

SOUTH CAROLINA BOARD OF BARBER EXAMINERS

BOARD MEETING

FEBRUARY 6, 2012

This meeting, held the 6th day of February, 2012, was reported by Betty M. Washington, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said Meeting being held pursuant to notice and in accordance with LLR regulations, at Room 105, Kingstree Building, 110 Centerview Drive, Synergy Business Center, scheduled for the hour of 9:00 a.m. and commencing at the hour of 9:05 a.m., concluding at 10:45 a.m.

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APPEARANCES:

BOARD MEMBERS:

PAUL ROBINSON, JR., CHAIRMAN
EDWIN BARNES
FREDERICK M.G. EVANS
RENEE PATTON

ADMINISTRATOR:
BYRON RAY

Administrative Staff
ROSALIND BAILEY-GLOVER
MATEKA TAYLOR
MELINDA PRESSLY

Program Assistant
SHIRLEY WIDER

OFFICE OF GENERAL COUNSEL:
DEAN GRIGG, ESQUIRE, VICE COUNSEL FOR LLR

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CONTENTS

PROCEEDING	4
CERTIFICATE OF REPORTER	91
WORD INDEX	

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EXHIBIT INDEX

EXHIBITS: IDENTIFIED AT PAGE
(NO EXHIBITS OFFERED.)

Court Reporter's Note:
--Indicates interruption; incomplete phrases; trailing off;
unfinished sentences.

1 P R O C E E D I N G

2 MR. CHAIRMAN: Good morning.

3 BOARD MEMBERS: Good morning.

4 MR. CHAIRMAN: I'm going to call this
5 meeting to order. Public notice of this
6 meeting was properly posted at the South
7 Carolina Board of Barber Examiner's office,
8 Synergy Business Park, Kingstree Building,
9 and provided to all requesting persons,
10 organizations and news media in compliance
11 with Section 30-4-80 of the South Carolina
12 Freedom of Information Act. We'll all stand
13 and recite the Pledge of Allegiance.

14 (All present recite the Pledge of
15 Allegiance.)

16 MR. CHAIRMAN: Boardmen, you should have
17 a copy of the rules of the meeting. To the
18 attendees, no outbursts or disruptions will
19 be allowed from anyone during the course of
20 this session. Members of the public audience
21 shall speak no more than twice on the same
22 subject, and no more than three minutes each
23 time. The Board will entertain business from
24 the public, presented 14 days prior to the
25 meeting for addition to the agenda. If a

1 person or persons are disruptive or
2 habitually speak out of order, they will be
3 asked to leave the room, but they may be
4 allowed to return at the appropriate time
5 allotted on the agenda.

6 MR. EVANS: I have a question.

7 MR. CHAIRMAN: Question.

8 MR. EVANS: Where did this come from?

9 MR. CHAIRMAN: This came from the staff
10 office, once we received the agenda, and it
11 was noted Rules of the Minutes of the
12 Meeting. I asked that the rules of the
13 meeting be forwarded to me, and it was
14 included in your packets.

15 MR. EVANS: Okay. May I just make a
16 suggestion or recommendation, since we're
17 talking about rules? I think it also should
18 be noted that we shall abide by Robert's
19 Rules of Order if we are -- if these are the
20 rules, I think that needs to be publicly
21 noted also.

22 MR. CHAIRMAN: All right. The additional
23 -- I think in the state law there's a section
24 on meetings --

25 MR. EVANS: It is.

1 MR. CHAIRMAN: -- that will direct us.
2 According to Mr. Spoon, we had a conversation
3 on the 30th of January, and that will be
4 forwarded to the members as well.

5 MR. EVANS: Okay. The new edition?

6 MR. CHAIRMAN: Well, it's a old law.

7 MR. EVANS: Right. No, but the new
8 edition.

9 MR. CHAIRMAN: The new edition of Robert's
10 Rules of Order?

11 MR. EVANS: Uh-huh.

12 MR. CHAIRMAN: And you're asking that the
13 Board provide that to the members?

14 MR. EVANS: I think so. It's a new book.
15 I mean, if we're going to play by the rules,
16 I need to know what the rules are.

17 MR. BARNES: I second that.

18 MR. CHAIRMAN: You second the motion,
19 okay.

20 MR. EVANS: And the public needs to know.

21 MR. CHAIRMAN: All right.

22 MR. EVANS: Yes.

23 MR. CHAIRMAN: Mr. Ray, could you
24 provide the Board members with the latest
25 edition of the Roberts Rules of Order?

1 MR. RAY: Okay, will do it.

2 MR. EVANS: Thank you, Mr. Chairman.

3 MR. BARNES: We'd like the electronic --

4 MR. EVANS: Well, the most inexpensive
5 way.

6
7 MR. CHAIRMAN: All right. So noted.

8 MR. EVANS: Yes.

9 MR. CHAIRMAN: All right. Now we have
10 the introduction of the Board members. We'll
11 start at my right.

12 MR. EVANS: Yes, Frederick Evans, public
13 Board member.

14 MR. BARNES: Edwin Barnes, Board member.

15 MS. PATTON: Renee Patton, Board member.

16 MR. CHAIRMAN: Paul Robinson, Chairman.

17 And the other, the attorney -- Grigg?

18 MR. GRIGG: Dean Grigg, yes, sir.

19 MR. CHAIRMAN: Okay. Court reporter?

20 COURT REPORTER: Betty Washington.

21 MR. CHAIRMAN: Okay. Staff?

22 MS. BAILEY-GLOVER: Roz Bailey-Glover,
23 LLR.

24 MS. TAYLOR: Matea Taylor, LLR.

25 MR. RAY: Byron Ray, LLR.

1 MS. PRESSLEY: Melinda Pressly, LLR.

2 MS. MEGGETT: Glenda Meggett, LLR.

3 MR. ANDREWS: DeLeon Andrews,
4 Investigator with LLR.

5 MR. CHAIRMAN: Thank you very much for
6 your attendance. Approval of excused
7 absences; I don't believe we have any. All
8 right. Approval of the agenda. Any changes
9 in the agenda, Mr. Ray?

10 MR. RAY: Other than a couple of no
11 shows.

12 MR. CHAIRMAN: Could you identify those
13 omissions?

14 MR. RAY: It should be Nicholas J.
15 Brannon and Gary E. McCutcheon.

16 MR. CHAIRMAN: Okay. Board members, do
17 note that under Letter Number 10(c), III and
18 IV, Roman numerals III and IV, they will not
19 appear before us today. We undertake the
20 motion to accept the agenda with the changes.

21 MS. PATTON: I make a motion.

22 MR. BARNES: Second.

23 MR. CHAIRMAN: Motion and properly
24 seconded that we will accept the agenda as
25 published, with the changes. Ready for the

1 question? All in favor, signify by saying
2 aye.

3 BOARD MEMBERS: Aye.

4 MR. CHAIRMAN: All opposed, same rights.
5 Thank you very much.

6 All right. Approval of the minutes for
7 November 28th, telephone conference meeting,
8 and do we have the telephone conference
9 meeting but not the minutes from the previous
10 meeting?

11 MR. RAY: You don't have a copy in your
12 file?

13 MR. CHAIRMAN: Right. What I received
14 was the telephone conference meeting minutes,
15 but not the minutes from the previous
16 meeting. All right. We need to get a copy
17 of that; we'll approve that at the next
18 meeting. Any questions, Board members?

19 MR. EVANS: No questions.

20 MR. CHAIRMAN: If not, we'll entertain a
21 motion to accept the minutes, approve the
22 minutes of the November 28th telephone
23 conference meeting.

24 MR. EVANS: So moved.

25 MS. PATTON: Second.

1 MR. CHAIRMAN: It's been motioned and
2 properly seconded that we accept the minutes
3 for the November 28th, 2011 telephone
4 conference meeting. If you approve, signify
5 by saying aye.

6 BOARD MEMBERS: Aye.

7 MR. CHAIRMAN: All opposed?

8 (NO RESPONSE.)

9 MR. CHAIRMAN: So moved. Chairman's
10 remarks. It's my first meeting as chairman.
11 I want to thank my fellow Board members for
12 the support and I want to thank Brother
13 Barnes for his marvelous 20 years of service
14 to the State of South Carolina. I think he
15 deserves a round of applause for that.

16 (Round of applause given.)

17 MR. CHAIRMAN: We will acknowledge that
18 service at a later date and time. I just
19 want to thank my parents for all that they
20 have done to help get me to this point. Of
21 course, we were in the family business 57
22 years and we're certainly encouraged by them
23 and the late Mr. Hampton, who was a long-term
24 inspector in this office. He was the first
25 one that planted in me the notion of becoming

1 a part of this Board, so I want to thank him
2 as well. Looking forward to an exciting
3 tenure in serving the people of South
4 Carolina justly and honestly.

5 Okay. Administrator's remarks.

6 MR. RAY: In your packets, you should
7 have received maybe a little green
8 instructions from the State Ethics
9 Commission.

10 MR. CHAIRMAN: Correct.

11 MR. RAY: Those reports are due by April
12 15th, so I want to give you a head start.
13 Please remember they all must be done
14 electronically now. We don't allow paper
15 submissions to be done. That's the major
16 thing I have for you.

17 MR. CHAIRMAN: Okay.

18 MR. RAY: And if you wouldn't mind, just
19 let me know when you do send yours in. Shoot
20 me an email or phone call or whatever, so I
21 can keep a tally. Please know they do have
22 very steep late fees if you go past April
23 15th. I want to avoid those.

24 MR. CHAIRMAN: Okay. That's it?

25 MR. RAY: I have no other remarks at this

1 time.

2 MR. CHAIRMAN: Okay.

3 MR. EVANS: Question.

4 MR. CHAIRMAN: Yes.

5 MR. EVANS: Mr. Ray, --

6 MR. RAY: Yes, sir.

7 MR. EVANS: I think the last meeting, we
8 received some information regarding the
9 engine bill with proposed changes.

10 MR. RAY: Right. Yes, sir.

11 MR. EVANS: Right. What's the status on
12 that?

13 MR. RAY: The attorney, Dean Grigg, would
14 probably be better suited to answer that.

15 MR. EVANS: Right.

16 MR. RAY: He might have more current
17 information than myself.

18 MR. GRIGG: And unfortunately, I doubt
19 that's true. But the general status with the
20 engine bill, as with any of the boards that
21 we work with that proposed regs, and I assume
22 y'all probably had some proposed changes.
23 Since I don't work with y'all, generally, I
24 don't know if you did or not.

25 MR. EVANS: Yes, there were.

1 MR. GRIGG: But all of that is in the
2 process now of being submitted before, --

3 MR. EVANS: Oh --

4 MR. GRIGG: -- you know, the
5 subcommittees and what not, --

6 MR. EVANS: Oh, okay.

7 MR. GRIGG: -- going through the
8 legislative process. So --

9 MR. EVANS: Okay.

10 MR. GRIGG: -- what we've done here is
11 done. And the next step, obviously, is the
12 legislatures get involved and do their thing.
13 So as far as exactly --

14 MR. EVANS: So it has moved on?

15 MR. GRIGG: It is in the process of going
16 before the committees and whatnot. And
17 hopefully, for y'all's sake, will be approved
18 in the future soon, so.

