pass, as I understand it, from
7 passing the practical portion, right? I'm not
8 sure what they do first because, you know, we're
9 not in the testing business anymore. I think they
10 take the written first sometimes, the practical.

11 Anyhow, the testing provider gives
12 them a letter at that time saying, you passed
13 whatever portion of the exam; is that correct?
14 And that's usually what those folks work on until
15 they get their license from us or meet with you or
16 whatever they need to do.

17 MR. CHAIRMAN: All right. So
18 there, again, I go back to the work permit, his
19 90-day work permit, and this criminal background
20 supersedes any letter from PCS.

21 MR. ROBINSON: The criminal
22 background doesn't have anything to do with him
23 working in the shop up until this point.

24 MS. HAWSEY: Right.

25 MR. CHAIRMAN: At this point, will

1 we have a --

2 MR. ROBINSON: We have a pending
3 charge.

4 MR. CHAIRMAN: A pending charge.

5 MR. ROBINSON: What we've done in
6 the past is wait until the disposition on the
7 charge is complete to determine whether we're
8 going to give them their license.

9 MR. CHAIRMAN: That could be years.
10 I can't do that.

11 MR. ROBINSON: So he's worked on
12 that letter.

13 MR. CHAIRMAN: But this would
14 supersede any letter.

15 MR. ROBINSON: Any decision we make
16 from today will supersede the letter. So if we
17 don't make a decision today, then he can work on
18 that letter. If Inspector Crums, he has that
19 letter that he passed, there's nothing to bridge
20 the gap.

21 MS. HAWSEY: Right.

22 MR. ROBINSON: Because the
23 inspector is not going to know what we talked
24 about today.

25 MR. CHAIRMAN: No. But what I'm

1 just saying is, because of the thing that's going
2 on, this could take another year or two before it
3 gets into court. We cannot do that. So would it
4 be right to him or would it be right to the
5 public?

6 MR. SPOON: Well, there's two
7 things. I mean, one is the letters. I mean, you
8 know, again, I'm just sitting here for the first
9 time in a long time, but it seems like that it
10 would be a great help to you as a Board to see
11 those letters. And they must exist and I think my
12 question would be, where are they?

13 Are they not in a person's
14 application file? Are they not something that
15 would have been mailed to the applicant that --

16 MR. ROBINSON: It goes to the
17 applicant. And all that does is keep the
18 inspector from citing them for being in violation
19 of operating without a license. That's all that
20 does.

21 MR. SPOON: Okay. And my only
22 point is, is that Mr. Talbert has confirmed that
23 you don't have the letter with you today; is that
24 right?

25 MR. TALBERT: What? The exams?

1 MR. SPOON: Right. Any letter of
2 -- at this point, any letter. You don't have
3 anything right now that you'd like to make part of
4 the record?

5 MR. TALBERT: Well, I think I got a
6 letter in my car.

7 MR. SPOON: Okay. Well --

8 MS. HAWSEY: A letter from the
9 testing?

10 MR. TALBERT: Yes, ma'am.

11 MS. HAWSEY: I think that's what
12 they want to see.

13 MR. CHAIRMAN: Again, that's --

14 MR. SPOON: That's the first issue.
15 And then the second issue is, as you have
16 correctly noted, is the criminal history issue.

17 MR. CHAIRMAN: Which could be years
18 and we can't do that.

19 MR. SPOON: All right. You may
20 want to talk about that in Executive Session.

21 MR. CHAIRMAN: Let's go into
22 Executive Session on that one. Let's just stop it
23 right there.

24 MR. EVANS: Well, just one
25 question, Mr. Chairman, if possible.

1 MR. CHAIRMAN: All right.

2 MR. EVANS: Just a point of
3 clarity. Is this a letter from the testing
4 company along with the work permit that he's
5 operating under? Is that correct?

6 MR. CHAIRMAN: No.

7 MS. PATTON: His work permit has
8 expired. He only has a letter of permission, or
9 indicating that he passed his exam.

10 MR. EVANS: Okay. But the letter
11 does not authorize him to practice; is that
12 correct?

13 MS. PATTON: No. That's just from
14 the testing company.

15 MR. EVANS: Okay.

16 MR. ROBINSON: I think it's
17 implicit because they tell you, if you're working
18 in the shop, if the inspector comes in, you
19 present the letter and you're not going to get
20 fined. That's when he tells you, you can go on to
21 work, a license is coming. They don't know about
22 what we require as a SLED report or -- they don't
23 get involved in that. Am I correct? That's us.

24 See, the only thing we have to
25 decide since the charge is pending is whether or

1 not we are going to withhold his right to get a
2 license until the disposition of the charge is
3 made. That's all we've got.

4 MR. CHAIRMAN: And, once again, I
5 suggest we go into Executive Session.

6 MR. EVANS: Okay. That's fine,
7 Mr. Chairman. But my only problem here is that I
8 do not recall this Board authorizing the testing
9 company on the issue --

10 MS. PATTON: When we gave
11 permission for them to take over the testing, they
12 sort of superseded everything that the LLR had,
13 just totally went around. They determine
14 everything sent to PCS. PCS contacts directly to
15 them. We have no records that we keep here any
16 longer.

17 MR. EVANS: But the Board did not
18 authorize PCS to extend some privilege or what
19 have you, implied or unimplied, to practice
20 barbering. It just issued the results of their
21 grade --

22 MS. PATTON: They only are required
23 to give the information that they passed.

24 MR. CHAIRMAN: Let's stop again.
25 I'm going to once again say, do we have any more

1 questions for him? If not, I want to go into
2 Executive Session because everything we're
3 discussing can be discussed between us.

4 MS. PATTON: Okay.

5 MR. CHAIRMAN: All right. You hang
6 around until Executive Session is over. We're
7 going in in just a little bit.

8 MR. ROBINSON: Go get your letter
9 out of your car, Tony.

10 MR. CHAIRMAN: And go get your
11 letter out of your car if you have it.

12 MR. SPOON: Anything you have that
13 you want to make part of the record that you have
14 with you today. And the Board can reconvene and
15 get that evidence and then go into Executive
16 Session, okay?

17 MR. CHAIRMAN: All right, sir.
18 Thank you. And just hang around and we'll come
19 back in out of Executive Session and you need to
20 be in the room, okay?

21 MR. TALBERT: All right.

22 MR. CHAIRMAN: Christopher Mullen?
23 State your full name for the record, please.

24 MR. MULLEN: Christopher Mullen.

25 MR. CHAIRMAN: Let her swear you

1 in.