19 MR. EVANS: Okay. Thank you.

20 MR. CHAIRMAN: Let me back up just a
21 little bit. I did meet with Mr. Ray and Mr.
22 Spoon on the 30th and we discussed that. And
23 because there had been no movement,
24 everything had been done on this end, in this
25 office, there was nothing to report. Okay?

1 I think we did have a subcommittee hearing
2 that Mr. Barnes attended, and he's going to
3 let us know a little bit about that, if we're
4 in order, right now.

5 MR. BARNES: All right. I did go to the
6 legislative subcommittee meeting. Prior to I
7 talked to Ms. Templeton on the phone,
8 concerning the issues that we had. At one
9 time our name was listed for deregulation
10 with the Barber Board, and I couldn't figure
11 out what was going on. She assured me that
12 the Barber Board was not involved.

13 But still, I did leave and go; I believe
14 it was on Thursday before Christmas. I did
15 go to the hearing. At the time of the
16 hearing, prior to the hearing, our name was
17 on the agenda to talk about our deregulation.
18 As I got there, our name had been removed
19 from the agenda of the legislature. I did
20 talk to several senators prior to the
21 meeting; I think I spent probably two days
22 prior to that talking with them. And then
23 that's when I got a call from Ms. Templeton.
24 And I also got a call from the governor's
25 office, assuring me that we were not going to

1 be headed for deregulation.

2 So I appreciate the efforts from the
3 senators, and also the governor's office, and
4 also Ms. Templeton assisting me and making
5 sure that the things were corrected and our
6 name was removed from that. I still went to
7 the meeting because anytime that you're
8 concerned about deregulating a industry
9 that's so close to ours, such as the
10 Cosmetology Board, I wanted to make sure that
11 I was there because we're still under the
12 scrutiny of the situation, and I wanted to
13 make sure that everything was taken care of
14 properly.

15 They're not discussing anything -- the
16 only thing they were actually discussing for
17 deregulation was one particular item with the
18 Cosmetology Board. They was not talking
19 about getting rid of the Board itself. So it
20 made me feel a little bit more comfortable,
21 and I just wanted to let the rest of the
22 Board members, and also the staff, know what
23 was going on. Thank you.

24 MR. CHAIRMAN: All right. I neglected to
25 mention, under chairman's remarks, I did meet

1 with Mr. Ray and Mr. Spoon, as I mentioned
2 earlier. I wanted to let the Boardmen know
3 some of the things that we talked about, to
4 help our meetings progress more efficiently.
5 And some of those items were:

6 Informing participants of their rights prior
7 to them coming to the meeting, such as the
8 fact that they are entitled to witnesses,
9 counsel or affidavits relevant to their
10 circumstance;

11
12 Identifying permit numbers and names of
13 schools and OJT instructors ahead of time, so
14 that the staff would be able to research
15 their request in a more efficient manner;

16
17 Making sure that they bring the total number
18 of hours that are completed up to that point
19 when they make a request for a third permit;

20
21 More detail about the circumstances of why
22 they have not completed their course of
23 study;

24
25 Providing proof of probation and parole

1 completion or adjudication by the court
2 system, in writing;

3
4 Updated SLED reports in application, anything
5 beyond two months, making sure that they give
6 us an updated SLED report so we can make a
7 decision when they come before us;

8
9 Request for a third permit, there should be a
10 letter from the school and/or the OJT
11 instructor who they're going to be training
12 under;

13
14 Applications from foreign candidates -- make
15 sure they have valid documents that are
16 translated by government officials;

17
18 As well as documented court orders on
19 counseling, voluntary counseling, community
20 service, anything that's going to demonstrate
21 positive activities since they have been
22 released from the criminal justice system.

23
24 Those are some of the few things we
25 talked about.

1 On the order of our meetings, you will be
2 provided, Boardmen, of the Board Member's
3 Manual. That should be ready by our next
4 meeting. As far as the open meetings law
5 that will determine the guidelines for our
6 meetings, that is available online. It can
7 be downloaded at your leisure, open meetings
8 law. Okay. Thank you.

9 I believe we can move on to reports,
10 inspector's report -- inspection reports.

11 MR. ANDREWS: Currently we have ten
12 active investigations. We've closed 12 and
13 we've received 22 this year.

14 MR. CHAIRMAN: Any questions about the
15 inspection report?

16 (NO RESPONSE.)

17 MS. PATTON: I make a motion that we
18 accept them.

19 MR. CHAIRMAN: Motion on the floor to
20 accept the inspection report as information.

21 MR. BARNES: I don't think you have to
22 make a -- that's just your information.

23 MR. CHAIRMAN: Okay. Information.
24 Office of General Counsel. Any reports for
25 the Office of General Counsel?

1 MR. GRIGG: I don't have any for you
2 today.

3 MR. CHAIRMAN: All right. Any old
4 business?

5 MR. BARNES: I need to find out if we
6 have been approved yet to go to San Diego for
7 the national meeting. Have you heard
8 anything concerning that?

9 MR. RAY: I have not heard anything.

10 MR. BARNES: You received all the
11 information?

12 MR. RAY: I think I got -- I remember
13 seeing yours.

14 MS. PATTON: I called and just said I'd
15 bring it today.

16 MR. RAY: Okay.

17 MR. BARNES: So we don't have any big --
18 is it any problems or any set up, anything
19 that you know of?

20 MR. RAY: I think that you're good.
21 I'll take care of it, prior to you departing
22 today.

23 MR. EVANS: In previous meetings, I
24 believe we requested a meeting with PCS, our
25 testing agency, to question them about some

1 of the processes that they have in place. Is
2 a meeting scheduled any time? I know the
3 contract is up in -- well, comes around
4 annually. Is there a meeting scheduled with
5 them, or can we invite the representative
6 from PCS?

7 MR. RAY: We do have a phone conference
8 set up. If you would like, we can address
9 any issues or concerns during that time, if
10 you would like.

11 MR. CHAIRMAN: All right. The phone
12 conference is when?

13 MR. RAY: That was set for Valentine's
14 Day, if I'm not mistaken.

15 MR. CHAIRMAN: February 14th. What time?

16 MR. RAY: We'll have to get the time back
17 to you.

18 MR. CHAIRMAN: Okay. Boardmen, if you
19 have any specific questions that we need to
20 address, I thought the one was the hours, the
21 fact that the PCS gets the completed hours
22 and there's no verification from the office
23 that an individual has completed the hours
24 appropriately. I think we might still want
25 to call them in at a later point in the

1 spring.

2 MR. BARNES: Can I --

3 MR. CHAIRMAN: Yes, sir.

4 MR. BARNES: -- make a statement?

5 MR. CHAIRMAN: Yes, sir.

6 MR. BARNES: About two weeks ago or three
7 weeks ago, I went to Florida and worked with
8 the NCS -- NIC and also PCS. But they're
9 getting ready to change the format of the
10 testing procedures, and that's something that
11 I think that, really and truly, that y'all
12 need to -- we all need to get involved in the
13 changing of it. I worked on the practical
14 part of the test while I was down there, and
15 things are really going to change as far as
16 hair cutting techniques go. You've got to
17 use your scissors. You can't use so many
18 guards. You're going to be only using guards
19 in a certain area.

20 And so, actually, this weekend I was
21 invited to go back -- this coming weekend I
22 was invited to go back, but I was already
23 needed to go to San Diego to meet with the
24 National Board also, at that time, had been
25 requested to be there. So I cannot be in two

1 places at once, but the NIC wanted me to come
2 back down there for that, but I did not --
3 could not go. I can't go to two places. But
4 anyway, they are really changing the
5 techniques.

6 They also said something to us about
7 going back to the shaving portion, to
8 actually doing the shave again. So that's
9 something you need to think about and
10 consider, the rest of you Board members, and
11 also Chairman --

12 MR. CHAIRMAN: Okay.

13 MR. BARNES: -- Robinson, that things
14 need to upgrade somewhat. And I think that
15 they are going to be doing a video of the
16 upgrades this coming week. So PCS would be a
17 good time. Valentines, I will not be here
18 because I will be in San Diego, en route back
19 from San Diego on Valentines. So I will not
20 be here for a telephone conference. So --

21 MR. CHAIRMAN: Okay. All right.

22 MR. BARNES: So just making you aware.

23 MS. PATTON: How will they get that
24 information to us, PCS?

25 MR. RAY: Some of the information is

1 written. I have recently received an email.
2 I can forward that to you. I'm not sure how
3 in-depth it goes. I've not had a chance to
4 fully sit down and saturate all of the
5 information myself. But I can forward what I
6 have received from them.

7 MS. PATTON: And is that sent to all
8 instructors as well, the changes?

9 MR. RAY: I can't remember. I could call
10 and find out.

11 MR. BARNES: I think it will be
12 eventually, but --

13 MR. RAY: It makes sense.

14 MR. BARNES: Uh-huh. I mean, it's going
15 to be some -- there are going to be some
16 changes. The Afro-Americans were not allowed
17 to use guards in some states. We allowed it
18 here in South Carolina; we allowed it to the
19 fullest, but they didn't use scissors. So
20 things are going to change. So I think it's
21 a good thing. I worked on it for five days
22 in Florida.

23 And anyway, I think it's a good thing. I
24 think it's a very good thing that you're
25 going to see some changes in the techniques

1 of the hair cutting. Instead of somebody
2 coming in and doing a ball fade and thinking
3 they've got --, that's not going to happen.
4 So I think we need to change, along with the
5 national.

6 MS. PATTON: Well, are they doing that so
7 that we can reciprocate with more states?

8 MR. BARNES: That's correct. That's very
9 correct.

10 MR. EVANS: Mr. Chairman.

11 MR. CHAIRMAN: Yes, sir.

12 MR. EVANS: Yes. Just a reminder that it
13 is not that I don't have the interest, but as
14 a public member, I am restricted by state
15 statue from having anything to do with the
16 testing. So when you forward those emails,
17 just omit me, please.

18 MR. RAY: Yes, sir.

19 MR. EVANS: Just a reminder.

20 MR. RAY: Okay.

21 MR. CHAIRMAN: All right. We'll be
22 looking forward to seeing those recommended
23 changes. New business: Approval of third
24 student permits. Mr. Ray, what was in my
25 packet is the appropriate reading? In my

1 packet. The reading for the hearings. This
2 is the final one?

3 MR. RAY: Yes, sir.

4 *****

5 MR. CHAIRMAN: Okay. James M. Pearson.
6 Where do you want him to come?

7 State your full name, please.

8 THE WITNESS: James Marcellus Pearson,
9 Jr.

10 MR. CHAIRMAN: It is February 6th, 2012.
11 This hearing is called to order. This is the matter
12 of James M. Pearson. Does any member of the Board
13 have any reason to recuse him or herself from
14 consideration of this application?

15 (NO RESPONSE.)

16 MR. CHAIRMAN: The purpose of this
17 hearing is to determine whether the applicant should
18 be granted a third student permit. Everyone is
19 reminded that these proceedings are being recorded
20 and that all witnesses must be sworn before they
21 testify. All remarks should be directed to the
22 chairman, or the president.

23 We should do the swearing now?

24 MR. GRIGG: Yes, go ahead.

25 MR. CHAIRMAN: Please stand and raise

1 your right hand.

2 (The witness is sworn in.)

3 EXAMINATION OF APPLICANT PEARSON BY THE BOARD:

4 MR. CHAIRMAN: Mr. Ray, is all of the
5 application packages complete and the
6 materials before us?

7 MR. RAY: Yes, sir.

8 MR. CHAIRMAN: What questions did the
9 staff have concerning this application?

10 MR. RAY: Just requesting a third student
11 permit and that requires an appearance before
12 the Board.

13 MR. CHAIRMAN: Okay. Did the staff
14 subpoena any other person to be here today to
15 answer questions?

16 MR. RAY: No, sir.

17 MR. CHAIRMAN: Is the applicant present?
18 He's here. Are you represented by counsel?

19 THE WITNESS: No. No, sir.

20 MR. CHAIRMAN: Okay. All right. You
21 understand that you have the right to be represented
22 by counsel of your own choosing in this matter?

23 THE WITNESS: Yes.

24 MR. CHAIRMAN: You are electing to waive
25 this right and represent yourself instead, correct?

1 THE WITNESS: Correct.

2 MR. CHAIRMAN: Did you receive notice of
3 this hearing that was sent out?

4 THE WITNESS: Yes.

5 MR. CHAIRMAN: In the notice, were you
6 advised of your right to counsel in this matter?

7 THE WITNESS: Yes.

8 MR. CHAIRMAN: All right. So you decided
9 not to obtain an attorney to represent yourself
10 today, correct?

11 THE WITNESS: Correct.

12 MR. CHAIRMAN: Mr. Pearson, do you have
13 any witnesses you intend to call to testify on your
14 behalf?

15 THE WITNESS: No.

16 MR. CHAIRMAN: At this time -- all right,
17 I guess we'll skip Number 10. Mr. Pearson, are you
18 ready to show why you should be granted a third
19 permit?

20 THE WITNESS: Yes, sir.

21 MR. CHAIRMAN: All right. Boardmen, do
22 you have any questions?

23 MR. EVANS: Just one question, Mr.
24 Chairman, if I may.

25 MR. CHAIRMAN: You may.

1 MR. EVANS: Mr. Pearson, --

2 THE WITNESS: Yes, sir.

3 MR. EVANS: -- are you familiar with the
4 academic transcript that the Board has been
5 provided?

6 THE WITNESS: Yes.

7 MR. EVANS: Is it accurate?

8 THE WITNESS: Yes.

9 MR. EVANS: So you have --

10 THE WITNESS: Oh, no. I'm at 1258 at
11 Harley's Barber College, and that's not right. But
12 that's like old -- that's old. That's why I had --
13 I left the school to do OJT, because I've been
14 through a lot at the school.

15 MR. EVANS: Okay. So the transcript is
16 not accurate.

17 THE WITNESS: No.

18 MR. EVANS: Okay.

19 THE WITNESS: It's -- it's like -- it's
20 accurate on a level of the hours being put in. But
21 as of -- I need -- I deserve more hours and I had
22 more hours than that. It just wasn't in the system.

23 MR. CHAIRMAN: Okay.

24 THE WITNESS: I've been there since June
25 of 2010.

1 MS. PATTON: Do you have a record of
2 those hours?

3 THE WITNESS: It's in the transcript.

4 MS. PATTON: I know, but you said you had
5 more hours than --

6 THE WITNESS: Yeah, like --

7 MS. PATTON: -- other than here.

8 THE WITNESS: I wrote them down during --
9 and when I was just enrolled in school, I had wrote
10 them down. I kept up with my hours, but some kind
11 of way they -- they didn't add up.

12 MS. PATTON: So we've got to go by these
13 hours.

14 THE WITNESS: Yes.

15 MR. EVANS: So Mr. Pearson, let's go back
16 to the transcript here. I'm just trying to get a
17 bearing here. According to your transcript, it
18 stated that you completed 1,258 hours --

19 THE WITNESS: Yes.

20 MR. EVANS: -- at -- this is Harley's
21 Beauty and Barber College here; is that correct? Or
22 you said it's not correct.

23 THE WITNESS: No. That was the reason --

24 MR. EVANS: Okay. Do you have any other
25 documentation to refute your transcript? Like

1 certified hours from Harley's.

2 THE WITNESS: I have wrote my hours down,
3 but I didn't bring them with me.

4 MR. EVANS: Did the instructor sign the
5 hours?

6 THE WITNESS: Yeah, he signed off every -
7 - on every Monday.

8 MR. EVANS: He certified hours above
9 1258?

10 THE WITNESS: Oh, no. He just signed the
11 affidavit -- transcript.

12 MR. EVANS: Okay. So therefore, I will
13 assume these are all the hours that you have, 1258;
14 correct?

15 THE WITNESS: Yes, sir.

16 MR. EVANS: Okay. And the purpose of
17 your visit to us today is that you're requesting a
18 third student permit to transfer from Harley's
19 Barbering School to an OJT --

20 THE WITNESS: OJT.

21 MR. EVANS: -- method of instruction,
22 correct?

23 THE WITNESS: Correct.

24 MR. EVANS: Do you realize that your
25 hours then, what is required will increase from 1500

1 to 1,920, correct?

2 THE WITNESS: Correct.

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

5 MR. BARNES: I've just got a couple
6 questions. Did I hear you correctly say that you're
7 not going back to school here?

8 THE WITNESS: Oh, no, I'm not going back
9 to Harley's Beauty and Barber.

10 MR. BARNES: Okay.

11 THE WITNESS: I wanted to do on-the-job
12 training.

13 MR. BARNES: You're going to do the on-
14 the-job training.

15 THE WITNESS: Yes, sir.

16 MR. BARNES: So do you realize that it's
17 more hours involved?

18 THE WITNESS: Yes, sir.

19 MR. BARNES: What was your reason for
20 leaving Harleys?

21 THE WITNESS: I've been there since June
22 2010. So, you know, I had dropped out of college to
23 do this because it's a passion of mine. So, you
24 know, when you do something like that, you really
25 want to have everything ordered. And since me being

1 part time, it was kind of hard for me to work and
2 then come to school and deal with, you know, hours
3 being manipulated. Every four months the clock
4 mysteriously breaks, you know, and it's like I can't
5 keep up with hours; no one can. No one getting
6 books. Financial aid going up and down; tuition
7 high. So it was a lot going on. So I just had --
8 you know, had my breaking point.

9 MR. BARNES: I'm just reading this system
10 thing from Harley's and something about poor
11 attendance.

12 THE WITNESS: Yeah, I was part time. So
13 it was like I was working. And he kept messing with
14 my hours, so it was like -- he was saying that I had
15 to -- oh, I need to owe money -- owe money back. He
16 was basically trying to get a check from me, I
17 guess, because the more -- the longer you stay, I
18 guess -- I don't know how it works. But the longer
19 you stay, something -- you have to pay more money,
20 something like that.

21 MR. BARNES: I have no idea.

22 THE WITNESS: Oh, I don't have.

23 MR. BARNES: I'm asking you because I see
24 this for poor attendance and here you are talking
25 about going OJT, and you're going to be required

1 more hours, 1920. And all of a sudden, I mean,
2 you're leaving something, because I do see a money
3 issue for poor attendance. And I just want to be
4 fair to Harley's Barber and Beauty also, so. We
5 don't get involved in the financial parts of it at
6 all. But I just didn't understand; I still don't
7 understand the basic reason of this thing to say
8 "poor attendance", so, other than part time. And in
9 part time, you basically go so many hours.

10 THE WITNESS: Yeah. In a week.

11 MR. CHAIRMAN: Any other questions,
12 Boardmen?

13 MR. BARNES: I was going to ask counsel,
14 can we ask questions about the financial parts; has
15 it been satisfied?

16 MR. GRIGG: Yeah.

17 MR. BARNES: Has it been satisfied at
18 Harley's?

19 THE WITNESS: What you mean? Like --?

20 MR. BARNES: Your financial obligation at
21 Harley's, has it been satisfied?

22 THE WITNESS: No. I mean, like you
23 talking about with the tuition?

24 MR. BARNES: It's almost getting you out
25 of one thing into something else, and I don't think

1 that's fair to some parts, so.

2 THE WITNESS: I mean, with the situation
3 with the tuition, it's like I could have stayed
4 there. I could -- I could just stayed at Harley's.
5 But, I mean, when you're going through a lot like
6 this, and this is something that you do, you don't -
7 - you don't -- I just kept getting held back,
8 basically. It's holding (sic) me back. And it's
9 2012 and I've been there since 2010; that's not
10 adding up.

11 MS. PATTON: But going part time, it kind
12 of adds up.

13 THE WITNESS: It -- it adds up, yeah. So
14 I -- I dealt it. So in December, I was -- I counted
15 my hours down. I'm like, by December I should be
16 graduated. All the hours I did, everything I did,
17 I'm like, okay, by December, I'm ready to graduate.
18 And when December got here, that's when I came up
19 here to -- to see what -- what can I do, another
20 option.

21 MR. CHAIRMAN: Mr. Pearson, do you have
22 the monthly report from the school of the hours that
23 you complete each month?

24 THE WITNESS: The last one --

25 MR. CHAIRMAN: Do you have a copy of it?

1 THE WITNESS: The last one I have was the
2 1258 of my academic.

3 MR. CHAIRMAN: No. I mean the monthly
4 report that the school is required to give this
5 office, do you have a copy --

6 THE WITNESS: No. I don't have a copy
7 with me.

8 MR. CHAIRMAN: Okay.

9 THE WITNESS: But I can get you -- I can
10 get a copy.

11 MR. CHAIRMAN: Off the top of your head,
12 would that reflect more than the 1258 number?

13 THE WITNESS: It said 1258; that's what I
14 wrote down. That's what it had. That's what --

15 MR. CHAIRMAN: Okay. So we wouldn't be
16 getting any new information on that. Okay.

17 MR. BARNES: I just don't know if we can
18 let one out to the other. That's my only concern,
19 is you -- we're letting you out of one obligation
20 and you're getting into another. And I just want to
21 make sure everything with financial has been taken
22 care of. In my opinion --

23 THE WITNESS: Oh, yeah, I mean -- I
24 talked to the Top Notch OJT instructor and we agreed
25 on everything and --

1 MR. BARNES: No, I'm talking about your
2 past.

3 THE WITNESS: Oh, you're talking about
4 with Harley's.

5 MR. BARNES: Yes.

6 THE WITNESS: My financial aid --
7 everything was taken care of, as I know of. But
8 right now, I don't know did -- you know, is he
9 getting financial aid at the school, because, I
10 mean, there are no books, no kits or nothing being
11 supplied to the students. But I'm not sure if
12 tuition --

13 MR. BARNES: So all of your past fees are
14 up-to-date from your financial aid?

15 THE WITNESS: Yes.

16 MR. CHAIRMAN: Mr. Pearson, I'm not that
17 concerned about the money part.

18 THE WITNESS: All right.

19 MR. CHAIRMAN: You're telling me, you're
20 telling this Board that you did not receive a book?

21 THE WITNESS: No, I received --

22 MR. CHAIRMAN: Nor a kit?

23 THE WITNESS: Okay. I received my kit
24 and my books.

25 MR. CHAIRMAN: Let's just keep it to how,

1 you know, your personal experience with the school.