2 Christopher Mullen, having been
3 duly sworn to tell the truth, the whole truth
4 and nothing but the truth, testified as
5 follows:

6 MR. CHAIRMAN: Ms. Hawsey, have you
7 got anything to say?

8 MS. HAWSEY: Yes, sir. Mr. Mullen
9 was asked to appear before you today because he
10 has passed his exams prior for him to be eligible
11 to receive an apprentice registered barber
12 license. However, since he has a SLED report
13 attached to his application, he was asked to
14 appear before you for review.

15 MR. CHAIRMAN: The last time you
16 were in jail was when, sir?

17 MR. MULLEN: 2009.

18 MR. CHAIRMAN: When did you get
19 out, sir?

20 MR. MULLEN: I got out September
21 1st from Ridgeland Correctional or whatever.

22 MR. CHAIRMAN: I need you to speak
23 up just a little.

24 MR. MULLEN: I got out September
25 1st, I think, 2010, if I'm not mistaken, or 2009.

1 MR. CHAIRMAN: Are you currently on
2 any probation?

3 MR. MULLEN: No, sir.

4 MR. CHAIRMAN: Parole?

5 MR. MULLEN: No, sir.

6 MR. EVANS: Have you taken any kind
7 of anger management classes or courses or
8 anything?

9 MR. MULLEN: No, sir.

10 MR. CHAIRMAN: All right. I'm more
11 interested in the felonies than anything else.
12 2006, arrest for trafficking cocaine. Tell me
13 what happened.

14 MR. MULLEN: I mean, if I'm not --
15 I mean, the charges were dropped down to a lesser
16 charge, if I'm not mistaken. But, I mean, I don't
17 know. I was in a house and the house got raided
18 and I was in the house so I was charged with the
19 trafficking of cocaine and all. And when I went
20 to court about a year-and-a-half later, it was
21 dropped down to simple possession of cocaine.

22 MR. CHAIRMAN: And then you have a
23 felony of assault and battery, intent to kill.

24 MR. MULLEN: Yes, sir. Do you want
25 to hear about that?

1 MR. CHAIRMAN: Yes.

2 MR. MULLEN: I was at a nightclub,
3 and I was leaving the nightclub and I got into it
4 with a fellow and two of his friends jumped in
5 with him and I was being assaulted by three
6 people, and I had a small pocket knife and I
7 stabbed one of the fellows.

8 But in the state of South Carolina,
9 I was told we don't have self-defense, or you have
10 to meet a certain type of criteria. So I pled out
11 to assault and battery of a high and aggravated
12 nature.

13 MR. SPOON: So that would be
14 reflected -- and, again, you can look at what I'm
15 looking at, sir. I'm just trying to ask this
16 question only because the SLED checks, to me
17 anyway, are hard to decipher sometimes.

18 So it looks like it starts out in
19 July of '08 and there's an arrest charge and it's
20 a felony charge. Is it your testimony that there
21 was a felony conviction for that or that there was
22 --

23 MR. MULLEN: I had two. Are you
24 talking about the assault and battery with intent
25 to kill?

1 MR. SPOON: Yes.

2 MR. MULLEN: I had two counts of
3 assault and battery with intent to kill and it was
4 dropped down to one count of assault and battery
5 of a high and aggravated nature which is a felony,
6 if I'm not mistaken. I think it's the lowest
7 felony of that. The next would be assault and
8 battery which would be municipal.

9 MR. SPOON: Well, it says
10 misdemeanor and I was just trying to make sure
11 that the arrest and the conviction, it may have
12 been for a different thing, but the arrest and
13 conviction were for the same set of facts, the
14 same incident.

15 MR. MULLEN: Yes, sir.

16 MR. SPOON: So, again, July of '08,
17 two charges, both felonies, assault and battery
18 with intent to kill. And then looking right after
19 that, July of 2009, there is an actual conviction,
20 assault and battery of a high and aggravated
21 nature, and that's indicated on here as a
22 misdemeanor.

23 MR. MULLEN: I sat in County for
24 almost a year because of the -- my lawyer told me
25 the best thing to do would be just sit in County.

1 So I sat in County for about ten months and then
2 went up for the -- and I pled out to that and
3 about two years in prison, which only amounted to
4 like 14 months. So I got out September 1st of
5 2009, I think.

6 MR. SPOON: All right. Thank you.

7 MR. CHAIRMAN: Do y'all have any
8 questions for him?

9 MR. ROBINSON: So, essentially,
10 it's a misdemeanor and not a felony, is what it
11 boils down to?

12 MR. MULLEN: Yes, sir.

13 MS. PATTON: Do you have a place to
14 go work, Mr. Mullen?

15 MR. MULLEN: Yes, ma'am. I
16 actually have my boss here with me today.

17 MS. PATTON: Okay. And it's with
18 whom?

19 MR. MULLEN: It's called Main
20 Attraction in Sumter, South Carolina.

21 MR. WOODS: If possible, I would
22 like to --

23 MR. CHAIRMAN: Oh, sir, hang on one
24 second, sir.

25 MR. SPOON: You indicated that you

1 had an additional person here. Would you like to
2 have that person testify as a witness?

3 MR. MULLEN: I mean, yeah, if --

4 MR. SPOON: Okay. Well, he'll have
5 to be sworn.

6 MR. MULLEN: All right.

7 MR. SPOON: Would you like to be
8 sworn in, sir, and provide some testimony at the
9 Board's discretion?

10 MR. WOODS: That's fine.

11 Terrell Woods, having been duly
12 sworn and cautioned to speak the truth, the
13 whole truth and nothing but the truth,
14 testified as follows:

15 MS. PATTON: Your name is?

16 MR. WOODS: Woods, Terrell Woods.

17 MR. CHAIRMAN: Where is your shop,
18 sir?

19 MR. WOODS: It's located in Sumter,
20 South Carolina.

21 MR. CHAIRMAN: Okay. What can you
22 tell us about the individual?

23 MR. WOODS: Well, I could tell you
24 that I've known Chris for about four months now,
25 which is not really a long time, but I feel like

1 I'm a good judge of character. And I would just
2 like for the Board to give this gentleman a second
3 chance, you know. He's been -- the gentleman that
4 appeared before Chris, you know. It is all --

5 MR. CHAIRMAN: And I want it on
6 record for this one, sir.

7 MR. WOODS: Okay. Well, it's
8 almost -- the only way that a person could be
9 accepted back into society is for people to
10 actually give them a second chance. So I would
11 just ask that the Board show leniency upon Chris
12 and give him a second chance to be productive.

13 As far as the time that I've known
14 Chris, I haven't seen any anger. Obviously, the
15 only time that he's served, he's learned a good
16 lesson for it. He's still a young man. He still
17 has a whole lot of life ahead of him, so I would
18 just like for him to move forward. I'm just
19 speaking here on his behalf. And he's not going
20 to be in Sumter long. He's probably going to be
21 leaving, headed back home here very shortly, so
22 I'm not speaking for my shop or for my benefit.
23 I'm speaking on just for his behalf. And I'd just
24 like to see him be productive. He's been doing
25 very well and I feel like he'll continue to move

1 forward. So I'd just like for the Board to give
2 him a shot at getting his license and being a
3 productive member of the community.