2 So you had books, you had a kit.

3 THE WITNESS: Uh-huh.

4 MR. CHAIRMAN: The OJT instructor at Top
5 Notch Barber Shop, what is that person's name?

6 THE WITNESS: Billy.

7 MR. CHAIRMAN: Does the office have his
8 name and license number?

9 MR. RAY: Not yet. I have an
10 application.

11 THE WITNESS: Yeah, I have my
12 application in. Oh, Yolanda Fleming.

13 MR. CHAIRMAN: Yolanda Fleming?

14 THE WITNESS: Yes.

15 MR. CHAIRMAN: My question to the office:
16 Is Ms. Yolanda Fleming in good standing with
17 --

18 THE WITNESS: Yes.

19 MR. CHAIRMAN: -- the office?

20 MR. RAY: She's in good standing.

21 MR. CHAIRMAN: She's in good standing.

22 My second question, have we had an inordinate
23 number of complaints about Harley's Beauty
24 and Barber College, complaints from other
25 licensees?

1 MR. RAY: Not to our knowledge.

2 MR. CHAIRMAN: Okay. Very good. Any
3 other questions from the Board?

4 (NO RESPONSE.)

5 MR. CHAIRMAN: Mr. Pearson, you
6 understand that you have 662 hours remaining?

7 THE WITNESS: Yes.

8 MR. CHAIRMAN: Okay. All right. I'll
9 entertain a motion on this applicant.

10 MR. EVANS: I'd like to make a motion
11 that Mr. James M. Pearson be granted his third
12 student permit.

13 THE WITNESS: Appreciate it.

14 MR. CHAIRMAN: It hasn't happened yet.

15 THE WITNESS: Oh.

16 MS. PATTON: I'm along with Ed. You
17 know, I know we don't handle anything financial, but
18 --

19 MR. CHAIRMAN: And that's the key point
20 here.

21 MS. PATTON: -- that's the key point.

22 MR. CHAIRMAN: We don't get involved in
23 the financial aspect, so the information we have is
24 the hours that he currently has, according to the
25 transcript. His OJT instructor is in good standing.

1 MS. PATTON: So I second.

2 MR. CHAIRMAN: If there's no problem with
3 the school that we know of, the motion and properly
4 seconded that we extend Mr. Pearson a third student
5 permit. All in favor?

6 BOARD MEMBERS: Aye.

7 MR. CHAIRMAN: All opposed?

8 MR. BARNES: No.

9 MR. CHAIRMAN: One opposed; it's noted.
10 Mr. Pearson.

11 THE WITNESS: Yes.

12 MR. CHAIRMAN: We do not extend a fourth
13 permit.

14 THE WITNESS: All right. Okay, I
15 understand.

16 MR. CHAIRMAN: Okay. So you and Ms.
17 Fleming need to get along and get this done.

18 THE WITNESS: I'm good.

19 MR. CHAIRMAN: Okay. All right. Thank
20 you very much. You will be notified by the office.

21 *****

22 MR. CHAIRMAN: Brandon Stinson. Come
23 forward and have a seat. State your full name for
24 the record.

25 THE WITNESS: Brandon Eugene Stinson.

1 MR. CHAIRMAN: Should we swear him in in
2 the beginning or further along? It doesn't matter?

3 MR. GRIGG: Go ahead.

4 MR. CHAIRMAN: Stand up and please
5 restate your full name; raise your right hand.

6 THE WITNESS: Brandon Eugene Stinson.

7 (The witness is sworn in.)

8 EXAMINATION OF APPLICANT STINSON BY THE BOARD:

9 MR. CHAIRMAN: This hearing is called to
10 order. This is the matter of Mr. Brandon E.
11 Stinson. Does any Board member have any reason to
12 recuse him or herself from consideration of this
13 application?

14 BOARD MEMBERS: No.

15 MR. CHAIRMAN: The purpose of this
16 hearing is to determine whether Mr. Stinson should
17 be granted a third student permit. Everyone is
18 reminded that these proceedings are being recorded
19 and that all witnesses must be sworn before they
20 testify. All remarks should be directed to the
21 chairman.

22 MR. CHAIRMAN: Mr. Ray, is the complete
23 application package in our material?

24 MR. RAY: Yes, sir.

25 MR. CHAIRMAN: Do y'all have anything

1 other than two sheets of paper? We just have
2 the request and the letter to Mr. Stinson.
3 We don't have the application in there.

4 MR. RAY: All it is, is just a written
5 request.

6 MR. CHAIRMAN: Okay. A written request,
7 okay. What questions did the staff have
8 concerning this application?

9 MR. RAY: Just that Mr. Stinson is
10 requesting a third student permit.

11 MR. CHAIRMAN: Okay. Did the staff
12 subpoena any other person to be here today to
13 answer questions we might have?

14 MR. RAY: No, sir.

15 MR. CHAIRMAN: The applicant is present.
16 Mr. Stinson, do you have counsel? Are you
17 represented by counsel?

18 THE WITNESS: No, sir.

19 MR. CHAIRMAN: You understand that you
20 have the right to be represented by counsel of your
21 own choosing in this matter?

22 THE WITNESS: Yes, sir.

23 MR. CHAIRMAN: You are electing to waive
24 this right?

25 THE WITNESS: Yes, sir.

1 MR. CHAIRMAN: And represent yourself?

2 THE WITNESS: (Witness nods head.)

3 MR. CHAIRMAN: Did you receive notice of
4 this hearing that was sent out?

5 THE WITNESS: Yes, sir.

6 MR. CHAIRMAN: In that notice, were you
7 advised that you had the right to counsel in this
8 matter?

9 THE WITNESS: Yes, sir.

10 MR. CHAIRMAN: So you decided not to
11 obtain an attorney or counsel to represent you
12 today, and you are representing yourself.

13 THE WITNESS: Yes, sir.

14 MR. CHAIRMAN: Okay. Mr. Stinson, do you
15 have any witnesses that you would like to call to
16 testify on your behalf today?

17 THE WITNESS: No, sir.

18 MR. CHAIRMAN: Mr. Stinson, are you ready
19 to show us why you should be granted a third permit?

20 THE WITNESS: Yes, sir.

21 MR. CHAIRMAN: Okay. Tell us why.

22 THE WITNESS: Excuse me?

23 MR. CHAIRMAN: Tell us why.

24 THE WITNESS: The first two permits I
25 had, I was part time. And with the third one, I was

1 still part time, but the job that I have now, I'm
2 able to have days off during the week and go in on
3 the weekends. So I'll be able to come into the shop
4 for more than just a couple hours during the day,
5 once I get out of work.

6 MR. CHAIRMAN: Okay. Do you have the
7 total number of hours you have accumulated to this
8 point?

9 THE WITNESS: Not with me.

10 MR. CHAIRMAN: Who is the OJT instructor
11 in the barber shop that you're planning to work
12 under?

13 THE WITNESS: Mr. Claude Shelton.

14 MR. CHAIRMAN: Claude Shelton?

15 THE WITNESS: Yes, sir.

16 MR. CHAIRMAN: To the staff, is Mr.
17 Shelton in good standing with the Board?
18 Claude Shelton. What's the name of the shop?

19 THE WITNESS: Mr. Shelton's Barber Shop.

20 MR. CHAIRMAN: Where is it? Where is
21 that?

22 THE WITNESS: In Chester, South Carolina.

23 MR. RAY: He is in good standing.

24 MR. CHAIRMAN: You know, we need to maybe
25 ask Mr. Shelton because these applicants come in and

1 they call people's names, and we don't know whether
2 or not they're going to accept them or not as a
3 trainee. And you have no verification of the hours
4 that you currently have, none whatsoever?

5 THE WITNESS: With me, no, sir.

6 MR. CHAIRMAN: Okay. We need to make
7 sure we put that in the coming packets as we inform
8 them about these meetings. That would be very
9 helpful.

10 How long was your first permit? How much
11 time were you spending at a shop under your first
12 permit? How much time do you spend working at a
13 shop accumulating hours under your first permit?

14 THE WITNESS: In my first permit, I would
15 get about three hours a day, once I get off work.

16 MR. CHAIRMAN: And how long were you
17 there?

18 THE WITNESS: About a year.

19 MR. CHAIRMAN: Okay. How about your
20 second permit?

21 THE WITNESS: I was there about six
22 months.

23 MR. CHAIRMAN: Six months. About the
24 same amount of time per day?

25 THE WITNESS: Yes, sir.

1 MR. CHAIRMAN: So it doesn't sound as if
2 you have too many hours.

3 THE WITNESS: Sir?

4 MR. CHAIRMAN: Doesn't sound as if you
5 have too many hours.

6 THE WITNESS: No, sir, I don't.

7 MR. CHAIRMAN: Any questions from the
8 Board?

9 MR. EVANS: Mr. Stinson, correct?

10 THE WITNESS: Yes, sir.

11 MR. EVANS: I notice that you spent a lot
12 of time taking care of your son; is that correct?

13 THE WITNESS: Yes, sir.

14 MR. EVANS: Okay. And that's what
15 restricted you from accumulating more hours?

16 THE WITNESS: He was just born last year.
17 That would prevent me last year, because he was born
18 last year.

19 MR. EVANS: Okay. So --

20 THE WITNESS: Well, 2010.

21 MR. EVANS: Yes, sir. So due to that
22 extenuating circumstances, the medical --

23 THE WITNESS: Yes, sir.

24 MR. EVANS: -- needs that you had to
25 attend to your son, pretty much a second permit you

1 could not really utilize; is that correct?

2 THE WITNESS: Yes, sir.

3 MR. EVANS: Okay. And you are here today
4 for a third permit.

5 THE WITNESS: Yes, sir.

6 MR. EVANS: How is your son doing now?

7 THE WITNESS: He's doing better. He's
8 scheduled to have surgery this year to --.

9 MR. EVANS: Okay. Okay. You think that
10 you will be able to continue, or do you think that
11 this is too early for you to petition for your third
12 permit?

13 THE WITNESS: I think I'll be able to
14 continue because we adjusted to the trach, so we
15 know how to take care of it better now. And he's
16 got -- as well.

17 MR. EVANS: Okay. Thank you. Thank you.

18 MR. CHAIRMAN: Any other questions?

19 MR. BARNES: Well, let me ask you one
20 question. You'll be going OJT the whole time?

21 THE WITNESS: Yes, sir.

22 MR. BARNES: And you don't have any idea
23 approximately how many hours?

24 THE WITNESS: I have around 800 hours.

25 MR. BARNES: You have around 800 hours.

1 THE WITNESS: See, I went to cosmetology
2 in school, thinking that I could get my barbering
3 license through cosmetology; this is what I was
4 told. But once I finished the course, I was told I
5 couldn't get my barber license; I'd only get the
6 cosmetology license. So it's like it did that for
7 nothing.

8 MR. BARNES: So you only have 800 hours
9 in barbering.

10 THE WITNESS: Yes, sir.

11 MR. BARNES: Or approximately 800 hours.

12 THE WITNESS: Yes, sir. Approximately.

13 MR. BARNES: Have you changed barber
14 shops, or is it the same barber shop you got your
15 800 hours in?

16 THE WITNESS: Yes, sir.

17 MR. BARNES: Okay. All right. No more
18 questions.

19 MR. CHAIRMAN: All right. We'll
20 entertain a motion concerning Mr. Brandon Stinson
21 and his request for a third student permit.

22 MR. BARNES: I make a motion we accept
23 Mr. Stinson's third permit.

24 MS. PATTON: I second.

25 MR. CHAIRMAN: It's been motioned and

1 properly seconded that we extend Mr. Brandon Stinson
2 a third student permit. Mr. Stinson, we do not
3 extend a fourth permit.

4 THE WITNESS: All right.

5 MR. CHAIRMAN: Make it happen.

6 THE WITNESS: All right. Thank you.

7 MR. CHAIRMAN: I wish you well. Need to
8 vote. All in favor of the motion?

9 BOARD MEMBERS: Aye.

10 MR. CHAIRMAN: All opposed?

11 (NO RESPONSE.)

12 MR. CHAIRMAN: So be it. Now it's
13 official.

14 *****

15 MR. CHAIRMAN: License approval for
16 reciprocity. Verginia Norcio, come forward. Please
17 stand and raise your right hand and be sworn in.

18 (The witness is sworn in.)

19 EXAMINATION OF APPLICANT NORCIO BY BOARD:

20 MR. CHAIRMAN: Please state your full
21 name.

22 THE WITNESS: My name is Verginia Rebotto
23 (phonetic) Norcio.

24 MR. CHAIRMAN: Ms. Norcio. This hearing
25 is called to order. This is a matter of Verginia

1 Norcio. The purpose of this hearing is to determine
2 whether Ms. Norcio should be granted a license by
3 reciprocity in the State of South Carolina.

4 Everyone is reminded that these proceedings are
5 being recorded and that all witnesses must be sworn
6 before they testify. All remarks should be directed
7 to the chairman. Mr. Ray, is the complete
8 application package in our material?

9 MR. RAY: Yes, sir.

10 MR. CHAIRMAN: What questions did the
11 staff have concerning this application?

12 MR. RAY: She was requesting reciprocity
13 to be licensed as a registered barber. She
14 was licensed in Arizona and staff just had
15 questions on the education portion.

16 MR. CHAIRMAN: Did the staff subpoena any
17 other persons to be here today to answer
18 questions we might have?

19 MR. RAY: No, sir.

20 MR. CHAIRMAN: Ms. Norcio is present.
21 Are you represented by counsel?

22 THE WITNESS: No, sir.

23 MR. CHAIRMAN: Do you understand that you
24 have the right to be represented by counsel of your
25 own choosing in this matter?

1 THE WITNESS: Yes, sir.

2 MR. CHAIRMAN: You are electing to waive
3 that right and represent yourself instead, correct?

4 THE WITNESS: Yes, sir.

5 MR. CHAIRMAN: Did you receive notice of
6 this hearing that was sent out?

7 THE WITNESS: In the mail, sir.

8 MR. CHAIRMAN: In that notice, were you
9 advised of your right to counsel in this matter,
10 correct?

11 THE WITNESS: Yes, sir.

12 MR. CHAIRMAN: So you decided not to
13 obtain an attorney to represent and you're
14 representing yourself today, correct?

15 THE WITNESS: Yes, sir.

16 MR. CHAIRMAN: Ms. Norcio, do you have
17 any witnesses you intend to call on your behalf
18 today?

19 THE WITNESS: No.

20 MR. CHAIRMAN: Ms. Norcio, are you ready
21 to show us why you should be granted reciprocity
22 today, a license by reciprocity?

23 THE WITNESS: Yes, sir. I -- I have
24 education --. I've been as the high school there.
25 But I lost my diploma because I was married; I was

1 married to a military man for 21 years and we
2 traveled all over the world, overseas, and I losed
3 (sic) it. But the only thing I had was the
4 education -- certification through -- LSCC Community
5 College; that's all I have to show.

6 MR. CHAIRMAN: Okay. That's it?

7 THE WITNESS: More.

8 MR. CHAIRMAN: Okay.

9 THE WITNESS: I have -- I've been in
10 barber school, Arizona, Hair Stylist College, and my
11 teacher name is Del Wilks, and his license is 20258,
12 and I went to school from May 17, 2004 to January
13 2005. And I have 50 hour in a class -- 1500 hours.

14 And I graduate there and passed the test.
15 I worked at a shop after my graduation. After that
16 I own my own shop; I'm the manager and hired
17 employer (sic). Also, the payroll and in the
18 computer, you know, -- computer. And my name -- my
19 name -- my salon name is MTV -- Cut. And I did very
20 well and I am a good stylist, very very good hair
21 stylist. And I didn't have no problem.

22 MR. CHAIRMAN: Okay. To the staff, have
23 you verified the -- I'm looking at the barber
24 certification from the State of Arizona. Has
25 that been verified to be true?

1 MR. RAY: Yes, sir. Arizona mailed in an
2 original.

3 MR. CHAIRMAN: Okay. Did it have a state
4 seal attached to it?

5 MR. RAY: It did.

6 MR. CHAIRMAN: It just didn't come
7 through? All right. Any questions from the
8 Board?

9 MR. BARNES: How is Sandler Barber doing?
10 You know who I'm talking about? He signed these
11 affidavits.

12 THE WITNESS: Yes. He is in charge in
13 the Barber Board.

14 MR. BARNES: All right. He and Joyce,
15 both of them I see, and I know that they're very
16 good at what they do. So I don't see -- I just
17 wanted to see how they were doing because I know
18 them, so.

19 MR. CHAIRMAN: All right. Any questions?

20 (NO RESPONSE.)

21 MR. CHAIRMAN: If there are no questions,
22 we'll entertain a motion.

23 MR. BARNES: I make a motion we accept
24 reciprocity for Ms. Norcio for the State of South
25 Carolina.

1 MS. PATTON: I second.

2 MR. CHAIRMAN: It's been motioned and
3 properly seconded that we accept reciprocity from
4 the State of Arizona for Ms. Verginia Norcio. All
5 those in favor, signify by saying aye.

6 BOARD MEMBERS: Aye.

7 MR. CHAIRMAN: All opposed?

8 (NO RESPONSE.)

9 MR. CHAIRMAN: All right. Thank you very
10 much.

11 THE WITNESS: Thank you, sir.

12 *****

13 MR. CHAIRMAN: Christina Hemphill.

14 THE WITNESS: Yes, sir. Good morning.

15 MR. CHAIRMAN: Come forward. Raise your
16 right hand. State your name in full and be sworn
17 in.

18 THE WITNESS: Christina Marie Hemphill.

19 (The witness is sworn in.)

20 EXAMINATION OF APPLICANT HEMPHILL BY THE BOARD:

21 MR. CHAIRMAN: The date of this hearing
22 is February 6, 2012. The hearing is called to
23 order. This is a matter of Christina Hemphill.
24 Does any member of the Board have reason to recuse
25 him or herself from consideration of this

1 application?

2 MR. BARNES: No.

3 MR. CHAIRMAN: The purpose of this
4 hearing is to determine whether Ms. Hemphill should
5 be granted approval for licensure in the State of
6 South Carolina. Everyone is reminded that these
7 proceedings are being recorded and that all
8 witnesses must be sworn before they testify. All
9 remarks should be directed to the chairman.

10 Mr. Ray, is the complete application
11 package in our materials?

12 MR. RAY: Yes, sir.

13 MR. CHAIRMAN: What questions did the
14 staff have concerning the application?

15 MR. RAY: She was requested to meet with
16 you because of a felony charge on her
17 criminal background report.

18 MR. CHAIRMAN: Okay. Did the staff
19 subpoena any other persons to be here today
20 to answer questions we might have?

21 MR. RAY: No, sir.

22 MR. CHAIRMAN: The applicant is present.

23 THE WITNESS: Yes, she is.

24 MR. CHAIRMAN: You understand that you
25 have the right to be represented by counsel of your

1 own choosing in this matter?

2 THE WITNESS: I do, yes, sir.

3 MR. CHAIRMAN: You are electing to waive
4 that right and represent yourself instead, correct?

5 THE WITNESS: Yes, sir, I am.

6 MR. CHAIRMAN: Did you receive notice of
7 this hearing that was sent out?

8 THE WITNESS: Yes, sir, I did.

9 MR. CHAIRMAN: In that notice, were you
10 advised that you have a right to counsel in this
11 matter; correct?

12 THE WITNESS: Yes, sir.

13 MR. CHAIRMAN: So you decided not to
14 obtain an attorney and to represent yourself today,
15 correct?

16 THE WITNESS: Yes, sir.

17 MR. CHAIRMAN: Ms. Hemphill, do you have
18 witnesses you intend to call on your behalf?

19 THE WITNESS: No, sir.

20 MR. CHAIRMAN: Are you ready, Ms.
21 Hemphill, to show us why you should be granted a
22 license, despite the questions that have been raised
23 by the staff?

24 THE WITNESS: Yes, sir.

25 MR. CHAIRMAN: Okay.

1 THE WITNESS: Okay. Should I start?

2 MR. CHAIRMAN: Yes.

3 THE WITNESS: Basically, I -- I screwed
4 up. I was convicted -- tried and convicted of a
5 felony. I completed everything that the courts
6 asked of me. I -- including I actually voluntarily
7 went into programs that weren't asked of me. At
8 this point, I will do anything that I need to, to
9 obtain my license. This is my passion. I am a
10 practicing barber at this point, but just going off
11 of my passing scores, my professional credential
12 scores.

13 I -- I -- there's no excuse for -- for
14 what I did. I'm hoping that that's not going to be
15 something that holds me back from -- from getting my
16 license. I actually did know that it was going to
17 be a problem. I really don't know what else to say.
18 I made a mistake and I -- and I grew from it. My
19 life is completely different now, and it's all about
20 bettering myself. And that's all I have to say.