4 MR. CHAIRMAN: Okay. Thank you,
5 sir. Mr. Mullen, would you come back up for me?

6 MR. MULLEN: Yes, sir.

7 MR. CHAIRMAN: Do y'all have any
8 more questions for him?

9 MR. EVANS: Mr. Mullen, did any of
10 the offenses as reflected on your criminal record
11 take place in a barbershop?

12 MR. MULLEN: No, sir. Not at all.

13 MR. EVANS: Near a barbershop?

14 MR. MULLEN: No, sir.

15 MR. EVANS: Okay. I have no
16 further questions.

17 MR. CHAIRMAN: Do y'all have any
18 questions?

19 MR. ROBINSON: No questions.

20 MR. CHAIRMAN: Would anybody like
21 to make a motion?

22 MS. PATTON: I make a motion that
23 Mr. Christopher Mullen, that he be eligible to
24 apply for his apprentice registered barber
25 license.

1 MR. CHAIRMAN: Okay.

2 MR. ROBINSON: I second.

3 MR. CHAIRMAN: All in favor?

4 (Response)

5 MR. CHAIRMAN: Okay.

6 MR. MULLEN: Thank you, very much.

7 MR. CHAIRMAN: Okay. Jai A.

8 Ferguson.

9 MR. FERGUSON: Yes, sir.

10 MR. CHAIRMAN: All right. State
11 your full name for the record and then be sworn
12 in.

13 MR. FERGUSON: Jai Aaron Ferguson.
14 Jai A. Ferguson, having been duly
15 sworn and cautioned to speak the truth, the
16 whole truth and nothing but the truth,
17 testified as follows:

18 MR. CHAIRMAN: All right, Ms.
19 Hawsey.

20 MS. HAWSEY: Mr. Ferguson's
21 application came to us as an examination
22 application. I believe you are to be reinstated.

23 MR. FERGUSON: Yes, ma'am.

24 MS. HAWSEY: You had a registered
25 barber license but his license lapsed, so he had

1 to re-take the practical portion of the exam. But
2 when we received the application, it did have a
3 SLED report attached to it and he was asked to
4 appear today before you to seek eligibility for
5 his license.

6 MR. ROBINSON: Mr. Ferguson, are
7 you currently on probation or parole?

8 MR. FERGUSON: No, sir.

9 MR. ROBINSON: The disposition of
10 the July 23rd, 2010 possession --

11 MR. FERGUSON: To distribute? It's
12 already been -- I already went to prison for that.
13 I got credit to a hundred days. I got time
14 served, basically.

15 MR. ROBINSON: Time served?

16 MR. FERGUSON: Yes, sir.

17 MR. ROBINSON: But no probation, no
18 parole?

19 MR. FERGUSON: No probation. I'm
20 currently -- I'm clean. I have nothing -- I mean,
21 I have a record, but I don't have nothing pending,
22 you know. I'm working, you know. They told me
23 that I could work off of my letter. I have my
24 boss here with me.

25 MR. ROBINSON: Now, who told you

1 you could work off your letter?

2 MR. FERGUSON: Ms. Glenda. I
3 called up here.

4 MR. CHAIRMAN: So your work permit
5 is over?

6 MR. FERGUSON: Yes, sir.

7 MR. CHAIRMAN: I don't see that,
8 see how they have that authority.

9 MR. ROBINSON: Well, that's just
10 what the Board has done all these years. You
11 don't get a permit. I mean, from the time you
12 pass the test, you go right to work. You've
13 always been able to go right to work, as far as I
14 remember. They're doing what we were doing.

15 Okay. What's the name of the shop
16 you're working at?

17 MR. FERGUSON: Guciano's Hair
18 Salon.

19 MR. ROBINSON: Okay. That's in
20 Charleston?

21 MR. FERGUSON: Yes, sir.

22 MR. CHAIRMAN: In 2010, going back
23 to that, you've been arrested for cocaine a good
24 bit, have you not?

25 MR. FERGUSON: Yes, sir. But none

1 of them is -- have been convictions. I had one
2 possession with intent to distribute charge. It
3 got dismissed because it wasn't mine, so -- but, I
4 mean, I still have it on my record, but, you know,
5 I've got it on my record as dismissed.

6 MR. CHAIRMAN: Your last one was
7 around a school. What kind of school?

8 MR. FERGUSON: Where? In North
9 Carolina?

10 MR. CHAIRMAN: I don't know where.
11 It says arrest charge --

12 MR. ROBINSON: South Carolina.

13 MR. CHAIRMAN: -- felony,
14 7/23/2010.

15 MR. FERGUSON: Can I see that?

16 MR. CHAIRMAN: I've got it right
17 here if he wants to see it.

18 MS. HAWSEY: He's got it.

19 MR. FERGUSON: (Views document).
20 It was near a school. I mean, it wasn't --

21 MR. CHAIRMAN: Well, it was near a
22 school or around a school. That's a big issue
23 with us. Where was your arrest at?

24 MR. FERGUSON: I was in a hotel and
25 it was near Goose Creek High School.

1 MR. SPOON: Is that charge
2 pending?

3 MR. FERGUSON: No. I don't have no
4 pending charges. All my charges have been taken
5 care of. I either did time for it or either it
6 got dismissed.

7 MR. SPOON: I think the issue might
8 be that the record -- and I don't want to speak
9 for the Board on this -- but I think that the SLED
10 check that they have does not show the disposition
11 of that last felony charge, which is the one that
12 you were reviewing involving being in the vicinity
13 of a school, happened on July 23rd, 2010. And,
14 again, the SLED check just doesn't show that as
15 being -- it shows an arrest and that's where it
16 ends.

17 MR. FERGUSON: Yeah. I already did
18 my time because I just came home. I've only been
19 home like 30 days, you know. I got time served.

20 MR. ROBINSON: Do you have any kind
21 of documentation of that? This probably is going
22 to show up on the SLED report, but did you get
23 anything from the Department of Corrections?

24 MR. FERGUSON: Yeah. I have my
25 ID.

1 MR. ROBINSON: No. Upon your
2 release, did they give you any kind of --

3 MR. FERGUSON: Yeah. Well, I had
4 -- well, you know, my release date was on the back
5 of my ID, but I don't have my ID with me. It is
6 5511, you know. That's all they give you.
7 They'll just give you a picture ID of me. I mean,
8 you can contact the State or however the Board may
9 do that, you know. But I don't have no pending
10 charges. I'm not on probation, I'm not on parole
11 --

12 MR. ROBINSON: Okay. We're clear
13 on that. Calm down a little bit. We're clear on
14 that. All we're trying to do is, since there is a
15 gap in information, to verify what you are telling
16 us from somebody other than you.