21 MR. CHAIRMAN: Okay. Ms. Hemphill, are
22 you currently on probation or parole?

23 THE WITNESS: I am not. That's
24 completed. I did bring paperwork from my prior
25 probation officer, Ms. Whiteside. I do not have the

1 paperwork stating that I am off of probation, simply
2 because that was sent out to -- I want to say it was
3 sent to you all at the state board. I did bring the
4 SLED report, though, if you need that.

5 MR. CHAIRMAN: Mr. Ray, do you --

6 THE WITNESS: But I have completed --

7 MR. CHAIRMAN: -- have a copy of that?

8 THE WITNESS: I'm sorry?

9 MR. CHAIRMAN: I'm speaking to Mr. Ray.

10 Do you have letter that she's referring to?

11 MR. RAY: I'm not familiar with it.

12 MR. CHAIRMAN: From her parole officer?

13 THE WITNESS: I -- I -- well, when I
14 spoke with the state board, they had me fax -- LLR
15 had me fax the complete SLED report, so you all
16 should have a copy of that.

17 MR. CHAIRMAN: I'm not referring to the
18 SLED report.

19 THE WITNESS: Oh, I'm sorry.

20 MR. CHAIRMAN: The letter from your
21 parole officer. You say you had a letter from your
22 parole officer?

23 THE WITNESS: I -- I would be more than
24 happy to leave her information.

25 MR. CHAIRMAN: Okay. We want to enter

1 that into the record? Would you like to enter that?

2 MR. GRIGG: So do you have a copy of it
3 with you? The letter that you're referencing?

4 THE WITNESS: I don't. That's why -- I --
5 -- I -- it was sent off. It was faxed. I do have
6 the completion form from Hazel Pittman, which was
7 one of the -- it -- it was one of the -- probation
8 made me go through these courses. I completed that.

9 MR. GRIGG: Let me look at it first.

10 THE WITNESS: Also, here, let me give
11 you -- okay, maybe I -- I'm sorry. And I can give
12 you -- I -- I don't have that with me. It's -- her
13 name is Ms. Whiteside, and that's in Chester, South
14 Carolina. She was my probation parole officer. She
15 did write a letter. I'm not sure where I had to
16 send that off to. It might have actually -- or I
17 could go to the judge himself. He'd be more than
18 happy to -- to give a letter of completion. Hazel
19 Pittman, that was something that they --

20 MR. GRIGG: Do you want the Board to see
21 this? Do you want it entered as an exhibit?

22 THE WITNESS: I'd rather not.

23 MR. GRIGG: Okay.

24 THE WITNESS: It's just basically saying
25 -- I mean, I've completed everything that's been

1 asked of me. I am no longer -- I've got my license
2 back. I -- I no longer have any --

3 MR. CHAIRMAN: Give us a description of
4 the courses that you completed. You say you did
5 some voluntary work?

6 THE WITNESS: I did. I actually
7 voluntarily went -- obviously, you know, my charges
8 were drug charges. I voluntarily went to a rehab
9 facility back home in Florida. And this was before
10 I was told to have any kind of counsel.

11 MR. CHAIRMAN: Okay. How long was that
12 rehab?

13 THE WITNESS: I'm sorry?

14 MR. CHAIRMAN: How long was that rehab?

15 THE WITNESS: The stay was -- I want to
16 say it was 90 days, might have been something like
17 92. And that was at Road to Recovery in Florida.
18 Hazel Pittman is in Chester and it's kind of like a
19 counseling service, drug abuse service sort of --
20 sort of deal. I actually enrolled with them before
21 I was told to do so by probation. All of these
22 things, I took action before I was told to, and it's
23 because I knew I was in a bad place in my life.

24 To be honest with you, the arrest saved
25 my life. And I -- I am sorry for what I did, but I

1 wouldn't take it back because it's made me who I am,
2 and I'm stronger because of it. Now I just want to
3 move on with my life and I want -- I need this
4 license because I need --

5 MR. CHAIRMAN: Have you had any arrests
6 since October 7th?

7 THE WITNESS: Oh, no, sir.

8 MR. CHAIRMAN: And my question is because
9 the date of your SLED report is October 7th, 2011,
10 which is four months ago.

11 THE WITNESS: Yes, sir.

12 MR. CHAIRMAN: Any other questions from
13 the Board?

14 MR. BARNES: Do we have an updated SLED
15 report?

16 THE WITNESS: That's what you all have.
17 That's the most --

18 MR. BARNES: From October? Four months
19 ago?

20 THE WITNESS: Yes, sir. That was the
21 SLED report that the LLR asked me to send. That's
22 the most recent. There's nothing else.

23 MR. BARNES: Were you supposed to meet
24 with us in December or something?

25 THE WITNESS: I was -- I had the

1 application from the credential services. They
2 needed -- this is -- and they asked for the SLED
3 report, but I've not received any information.

4 MR. BARNES: When did the -- but I'm
5 still confused.

6 THE WITNESS: I'm sorry.

7 MR. BARNES: In other words, the SLED
8 report, when did they ask for the SLED report? When
9 did professional services ask for the SLED report?

10 MR. EVANS: That's when she reapplied for
11 -- it should have been at the same time.

12 THE WITNESS: This is before I took my
13 actual state Board, which was -- I'm sorry, I -- I'm
14 not sure when --

15 MR. BARNES: The date, October 4th.

16 THE WITNESS: I mean, I -- if you need me
17 to, I can obtain another SLED report, but it's going
18 to be identical to the one that you have. And I'm --
19 -- I'm currently a practicing barber.

20 MS. PATTON: Where?

21 THE WITNESS: At Sport Clips in Newport,
22 South Carolina. I was at a private salon prior to
23 that, but I just prefer to do men's hair. So I -- I
24 left that. It was not anything other than just it
25 wasn't working out.

1 MR. CHAIRMAN: Are you working on a 90-
2 day work permit?

3 THE WITNESS: I am not. I was. And when
4 that expired, I called your facility and they told
5 me that I could work on the two passing State Board
6 exams. Please tell me that's right, because if I've
7 been practicing illegally, then my boss is going to
8 --.

9 MR. CHAIRMAN: Any other questions from
10 the Board members?

11 MR. EVANS: Just a few, Mr. Chairman.
12 Ms. Hemphill, --

13 THE WITNESS: Yes, sir.

14 MR. EVANS: -- your last arrest, about
15 eight or nine months ago, back in May --

16 THE WITNESS: Yes, sir.

17 MR. EVANS: -- of 2011, what was that?
18 One year with a suspension, or one year probation?

19 THE WITNESS: What they did was they
20 dropped the charge to -- felony and it was to be one
21 year probation. But because of good behavior, I
22 didn't serve close to that for probation.

23 MR. EVANS: So your probation --

24 THE WITNESS: Was supposed to be one
25 year, but it has been over for a couple months.

1 MR. EVANS: And do you have your
2 documentation stating --

3 THE WITNESS: No, sir. Like I said --

4 MR. EVANS: -- that your probation has
5 ended?

6 THE WITNESS: No, sir.

7 MR. EVANS: That's the letter that --

8 THE WITNESS: But like I said, --

9 MR. EVANS: -- you're referring to?

10 THE WITNESS: -- I can get that from the
11 judge, if need be. Or I can call Ms. Whiteside; her
12 name is Ms. Whiteside at Chester County Probation
13 Parole, if you all need -- I mean, she would be more
14 than happy to -- to fax anything that you need.

15 MR. EVANS: Okay. I just have two more
16 questions, Ms. Hemphill.

17 THE WITNESS: Yes, sir.

18 MR. EVANS: The first question --
19 actually my second question is: Did any of your
20 convictions or arrests or any of these crimes take
21 place in a barber shop?

22 THE WITNESS: Oh, God, no. No, no, no.

23 MR. EVANS: Okay. And my last is -- I
24 mean, it appears in January 2010, you just had a
25 short encounter with law enforcement. What

1 happened?

2 THE WITNESS: I was lost.

3 MR. EVANS: You were lost? Okay.

4 THE WITNESS: I don't really know.

5 MR. EVANS: Okay.

6 THE WITNESS: There is no excuse.

7 MR. EVANS: Okay. Okay. Now, you're
8 finished with counseling and everything else;
9 correct?

10 THE WITNESS: Yes, sir, I am.

11 MR. EVANS: Okay. Okay. I have no
12 further questions.

13 MR. CHAIRMAN: We'll entertain a motion.

14 MS. PATTON: I make a motion that we
15 grant Ms. Hemphill the ability to obtain her license
16 in the State of South Carolina.

17 MR. EVANS: I second.

18 MR. CHAIRMAN: It has been motioned and
19 properly seconded that we extend Ms. Hemphill the
20 right to receive a license in the State of South
21 Carolina.

22 THE WITNESS: Thank you.

23 MR. CHAIRMAN: All in favor?

24 BOARD MEMBERS: Aye.

25 MR. CHAIRMAN: All opposed?

1 (NO RESPONSE.)

2 MR. CHAIRMAN: So be it.

3 MR. EVANS: Good luck to you.

4 THE WITNESS: Thank you so much.

5 *****

6 MR. CHAIRMAN: Edward Baxter. Raise your
7 right hand and be sworn in and give me your full
8 name.

9 THE WITNESS: Edward Lamont Baxter.

10 (The witness is sworn in.)

11 EXAMINATION OF APPLICANT BAXTER BY THE BOARD:

12 MR. CHAIRMAN: This hearing is called to
13 order. This is a matter of Mr. Edward L. Baxter.
14 Does any member of the Board have reason to recuse
15 him or herself from consideration of this
16 application?

17 BOARD MEMBERS: No.

18 MR. CHAIRMAN: The purpose of this
19 hearing is to determine whether Mr. Baxter should be
20 granted a license. Everyone is reminded that these
21 proceedings are being recorded and all the witnesses
22 must be sworn in before they testify. All remarks
23 should be directed to the chairman. Mr. Ray, is the
24 complete application package in our materials?

25 MR. RAY: Yes, sir.

1 MR. CHAIRMAN: I just wanted to note that
2 some of his information was stapled to the previous
3 person's application, so you might want to check and
4 make sure it's not on the back part of Ms.
5 Hemphill's material. Okay.

6 What questions, Mr. Ray, did the staff
7 have concerning this application?

8 MR. RAY: The criminal background report.
9 There was a felony charge.

10 MR. CHAIRMAN: Okay. Did the staff
11 subpoena any person to be here today to answer any
12 questions we might have?

13 MR. RAY: No, sir.

14 MR. CHAIRMAN: The applicant is present.

15 THE WITNESS: Yes, sir.

16 MR. CHAIRMAN: Are you represented by
17 counsel?

18 THE WITNESS: No, sir.

19 MR. CHAIRMAN: Do you understand that you
20 have the right to be represented by counsel of your
21 own choosing in this matter?