17 MR. FERGUSON: Right.

18 MR. ROBINSON: Okay. You're
19 telling us you were out 38 days. That's fine. We
20 need something to verify that so that we can see
21 that you served time and finished that time for
22 this last charge. That's all we're saying.

23 MR. FERGUSON: Okay.

24 MR. ROBINSON: Can you get that for
25 us?

1 MR. FERGUSON: Yeah. It might take
2 a couple of days. I mean, the only other thing I
3 could do is, I could get another SLED report, you
4 know. Because the SLED report which I have now,
5 that's the one that I sent with my application.
6 But if I were to get another SLED report that just
7 showed that I done did my time for that.

8 MR. ROBINSON: Okay. And that may
9 be what needs to happen. We need to get a copy of
10 another SLED report at your expense or a copy of
11 that release part, or whatever you're saying, with
12 the date on it that you were released.

13 MR. FERGUSON: All right.

14 MR. CHAIRMAN: For that offense.

15 MR. ROBINSON: For that offense,
16 okay? Because that's what --

17 MR. FERGUSON: Well, see, I got the
18 last charge that I have and --

19 MR. ROBINSON: I got you. I'm
20 clear on that.

21 MR. FERGUSON: All right.

22 MR. ROBINSON: All we're saying is,
23 this is the way that we could help you, to be fair
24 to you and the other people in your same
25 situation, the most recent charges that we cannot

1 see from your SLED report that have been dealt
2 with.

3 MR. FERGUSON: Okay. And I need to
4 make a correction on that. And I wasn't charged
5 with cocaine. I was charged with marijuana. I
6 had a possession with attempt to distribute for
7 marijuana. They made a mistake for the 2010 on
8 the 23rd of July.

9 MR. ROBINSON: All right. Well, it
10 may be helpful to you to pay the money and get
11 another report and submit it to the office, and
12 then that should take care of that, okay?

13 MR. FERGUSON: All right.

14 MR. ROBINSON: That's what I'm
15 thinking. Is that correct, Board members?

16 MR. FERGUSON: So once I get the
17 information, then what do I have to do?

18 MR. ROBINSON: Let's see if they
19 have another question first.

20 MR. FERGUSON: All right.

21 MR. CHAIRMAN: I just had a
22 question. I mean, you said the last one was not
23 for cocaine but it states cocaine. Did they
24 reduce it down to marijuana? Is that what they
25 did?

1 MR. FERGUSON: No. It never was a
2 cocaine charge. It was a possession with intent
3 to distribute marijuana. I had --

4 MR. CHAIRMAN: But you have had
5 cocaine problems?

6 MR. FERGUSON: Yeah. I have had
7 cocaine -- you know, I have been stopped for
8 simple possession.

9 MR. CHAIRMAN: All right. Have you
10 ever been helped? Do you have a cocaine problem
11 yourself?

12 MR. FERGUSON: No, I don't. I was
13 hustling it.

14 MR. CHAIRMAN: How about a
15 marijuana problem?

16 MR. FERGUSON: No. I was hustling
17 it as well.

18 MR. CHAIRMAN: So you weren't an
19 abuser yourself?

20 MR. FERGUSON: No. I mean, I won't
21 say I never tried smoking marijuana or using
22 cocaine before. Yeah, I have. But, you know, I
23 don't have a problem with it at this time.

24 MR. CHAIRMAN: Well, you said, at
25 this time. Have you had in the past a problem?

1 MR. FERGUSON: I wouldn't really
2 call it a problem. I mean, I've been to a rehab.
3 This is back in 2003.

4 MR. CHAIRMAN: That's what I needed
5 to know.

6 MR. FERGUSON: Yeah.

7 MR. CHAIRMAN: And that was in
8 2003?

9 MR. FERGUSON: Yes, sir.

10 MR. CHAIRMAN: Okay. Do y'all have
11 any more questions?

12 MR. EVANS: Mr. Ferguson, did any
13 of the crimes listed on your criminal records
14 check take place in a barbershop?

15 MR. FERGUSON: No, sir.

16 MR. EVANS: Okay. Tell me about
17 this criminal domestic violence. I see you have
18 quite a few charges.

19 MR. FERGUSON: It was never for me
20 touching a woman or -- a couple of them took place
21 as far as like me trying to see my kids. And, you
22 know, if a woman call the police, somebody is
23 going to jail anyway, you know. It don't never
24 have to necessarily be, you know, me, you know,
25 getting in an altercation or anything like that.

1 The few that I have was always over
2 my kids, me trying to see my kids and the girl,
3 you know, their mother not wanting me to see the
4 child, you know. And one incident, you know, is
5 saying that I kicked the door in. I mean, I'm not
6 a small guy, you know, and I guess, you know, I
7 could cause --

8 MR. EVANS: Some problems?

9 MR. FERGUSON: Yeah. Some
10 problems, I mean, so --

11 MR. EVANS: The same situation like
12 with the stalking charges?

13 MR. FERGUSON: Yeah, pretty much.
14 I mean, all that was together.

15 MR. EVANS: All of it was brought
16 together?

17 MR. FERGUSON: Yeah.

18 MR. EVANS: Okay. Just one other
19 question. How about the failure to obtain a
20 business license? What type of business were you
21 in?

22 MR. FERGUSON: Failure to --

23 MR. EVANS: Obtain a business
24 license.

25 MR. FERGUSON: I don't know what

1 that was for.

2 MR. EVANS: Are you in Moncks
3 Corner?

4 MR. FERGUSON: As far as -- yeah.
5 I was working at another barbershop and they was
6 trying to say --

7 MR. EVANS: That's what I want to
8 hear. Go ahead.

9 MR. FERGUSON: And they was trying
10 to say that we had to get a individual business
11 license.

12 MR. ROBINSON: For the City?

13 MR. FERGUSON: Yeah, for the City,
14 you know, saying individual for each barber that
15 was in there, you know. And then when they came
16 out, I didn't have no business license and I was
17 like, you know, well, I work under him, you know.
18 He was my instructor at the time. I was
19 on-the-job training so --

20 MR. EVANS: We understand that.

21 MR. FERGUSON: Yeah. You know, so
22 I'm like, you know, why do I have to get a
23 business license?

24 MR. CHAIRMAN: Well, that is
25 normal.

1 MR. EVANS: Right. That's normal,
2 but it goes back to my first question. I'd asked
3 whether or not did any of these offenses take
4 place in a barbershop.

5 MR. FERGUSON: Oh, no. Ain't none
6 of them took place in a barbershop. I mean, as
7 far as me getting a business license, you know,
8 they happened to come and, you know, I guess they
9 wanted to see if we had a business license and
10 each person had to have a business license at the
11 time.

12 MR. EVANS: I understand. I
13 understand. And I appreciate it. I was measuring
14 something else. But I appreciate, it.

15 MR. FERGUSON: All right.

16 MR. EVANS: I have no further
17 questions.

18 MR. CHAIRMAN: How about y'all?

19 MR. ROBINSON: No.

20 MR. CHAIRMAN: Okay.

21 MR. ROBINSON: Mr. Ferguson, we
22 need to get that second report.

23 MR. FERGUSON: Okay. So once y'all
24 receive that, then y'all consider me having my
25 license?

1 MR. ROBINSON: It depends on what
2 that report says.

3 MR. FERGUSON: Well, I already know
4 it was going to say -- whatever I got to do to
5 prove that I don't have nothing pending or
6 anything like that so that I can receive my
7 license so that I can continue to work.

8 MR. ROBINSON: What you have to do
9 is to get the second report for the office, okay?

10 MR. FERGUSON: All right.

11 MR. ROBINSON: We usually have them
12 turn that in and we do this again, right?

13 MR. CHAIRMAN: Or either we have
14 done it where they --

15 MR. ROBINSON: Give the
16 Administrator the authority to --

17 MR. CHAIRMAN: Let me take a look
18 at it and if I have --

19 MR. SPOON: If the SLED report is
20 consistent with -- and this would be -- and what
21 I'm suggesting to you is a precondition before the
22 applicant proceeds further in the licensure
23 process is that the applicant would obtain, at his
24 expense, an updated/corrected copy of the SLED
25 check. And if the Administrator finds it to be

1 consistent with his testimony -- and what I mean
2 by that is, that there is a disposition of that
3 2010 charge. Because right now, it's incomplete
4 and, as such, it's an incomplete application for
5 all intents and purposes. So if it's consistent
6 with that, then he will be authorized to proceed
7 further.

8 MR. EVANS: I just have one final
9 question.

10 MR. CHAIRMAN: Okay.

11 MR. EVANS: Mr. Ferguson, we are
12 trying to help you here this morning. Are you
13 sure you're not on probation?

14 MR. FERGUSON: No, sir. I'm not on
15 probation. I'm not on probation, I'm not on
16 parole. I have nothing pending on -- I don't have
17 nothing pending over me.

18 MR. EVANS: Okay. Your time was
19 reduced? Is that how you got out early?

20 MR. FERGUSON: No. They gave me
21 time served credit to a hundred days. I had
22 already done served over a hundred days in the
23 County.

24 MR. EVANS: Well, what was the
25 total sentence?

1 MR. FERGUSON: It was a hundred
2 days -- it was a hundred days credited to a
3 hundred days suspended for time served.

4 MR. EVANS: Okay.

5 MR. FERGUSON: I did five months
6 and twelve days in County.

7 MR. EVANS: Okay. Okay. That
8 answers that question. Thank you?

9 MR. CHAIRMAN: Back to your
10 motion.

11 MR. ROBINSON: Well, it sounds from
12 the attorney, we have a incomplete application, is
13 what we have. What we're asking to do is provide
14 us with another or updated SLED report --

15 MR. FERGUSON: Or either proof that
16 I already -- that time was done?

17 MR. ROBINSON: Hang on, Mr.
18 Ferguson, and let me state the entire motion
19 before you say anything further.

20 MR. FERGUSON: All right.

21 MR. ROBINSON: We're asking for, or
22 my motion would be that you provide us with an
23 updated SLEd report or a corrected SLED report, or
24 proof that you have been released and then make
25 your application again.

1 MR. FERGUSON: Okay. What do you
2 mean by making my application?

3 MR. SPOON: I need for you --

4 MR. FERGUSON: I mean, I want to
5 understand exactly what --

6 MR. SPOON: And I understand and
7 we're going to get there. But I need for you to
8 just listen right now, if you would.

9 MR. FERGUSON: All right.

10 MR. ROBINSON: The motion is simply
11 for you to give us a updated SLED report.

12 MR. FERGUSON: All right.

13 MR. ROBINSON: Because that will
14 give us a disposition.

15 MR. CHAIRMAN: The motion is --

16 MR. ROBINSON: The motion is for
17 Mr. Ferguson to provide us with an updated SLED
18 report to complete his application.

19 MR. CHAIRMAN: There's a motion on
20 the floor but I still think we've got some
21 discussion on this motion.

22 MR. SPOON: The motion needs to be
23 seconded.

24 MS. PATTON: Second.

25 MR. CHAIRMAN: All right. Now, we

1 need to -- I thought that the motion should add to
2 the effect, if it is found -- if he gives us
3 sufficient information, that everything is
4 correct, then Ms. Hawsey would allow him to go on
5 to work instead of him holding up two months.

6 MS. HAWSEY: So it would be
7 contingent on the outcome of the SLED report?

8 MR. CHAIRMAN: It would make it
9 contingent.

10 MR. SPOON: Do you accept that
11 amendment?

12 MR. ROBINSON: Yes. I accept that
13 amendment.

14 MR. CHAIRMAN: Any other
15 discussion?

16 (No response)

17 MR. CHAIRMAN: All in favor?

18 (Response)

19 MR. CHAIRMAN: Okay. Now, what's
20 your question?

21 MR. FERGUSON: So can I work at
22 this time until I can go --

23 MR. ROBINSON: Yes. You can work.

24 MR. FERGUSON: Okay.

25 MR. ROBINSON: Now, what you have

1 to do is provide the SLED report.

2 MR. FERGUSON: All right.

3 MR. ROBINSON: If the SLED report
4 comes back and verifies what you said, then we're
5 giving the Administrator the authority to give you
6 a license.

7 MR. FERGUSON: No problem.

8 MR. ROBINSON: If it doesn't come
9 back the way you said, then you're going to have a
10 problem. You won't be able to work, okay?

11 MR. FERGUSON: Yeah. There's no
12 problem.

13 MR. ROBINSON: Okay. So that's
14 essentially what that means, okay?

15 MR. FERGUSON: I got you. Thank
16 you.

17 MR. CHAIRMAN: All right. Marcus
18 J. Fripp. State your full name for the record,
19 sir.

20 MR. FRIPP: Marcus J. Fripp.

21 MR. CHAIRMAN: Speak up for me.

22 MR. FRIPP: Marcus J. Fripp.

23 MR. CHAIRMAN: Okay. She'll swear
24 you in.

25 Marcus J. Fripp, having been duly

1 sworn and cautioned to speak the truth, the
2 whole truth and nothing but the truth,
3 testified as follows:

4 MR. CHAIRMAN: Ms. Hawsey?

5 MS. HAWSEY: Yes. Mr. Fripp's
6 application was sent to us from the test provider
7 PCS because he had passed both portions of the
8 exam required of him to receive an apprentice
9 master haircare license. But with the SLED report
10 attached, he was asked to appear before you to
11 seek eligibility for his license.