22 THE WITNESS: Yes, sir.

23 MR. CHAIRMAN: You are electing to waive
24 that right and represent yourself instead, correct?

25 THE WITNESS: Yes, sir.

1 MR. CHAIRMAN: Did you receive notice of
2 this hearing that was sent out?

3 THE WITNESS: Yes, sir.

4 MR. CHAIRMAN: In that notice, were you
5 advised of your right to counsel in this matter;
6 correct?

7 THE WITNESS: Yes, sir.

8 MR. CHAIRMAN: So you decided not to
9 obtain an attorney for today, correct?

10 THE WITNESS: Yes, sir.

11 MR. CHAIRMAN: Okay. Mr. Baxter, do you
12 have a witness, any witnesses, you intend to call to
13 testify on your behalf?

14 THE WITNESS: No, sir.

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

16 THE WITNESS: I'm here to be approved for
17 my apprentice license -- my master's barber license.

18 MR. CHAIRMAN: Any questions from the
19 Board?

20 MR. EVANS: Yes. Thank you, Mr.
21 Chairman. Mr. Baxter, good morning.

22 THE WITNESS: Good morning.

23 MR. EVANS: Are you currently on
24 probation, sir?

25 THE WITNESS: Yes, sir. I turned in all

1 the documents that I was asked for the last time I
2 was here, about the probation, the time, the
3 duration of the time. From the courts, had them
4 seal it and turn all that in to Ms. --

5 MR. EVANS: Okay. Mr. Baxter, are you
6 currently on probation?

7 THE WITNESS: Yes, sir.

8 MR. EVANS: You are? Okay. And when
9 does your probation end?

10 THE WITNESS: Duration is two years or
11 pay \$1300, and I --

12 MR. EVANS: Okay. So pretty much, two
13 years?

14 THE WITNESS: Yes, sir.

15 MR. EVANS: Okay. Tell me what's been
16 going on with you since 2004, in and out of trouble.

17 THE WITNESS: Well, I wasn't really in a
18 lot of trouble because in 2005 I was incarcerated
19 and come home in 2008.

20 MR. EVANS: Okay. You were serving time
21 for trouble, correct?

22 THE WITNESS: Yes, sir.

23 MR. EVANS: Okay. So you were in trouble
24 because you were incarcerated, correct?

25 THE WITNESS: Yes, sir.

1 MR. EVANS: All right. Tell me what's
2 been going on with you from 2004 up to now.

3 THE WITNESS: Then I was like 20 years
4 old and had no direction. I was just out there at
5 the time, no kind of direction.

6 MR. EVANS: Okay. Did any of these
7 crimes take place in a barber shop?

8 THE WITNESS: No. I was not even
9 thinking about a barber shop.

10 MR. EVANS: All right. I have no further
11 questions. Thank you, sir.

12 MR. CHAIRMAN: Any other questions?

13 MR. BARNES: I see a lot of things that
14 says "court charge financial." What does that mean?

15 THE WITNESS: Court charge financial?

16 MR. BARNES: Yeah.

17 THE WITNESS: I don't know what that
18 means.

19 MR. BARNES: Well, I understand what MDP
20 drugs means, and distribute, sell and etcetera. But
21 what does court charge financial and one and two?
22 It says a misdemeanor. I'm just curious of what
23 that means.

24 MR. CHAIRMAN: What page are you on, Mr.
25 Barnes?

1 MR. BARNES: Page 3. But I see it
2 several times.

3 MR. GRIGG: Mr. Barnes, are you looking
4 at where it says financial, and then underneath it
5 says trans card fraud?

6 MR. BARNES: Okay.

7 MR. GRIGG: It's financial transaction
8 card fraud is the charge.

9 MR. BARNES: Okay. Thank you.

10 THE WITNESS: How long ago that was?

11 MR. EVANS: Eight years or so.

12 THE WITNESS: -- it's so long ago.

13 MR. BARNES: It hasn't been that long
14 ago; you're a young man. Come on now.

15 THE WITNESS: Twenty-nine in May.

16 MR. BARNES: Yeah, yeah. I'm 64, be 65
17 in September, and I can tell you what happened 20
18 years ago, so --

19 THE WITNESS: Well, I was looking at that
20 to be my past.

21 MR. BARNES: Well, I just -- I'll shut
22 up.

23 MR. EVANS: Mr. Baxter, do you have a
24 place to work?

25 THE WITNESS: Yes, sir.

1 MR. EVANS: What's the name of the shop?

2 THE WITNESS: Phlayva Cuts Barber Shop,
3 3830 West Beltline. Owner, Eric Clark.

4 MR. EVANS: Other than your parole, do
5 you have any court ordered -- anything else the
6 court ordered that you have been taking part of as
7 (inaudible) when they see your past?

8 THE WITNESS: No, sir. Just the
9 previous situation that's going on now. Probation.

10 MR. EVANS: What have you been doing
11 positive with yourself?

12 THE WITNESS: Well, positively, I've been
13 working to obtain my license. I've actually been
14 doing a lot with the community I grew up in. I did
15 a -- last year, back to school -- and everything.
16 Do a lot as far as things with kids in my community.
17 I actually do free haircuts with the -- because I
18 was also told too, I could work with two licenses --
19 so I also offer like free haircuts and stuff on
20 Mondays, to give back to the community, hotdogs and
21 stuff like that. Since my charges situation, they
22 all occur for a reason, to make me a better person.
23 My past, my past, can't affect -- my future, but I'm
24 not going to let that hold me down from whatever I'm
25 trying to obtain.

1 MR. CHAIRMAN: So you had the option of
2 paying a fine or completing your probation or
3 parole; correct?

4 THE WITNESS: Well --

5 MR. CHAIRMAN: What is your intention?

6 THE WITNESS: My intention is to pay.

7 MR. CHAIRMAN: Okay.

8 THE WITNESS: Then I'll be clear of
9 that.

10 MR. CHAIRMAN: Have you begun to pay on
11 that?

12 THE WITNESS: Yes, sir.

13 MR. CHAIRMAN: Okay. How much of that
14 \$1300 have you paid thus far?

15 THE WITNESS: It's like two individuals.
16 You have to pay eight hundred (\$800) to the court
17 and a fine with the probation. I have a hundred
18 paid of the probation, and maybe a hundred of the
19 court.

20 MR. CHAIRMAN: So you're just starting a
21 payment plan. This is something you're doing on
22 your own, not --

23 THE WITNESS: Well, with the courts you
24 have to pay like monthly and everything, even with
25 probation. So if I get a lump sum of money, I can

1 just pay it off.

2 MR. CHAIRMAN: Okay.

3 THE WITNESS: And right at the time I
4 don't have a lump sum of money to pay it off, so I'm
5 paying each month.

6 MR. CHAIRMAN: Okay. So at the least,
7 you're talking about five to eight more months of
8 probation, till you can pay all of it off.

9 THE WITNESS: Yes, sir.

10 MR. CHAIRMAN: And if you don't, you have
11 to do the entire two years.

12 THE WITNESS: Yes, sir.

13 MR. CHAIRMAN: Okay.

14 MR. BARNES: I have one other question.

15 MR. CHAIRMAN: Yes, sir.

16 MR. BARNES: In 2010, 9/17/2010, you had
17 a misdemeanor charge, assault and battery of a
18 school employee, and I see where it was dismissed.
19 Will you elaborate on that a little bit for me?

20 THE WITNESS: It was a incident that
21 occurred with some kids that was in school. And
22 they had a fight. And I was actually the middle man
23 breaking it up. But they put all of us in. So
24 that's why it actually got dismissed and put out,
25 when they found out I really didn't have anything to

1 do with it, you know, just being the mediator.

2 MR. BARNES: Okay. Thank you.

3 MR. CHAIRMAN: Back to your probation.

4 What other conditions, other than paying the
5 obligation, the money, are there other conditions?

6 THE WITNESS: Just stay out of trouble.

7 They really didn't put no special conditions or
8 anything on it.

9 MR. CHAIRMAN: Okay. Because it reads:
10 Edward Baxter will have an opportunity for early
11 termination -- to be early terminated if all his
12 conditions are met.

13 THE WITNESS: Yeah, that's like the
14 paying --.

15 MR. CHAIRMAN: It says, "and his monetary
16 obligations to the court."

17 THE WITNESS: Yes. Staying out of
18 trouble.

19 MR. CHAIRMAN: So you have a payment
20 schedule, it sounds like.

21 THE WITNESS: Every month that I go in.

22 MR. CHAIRMAN: Every month. Got you.
23 We'll entertain a motion.

24 MR. EVANS: I'd like to make a motion
25 that Mr. Baxter -- this is for his license, correct?

1 MR. CHAIRMAN: That's correct.

2 MR. EVANS: That Mr. Edward L. Baxter
3 application be approved with three year probation.

4 MR. CHAIRMAN: We have a motion on the
5 floor.

6 MS. PATTON: Do we need with a SLED
7 report?

8 MR. CHAIRMAN: SLED report, at his own
9 expense.

10 MR. EVANS: Yes. If you'd like to have
11 all that entered into a motion, I'll be happy to do
12 such. Just restating the motion, that Mr. Edward L.
13 Baxter application be approved with the stipulation
14 of a three year probation. Mr. Baxter, you are to
15 supply to the office here, on an annual basis, an
16 updated SLED report. If you are found to be in any
17 trouble whatsoever in the next three years, your
18 license will be revoked, okay? That's a motion on
19 the floor.

20 MS. PATTON: Second it.

21 MR. CHAIRMAN: It's been motioned and
22 properly second that we extend Mr. Baxter the
23 license, State of South Carolina, three year
24 probation, that he provide a SLED report annually at
25 his own expense. Any violations will result in

1 revocation of his license. All in favor?

2 BOARD MEMBERS: Aye.

3 MR. CHAIRMAN: All oppose?

4 (NO RESPONSE.)

5 MR. CHAIRMAN: Thank you very much.

6 *****

7 MR. CHAIRMAN: Nicholas Brannon.

8 MR. RAY: He's off.

9 MR. CHAIRMAN: He's off, okay. I thought
10 we had to call him anyway.

11 MR. GRIGG: He's already contacted --
12 not going to be here.

13 MR. CHAIRMAN: All right. Elliott
14 Miller.

15 MS. PATTON: May I say something?

16 MR. CHAIRMAN: Yes.

17 MS. PATTON: Gary McCutcheon's address in
18 Columbia, he's practicing, I know for a fact in
19 Spartanburg.

20 MR. CHAIRMAN: All right. Mr. Ray, did
21 you hear that?

22 MR. RAY: No, sir.

23 MR. CHAIRMAN: Would you restate that,
24 please, for the record?

25 MS. PATTON: Gary McCutcheon is

1 practicing in Spartanburg, as we speak.

2 MR. CHAIRMAN: Do you have an address?

3 MS. PATTON: That's why we couldn't find
4 an address. It's on Magnolia Street at McGraw's
5 Barber Shop. And he -- he did call me, and I said,
6 You don't need to practice until you come before the
7 Board, but I'm just passing it on.