12 MR. ROBINSON: Mr. Fripp, are you
13 currently on probation or parole?

14 MR. FRIPP: No, sir.

15 MR. ROBINSON: Do you have a
16 barbershop to work in?

17 MR. FRIPP: Actually, now, I'm
18 working at the navy base in Goose Creek that's in
19 Charleston, South Carolina.

20 MR. ROBINSON: That means in the
21 barbershop or at the base?

22 MR. FRIPP: Yes, sir. At the base
23 in the barbershop.

24 MR. CHAIRMAN: Any other
25 questions?

1 MR. ROBINSON: No questions.

2 MR. EVANS: Mr. Fripp, are any of
3 these incidents on your criminal record, did they
4 take place in a barbershop?

5 MR. FRIPP: No, sir. When that
6 incident happened, the burglary second and grand
7 larceny, when it did happen, I was a little
8 younger, like coming up. I'd say about 17 and I'm
9 like 23 right now. And when that happened, it was
10 kind of an incident -- it was me just kind of
11 surfing, just getting out into, you know, coming
12 out of, you know, teenage years and young and
13 foolish a little, so -- and I learned from that
14 and I have two kids now and I take care of my kids
15 and try to maintain and stay positive. Right now,
16 I'm currently working at the navy base in
17 Charleston, South Carolina.

18 MR. EVANS: Okay. Thank you, sir.
19 No further questions.

20 MR. CHAIRMAN: Do I hear a motion?

21 MS. PATTON: I make a motion that
22 Mr. Marcus Fripp is granted the ability to get his
23 apprentice master haircutter's license.

24 MR. CHAIRMAN: All right. All in
25 favor?

1 (Response)

2 MR. CHAIRMAN: Okay.

3 Congratulations.

4 MR. FRIPP: Thank you.

5 MR. CHAIRMAN: Is anybody else here
6 to see the Board at this time?

7 MR. MANN: I'm seeking a third
8 permit.

9 MR. CHAIRMAN: We don't have any
10 information on you, sir.

11 MR. MANN: Yeah. I talked to you
12 and you scheduled an appointment last week. Or,
13 actually, two times.

14 MR. CHAIRMAN: State your full name
15 first.

16 MR. MANN: Madoris Mann.

17 MR. CHAIRMAN: Okay.

18 MR. SPOON: Mr. Knight, hang on a
19 second. I just want to ask the Administrator,
20 what do you know about this application?

21 MS. HAWSEY: Were you supposed to
22 come to the last meeting and --

23 MR. MANN: I was supposed to come
24 but I had to reschedule.

25 MS. HAWSEY: Okay. And he did not

1 appear. He didn't request to seek a second
2 appearance. He would have received a letter from
3 me if he had sent something in writing to be to be
4 rescheduled and I did not receive that. We're
5 supposed to receive something in writing before
6 you can come here.

7 MR. MANN: Because I was about to
8 go out of town and I called and they was on the --
9 the Board was on vacation. But by the time I --
10 then when they got back, then I was on vacation.
11 And I came back Monday, the 13th. The 14th, I
12 called to be scheduled on the 8th. Then I called
13 last next, like Monday, then I asked when do I
14 need to come here to be scheduled, and she said I
15 don't need nothing, just come.

16 MS. HAWSEY: No, sir. That's not
17 --

18 MR. CHAIRMAN: I can't hear it.
19 I'm sorry, but you've got to follow up in writing.
20 Everything has got to be done in writing these
21 days, young man. I'm sorry. But we have to
22 follow our agenda. In old school days, we'd have
23 helped you somehow or another. But in this new
24 time, we can't. So, sorry. But you'll get it in
25 writing and get it Ms. Glenda over there today,

1 then you'll get an appointment next time, okay?

2 MR. MANN: Okay.

3 MR. CHAIRMAN: All right. Go see
4 Ms. Glenda over there. Anybody else here to see
5 the Board? At this point, we're going into
6 Executive Session after a five minute break.

7 (Executive Session from 11:28 a.m. to
8 11:50 a.m.)

9 MR. CHAIRMAN: Mr. Samuels, come
10 back up. Mr. Samuels, would you state your full
11 name again for the record?

12 MR. SAMUELS: Robert Samuels.

13 MR. CHAIRMAN: All right. You've
14 already been sworn under oath.

15 MR. SAMUELS: Yes, sir.

16 MR. CHAIRMAN: Okay. I just want
17 to remind you that you're still under oath. All
18 right. Lisa, do you have any documents to present
19 to us?

20 MS. HAWSEY: Yes, I do.

21 MR. CHAIRMAN: Okay. Tell us what
22 this is.

23 MS. HAWSEY: Well, I was going to
24 start with the order that was issued by the Board
25 on June 26th, 2009 to Mr. Samuels regarding his

1 previous school profile, barber school as a result
2 of some investigative findings.

3 On August 5th of 2009, Mr. Samuels
4 wrote a letter of appeal and that letter is in
5 here for your review. We also have a view screen
6 on the licensing history for -- as himself as a
7 barber instructor where you have a current
8 license. It doesn't lapse until 6/30/13.

9 We also have another bit of
10 information where he -- we have a copy his receipt
11 of having paid the \$500 fine that was assessed to
12 him. The date of receipt was 9/15/09.

13 MR. SPOON: Okay. And I'll ask
14 you, Mr. Samuels, if you understood what is
15 occurring. When you were here previously earlier
16 this morning, the Board was in need of some
17 additional information. The Administrator's
18 office has gotten that information and I think the
19 Board would entertain, or would like to make this
20 information now a part of the record that they did
21 not have in the first part of your hearing, so I'm
22 going to tell you what these things are and ask
23 you if you have any objection.

24 The first thing is this prior Board
25 order from June 26th, 2009. Are you familiar?

1 MR. SAMUELS: Yes, sir.

2 MR. SPOON: Okay. Do you have any
3 objection to that?

4 MR. SAMUELS: All of the --

5 MR. SPOON: You'll be able to
6 address it and speak to it. But, you know, this
7 is a prior order of the Board. It's a matter of
8 public record and the Board is going to add this
9 to their material that they didn't have
10 previously, okay?

11 MR. SAMUELS: Okay.

12 MR. SPOON: Or, at least, that's
13 what they propose to do. The second is basically
14 a license view screen internal records that I'll
15 show you. The next thing is just a document and,
16 again, an internal document that shows service of
17 a prior order. And the next couple of documents
18 appears to be some appeal letter, an appeal where
19 you appealed the order to the Administrative Law
20 Court. And I will show you these. We only have
21 one copy at this point and I'll show you those
22 things and let you know that I've got to advise
23 the Board that they can and should make those
24 items part of the record in your case and that
25 you'll have the opportunity to speak to them,

1 okay?

2 MR. SAMUELS: Sure.

3 MR. SPOON: And, again, they may
4 have some questions for you about these things.

5 MR. SAMUELS: Absolutely. No
6 problem.

7 MR. SPOON: All right. Unless you
8 have questions about these things that you didn't
9 have earlier, these documents.

10 MR. CHAIRMAN: All right. Any
11 questions?

12 MR. ROBINSON: No questions.

13 MR. SPOON: Do you have anything
14 you'd like to briefly say? The Board says there's
15 no questions, but do you have any comments just
16 briefly on just those additional items that were
17 admitted?

18 MR. SAMUELS: The items that are
19 sitting before you, I'm very knowledgeable of
20 them, I have copies of myself, everything from
21 those items have already been taken care of, as
22 Ms. Hawsey stated earlier, the fines have been
23 paid, the suspensions have been served.

24 I did get a letter of notice in the
25 mail from the LLC saying that -- and I forget the

1 exact date -- that all suspensions were lifted and
2 I was free to practice again. And, of course, you
3 know, just like anything else, especially if
4 you're early in business, sometimes you do make
5 mistakes. I'm not going to make any excuses as to
6 some of the things that happened, but it's
7 definitely learning experience and experience is
8 the best teacher. So I would like to ask the
9 Board to approve the application for school and I
10 thank you.

11 MS. HAWSEY: Is there anything
12 pending with the appeal of the prior order to the
13 Administrative Law Court? What's the status of
14 that?

15 MR. SAMUELS: That appeal was
16 withdrawn from --

17 MR. SPOON: Just with your appeal?

18 MR. SAMUELS: Yes. It would have
19 been too long. The appeal process would have been
20 a year, and by that time, my suspension and
21 everything would have been lifted anyway, so it
22 didn't make any sense at the time.

23 MS. HAWSEY: Okay. I think that's
24 --

25 MR. CHAIRMAN: Okay. Do we have

1 any more documents from somebody else?

2 MR. SPOON: I want to say perhaps
3 -- it was either Mr. Green or Mr. Talbert. Lisa
4 Hawsey, were there any additional documents for
5 anyone else? There were three cases. Were there
6 any additional things that you were getting?

7 MS. HAWSEY: Regarding Mr. Talbert,
8 he did not have a prior license with us.

9 MR. SPOON: Okay.

10 MS. HAWSEY: That was an error on
11 my part on the letter.

12 MR. SPOON: Okay. You were able to
13 verify that?

14 MS. HAWSEY: Yes.

15 MR. SPOON: Okay.

16 MR. CHAIRMAN: Anything else?

17 MR. SPOON: I don't think so. And
18 nothing on Mr. Green?

19 MR. TALBERT: I had to bring these
20 papers.

21 MR. CHAIRMAN: Come on up, Mr.
22 Green.

23 MR. TALBERT: Oh. I'm Talbert.

24 MR. SPOON: Mr. Talbert. I'm
25 sorry. Come on up Mr. Talbert. Do you want to

1 tell us what this is?

2 MR. TALBERT: My exam.

3 MR. SPOON: Okay. Tell the Board
4 what that is and if you want to make it part of
5 the record.

6 MR. TALBERT: Oh. My exam, that I
7 had passed? But I had another question, though,
8 as far as that last charge. Evidently, they must
9 have done charged me for it if they got it on my
10 record. The only thing, I just know I didn't go
11 to court because I paid the lawyer to fight my
12 case because there wasn't no criminal domestic
13 violence. But, evidently, they must have charged
14 me anyway.

15 I mean, I can go back and talk to
16 my lawyer and find out. But if they got it on my
17 record, they already charged me. I just didn't go
18 to court because I had a lawyer. My lawyer took
19 care of it.

20 MR. SPOON: But the records the
21 Board has, it appears as a pending charge. Do you
22 have any documents right now that you want to make
23 part of the record?

24 MR. TALBERT: Well, I don't have no
25 documents in hand.

1 MR. SPOON: Okay. Not as it
2 relates to the criminal matters but as it relates
3 to --

4 MR. TALBERT: Well, this -- I've
5 got all my test scores.

6 MR. SPOON: Okay. And, again, do
7 you want to make this part of the record?

8 MR. TALBERT: Yes, sir.

9 MR. SPOON: Okay. We'll entertain
10 your request to make those part of the record,
11 then. And, Mr. Chairman, this is from PCS, the
12 notice of completion and the letter that you had
13 some earlier discussion about from PCS, and the
14 examination score report. It says PSI on this
15 one. So I would see no reason why you couldn't
16 make that a part of the record.

17 MR. CHAIRMAN: Okay. All right.
18 Can we hold these for a little while and go into
19 Executive Session?

20 MR. TALBERT: Yes, sir.

21 MR. CHAIRMAN: Thank you.

22 MR. TALBERT: Is that all?

23 MR. CHAIRMAN: That's all for right
24 now and we'll get back with you in just a few
25 minutes.

1 MR. TALBERT: All right. Thank
2 you.

3 MR. CHAIRMAN: Is there any more
4 records on Mr. Green about the 900 hours that he
5 had with -- are you supposed to be researching
6 that, too?

7 MS. HAWSEY: Oh, I'm sorry. I
8 didn't realize that I was supposed to do that.
9 No, we didn't research that. I apologize.

10 MR. CHAIRMAN: While we're out, can
11 we take care of that while we're in Executive
12 Session?

13 MS. HAWSEY: Yes.

14 MR. CHAIRMAN: And when we come
15 back, we'll do Mr. Green if there's something on
16 him?

17 MS. HAWSEY: Uh-huh.

18 MR. CHAIRMAN: We don't need to
19 hold these people up any longer, including me.

20 MR. SPOON: Okay. For at least
21 these first two, what I would say is, go ahead and
22 go into Executive Session for the first two of the
23 three. Do you want to do that?

24 MR. CHAIRMAN: All right.

25 MS. PATTON: I make a motion that

1 we go into Executive Session.

2 MR. EVANS: Second.

3 MR. CHAIRMAN: Thank you. We are
4 now in Executive Session.

5 (Recess from 12:03 p.m. to 12:45 p.m.)

6 MR. CHAIRMAN: Okay. I need a
7 motion to come out of Executive Session.

8 MS. PATTON: I make a motion we
9 come out of Executive Session.

10 MR. ROBINSON: Second.

11 MR. CHAIRMAN: Okay. All in
12 favor?

13 (Response)

14 MR. CHAIRMAN: All right. Mr.
15 Green, would you state your full name again for
16 the record.

17 MR. GREEN: Blake A. Green.

18 MR. CHAIRMAN: I will remind you
19 that you're under oath.

20 MR. GREEN: Yes, sir.

21 MR. CHAIRMAN: Okay.

22 MS. PATTON: I make a motion that
23 he is granted his permit and promptly suggest that
24 you get with Glenda to get information on finding
25 Mr. Fielder and getting the information of the

1 hours that you have previously acquired and help
2 you with your hours, and she will have that
3 information for you.

4 MR. GREEN: Okay.

5 MR. CHAIRMAN: Do I have a second?

6 MR. ROBINSON: Second.

7 MR. CHAIRMAN: Okay. Have you got
8 it?

9 MR. GREEN: Yes, sir. So when will
10 I be able to get my permit?

11 MR. CHAIRMAN: See the staff right
12 there. Okay. Mr. Samuels? State your full name
13 for the record for me, sir.

14 MR. SAMUELS: Robert Samuels.

15 MR. CHAIRMAN: I'll remind you that
16 you're under oath. Okay. Go ahead.

17 MS. PATTON: I would like to make a
18 motion that if Mr. Samuels would profile a barber
19 institute, be granted an application for a new
20 barber school with all the information at hand and
21 he's met all his past requirement, that he be
22 granted that.

23 MR. EVANS: Granted approval?

24 MS. PATTON: Approval, yes.

25 MR. EVANS: I second the motion.

1 MR. CHAIRMAN: Any discussion?

2 (No response)

3 MR. CHAIRMAN: All in favor?

4 MR. EVANS: I.

5 MR. CHAIRMAN: Opposed?

6 MR. ROBINSON: Nay.

7 MR. CHAIRMAN: All right, Mr.

8 Samuels.

9 MR. SAMUELS: Thank you. Do I need
10 to call back for inspection?

11 MS. HAWSEY: I was just getting
12 ready to say you approved him for an inspection
13 after that test? No, you'll be notified, or
14 they'll notify you.

15 MR. EVANS: You're ready to be
16 inspected?

17 MR. SAMUELS: Yes, sir.

18 MR. EVANS: Okay. They will
19 contact you. Right, Lisa?

20 MS. HAWSEY: Right. We will
21 contact him.

22 MR. ROBINSON: Mr. Talbert? I make
23 a motion that your request for a license be denied
24 at this time until the disposition of your current
25 CDV charge dated 3/9/11 has been adjudicated. And

1 that is the motion.

2 MS. PATTON: I second.

3 MR. CHAIRMAN: Any discussion?

4 (No response)

5 MR. CHAIRMAN: All in favor?

6 (Response)

7 MR. ROBINSON: Do you understand?

8 MR. TALBERT: So what do I have to
9 do? Like --

10 MR. ROBINSON: Find out from your
11 lawyer or from the court what happened to the
12 charge, have to go to court or what have you. If
13 it's been dropped, just reapply and then we'll go
14 from there, okay? If it's been dropped, it should
15 be no problem, okay?

16 MR. TALBERT: Okay.

17 MR. SPOON: You may not have to
18 fill out another application, but I think the
19 decision was that this charge is pending and the
20 Board is going to deny your application until such
21 time until that charge, until there's a
22 disposition of that charge, all right? At that
23 time, then they would reconsider your
24 application.

25 MR. TALBERT: Could I still work?

1 MR. ROBINSON: Do you have any time
2 on your work permit now?

3 MR. TALBERT: No.

4 MR. ROBINSON: Have you had the
5 letter over 30 days?

6 MR. TALBERT: Oh, yeah. Yes, sir.

7 MR. SPOON: See, I would -- and I
8 don't want to overstep. But, I mean, if the
9 question were put to me -- and I guess this is --
10 I don't know if this is speaking to you or legal
11 advice, but if the question were put to me, I'd
12 have to say that you could not work beyond the
13 date of today's hearing.

14 I mean, that's my interpretation,
15 Mr. Talbert. You've presented these documents and
16 they had informed you that you had passed the
17 examination and you went ahead and submitted your
18 application. The Board has denied your
19 application, not denied outright, not denied
20 forever, but denied it until such time there's a
21 disposition of the charge.

22 So unless there's some -- unless
23 you're working pursuant to some other authority
24 that the Board is not aware of, then that would be
25 my interpretation.

1 MR. CHAIRMAN: So you need to get
2 this thing resolved as quickly as possible. And
3 he'll get that back to you.

4 MR. SPOON: These are yours and
5 I'll get you your originals back.

6 MR. TALBERT: Thank you.

7 MR. CHAIRMAN: Any other Board
8 discussion? Mr. Ferguson.

9 MR. SPOON: You've submitted an
10 updated copy of your SLED report. I think the
11 Board has had a chance to review that and the
12 Board's prior decision was that you do that,
13 provide that undated SLED report. And you had
14 indicated that you felt like the charge was not
15 the right charge, but that's what the record
16 shows. And you also indicated that there was a
17 disposition in that charge --

18 MR. FERGUSON: Right.

19 MR. SPOON: -- which is not what
20 you had submitted previously. So I think the
21 Board has had a chance now to look at what you did
22 provide later on. And just for the record, did
23 you find that to be an acceptable --

24 MR. ROBINSON: Yes.

25 MR. SPOON: Okay. They've approved

1 your application.

2 MR. FERGUSON: Thank you. I

3 appreciate that.

4 MR. CHAIRMAN: I need a motion to

5 adjourn.

6 MS. PATTON: I make a motion.

7 MR. ROBINSON: Second.

8 MR. CHAIRMAN: All in favor, say

9 aye.

10 (Response)

11 (The meeting adjourned at 12:52 p.m.)

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CERTIFICATE OF REPORTER

I, Laura S. DeCillis, Certified Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing Meeting was taken before me on the date and at the time and location stated on Page 1 of this transcript, and that said Meeting was recorded stenographically by me and were thereafter transcribed; that the foregoing Meeting as typed is a true, accurate and complete record to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

I further certify that the original of said transcript shall be hereafter sealed and delivered to Lisa Hawsey, Assistant Administrator, South Carolina Barber Board of Examiners, Synergy Business Park, Kingstree Building, Columbia, South Carolina, 29210.

Witness my hand, I have hereunto affixed my official seal this 17th day of October, at Columbia, Richland County, South Carolina.

Laura S. DeCillis,
Certified Court Reporter
State of South Carolina at Large.
My Commission expires
August 10, 2015.