8 MR. CHAIRMAN: Okay. Did he recently
9 take his test?

10 MS. PATTON: Yes.

11 MR. CHAIRMAN: It sounds as if PCS is
12 telling people that if they pass the test, they can
13 work.

14 MS. PATTON: Back to work. Yes, they are
15 telling them that.

16 MR. CHAIRMAN: And that is not a practice
17 that we --

18 MS. PATTON: That they can work without a
19 license.

20 MR. CHAIRMAN: Once they finish their 90
21 day permit, once that expires they were not able to
22 practice up until the time they receive their
23 permit. So that's a issue that we have to
24 straighten out with PCS.

25 *****

1 MR. CHAIRMAN: All right. State your
2 full name and be sworn in, please. Raise your right
3 hand.

4 THE WITNESS: Elliott V. Miller. Elliott
5 V. Miller, Sr.

6 (The witness is sworn in.)

7 EXAMINATION BY APPLICANT MILLER BY THE BOARD:

8 MR. CHAIRMAN: Today's date, February
9 6th, 2012. This hearing is being called to order.
10 This is a matter of Elliott V. Miller. Does any
11 member of the Board have reason to recuse him or
12 herself from consideration of this application?

13 BOARD MEMBERS: No.

14 MR. CHAIRMAN: The purpose of this
15 hearing is to determine whether the applicant should
16 be granted a license. Everyone is reminded that
17 these proceedings are being recorded and that all
18 witnesses must be sworn before they testify. All
19 remarks should be directed to the chairman. Mr.
20 Ray, is the packet complete in front of us?

21 MR. RAY: Yes, sir.

22 MR. CHAIRMAN: What questions did the
23 staff have concerning this application?

24 MR. RAY: Questions regarding items on
25 the SLED report, criminal background.

1 MR. CHAIRMAN: Did the staff subpoena any
2 other persons to be here today to answer
3 questions we might have?

4 MR. RAY: No, sir.

5 MR. CHAIRMAN: The applicant is present.
6 Are you represented by counsel, Mr. Miller?

7 THE WITNESS: No, sir. I represent
8 myself.

9 MR. CHAIRMAN: Okay. You understand that
10 you have the right to be represented by counsel of
11 your own choosing in this matter?

12 THE WITNESS: Yes, sir. Well, I -- I --
13 I had counsel --

14 MR. CHAIRMAN: Just answer yes or no.

15 THE WITNESS: Yes.

16 MR. CHAIRMAN: Okay. You are electing to
17 waive the right and represent yourself instead,
18 correct?

19 THE WITNESS: Yes.

20 MR. CHAIRMAN: Did you receive notice of
21 this hearing that was sent out?

22 THE WITNESS: Yes.

23 MR. CHAIRMAN: In that notice, were you
24 advised of your right to counsel in this matter;
25 correct?

1 THE WITNESS: Yes.

2 MR. CHAIRMAN: So you did not decide to
3 obtain an attorney and you are representing yourself
4 today; correct?

5 THE WITNESS: Yes.

6 MR. CHAIRMAN: Okay. Mr. Miller, do you
7 have any witnesses you intend to call to testify on
8 your behalf?

9 THE WITNESS: No. But my wife here
10 today. She might want to say something.

11 MR. CHAIRMAN: Okay. If she's going to
12 say anything, she needs to come forward and be sworn
13 in and state her full name, if she's going to say
14 anything.

15 THE WITNESS: Nah.

16 MR. CHAIRMAN: Okay. Very good. Mr.
17 Miller, are you ready to show us why you should be
18 granted a license, despite the questions that have
19 been raised by the staff?

20 THE WITNESS: I went to barber school
21 with -- with Mr. Felder, and I trained to become a
22 barber. And this is what I plan to do the rest of
23 my life, and I'm here just trying to go forward with
24 my life, and do something positive with it.

25 MR. CHAIRMAN: You said you trained under

1 Mr. Fielding up in --

2 THE WITNESS: Felder.

3 MR. CHAIRMAN: Felder?

4 THE WITNESS: In -- in Laurens, South
5 Carolina.

6 MR. CHAIRMAN: Right. We're familiar
7 with Mr. Felder.

8 THE WITNESS: I've taken the practical in
9 -- I've taken both -- both exams.

10 MR. CHAIRMAN: Okay. Are there any
11 questions from the Board?

12 MR. EVANS: Mr. Miller.

13 THE WITNESS: Yes, sir.

14 MR. EVANS: I think from, what?, 1984 up
15 to pretty recent, you've had encounters.

16 THE WITNESS: Yeah. But if you notice, I
17 haven't been in no trouble in like 20 -- 20-
18 something years. And see, all of this stuff that
19 happened recently is dealing with really not me,
20 with my son. And because everything that I own was
21 in my name, every time something happened, I got
22 charged with it.

23 MR. EVANS: Let me ask you the question.

24 THE WITNESS: Okay.

25 MR. EVANS: I don't know what you're

1 talking about.

2 THE WITNESS: Okay. Okay.

3 MR. EVANS: But that was not my question.

4 THE WITNESS: Okay.

5 MR. EVANS: Okay? I mean, unless you
6 want to just go ahead and express yourself, I would
7 pause. Go ahead and continue, please.

8 THE WITNESS: I -- I -- I'll express
9 myself later.

10 MR. EVANS: No, it sounds like
11 something's on your mind, so go ahead. And then I
12 will be brief; I just have one or two questions. Go
13 ahead, sir.

14 THE WITNESS: Well, I -- I really need to
15 elaborate on what is really going on here.

16 MR. EVANS: Okay.

17 THE WITNESS: See, I got a son. He's got
18 the same name I got.

19 MR. EVANS: Okay.

20 THE WITNESS: And he had some -- well, I
21 own two different properties. And he was living in
22 one property and I -- and me and my wife, we lived
23 in another. Well, I was working two jobs. I worked
24 third shift and I was working on houses; I had my
25 own business working on houses. And it was a lot of

1 stuff going on over there at 285 Radcliffe Drive
2 that I wasn't aware of it. And by the time I became
3 aware of it, the police was onto him and had
4 warrants for him. And so they started stopping all
5 -- they started stopping my cars all the time,
6 searching them and whatnot.

7 And it was a couple times that my son had
8 used my car, that he had left marijuana in the car.
9 And then they come to the house and wanting to
10 search the house, and I gave them permission to
11 search the house. I was like, You go on and search
12 the house. They goes in his room, find marijuana in
13 his room. But he 23/24 years old. And -- and I
14 don't go in -- well, I done got ahead of myself.

15 What happened was, when he was living in
16 the trailer, I found out what was going on. I put -
17 - I -- I made him move out the trailer, and I made
18 him move in with me and my wife. And he -- and I
19 told him, I said, Man, don't bring this foolishness
20 over here." But it was bringing it in any way, and
21 we wasn't aware of it.

22 And ended up, the police came up there
23 with a warrant for him, Elliott Miller, Jr. And
24 because the house in my name, all the cars in my
25 name, I own the home, when they come in there, they

1 arrest me. But he comes down to -- he gets arrested
2 later because they got a warrant for him. They drop
3 the charges against me and they arrest him. But
4 even though they done did all this, it still on this
5 paper, like I did all the stuff. And, man, it just
6 a long story, I'm telling you.

7 MR. EVANS: Okay.

8 THE WITNESS: It's just been a mess.

9 MR. EVANS: All right. Well, thank you
10 very much, Mr. Miller. Just let me ask you one
11 question. Did any of these crimes in which you were
12 arrested for take place in a barber shop?

13 THE WITNESS: No, sir.

14 MR. EVANS: Okay. Thank you very much.

15 THE WITNESS: No, sir. I -- I was
16 constantly -- I'm going to tell you the -- like they
17 got me charged on here with trafficking heroin.
18 Okay. I been up under Doctor's Care for like 11 or
19 12 years. I got the paperwork right here to show
20 you where I've been taking medication over, ever
21 since I been in this accident.

22 Well, what happened is, when they stopped
23 me one time, they seen my medicine bottle, okay? So
24 now, every time they stop me, on the way to work,
25 they know I go to work every night at eleven

1 o'clock. They stopped me 13 times in less than six
2 months. Every time, they search my vehicle, with no
3 proper cause, no reason whatsoever. And if you look
4 on those papers, you will see where they say I --
5 they even came and -- and stopped me from turning in
6 my driveway, saying I didn't even use a signal
7 light. Searched my car, searched my house and
8 everything.

9 Well, I'm going to tell you what
10 happened. And so my doctor was the solicitor's
11 daddy, which I -- that's ironic. I did not know
12 this.

13 MR. EVANS: Okay. Now that part, I do
14 not want to get into, okay?

15 THE WITNESS: Okay. Well, I'm just
16 saying --

17 MR. EVANS: I respect what you're saying.

18 THE WITNESS: This is how I got this
19 charge about -- well, okay. I don't --

20 MR. EVANS: Yes, sir. We have actually
21 gone through your arrest report here, and we see
22 where you have been arrested and you have several
23 non-convictions, okay?

24 THE WITNESS: Yeah. See, they take me to
25 trial --

1 MR. EVANS: We understand that.

2 THE WITNESS: And then they throw it out.
3 But they charge me with all this stuff that I didn't
4 do.

5 MR. EVANS: Yes, sir.

6 THE WITNESS: And then they take me in
7 there and they -- they throw it out. And I have had
8 to take all my money out of my 401(k).

9 MR. EVANS: Right.

10 THE WITNESS: I done lost my job,
11 everything. So I -- I went to barber school to try
12 to do something that I can start new; you know what
13 I'm saying?

14 MR. EVANS: Yes, sir. We understand.

15 THE WITNESS: It's just a mess, man.

16 MR. EVANS: You've answered my question.
17 Thank you. I appreciate it.

18 MR. CHAIRMAN: All right. And I have one
19 little question. What on here was yours, and when
20 was the last time you got in trouble?

21 THE WITNESS: The -- see what happened,
22 when they found out that -- that -- that I was
23 taking pain medicine, my doctor refused to see me
24 when it was time for me to go to the doctor. So I
25 was just telling my cousin one day, I said, Man, --

1 I said, my doctor won't see me. I got an
2 appointment at Laurens Family Practice, but it's
3 going to be two-and-a-half weeks before I get to go.
4 And he was like, Well, my wife, she had back
5 surgery; she got some pain pills at home. I was
6 like, You think she will let me get a couple of them
7 to make it till I go to the doctor? And so he gave
8 me some of them.

9 So I had -- I had some of them in my
10 pocket; I was on the way to work. And they had five
11 police cars on the side of the road with their
12 lights already flashing before I even got --. But I
13 ain't even thinking nothing about these pills,
14 because I'm just taking them for pain. And I -- I
15 pulled over; I know I ain't got no drugs or nothing.
16 So they say "Get out of the car." They take me out
17 the car; they search the car. They search me; they
18 get the pills out my pocket. They say, What you
19 doing with these pills? I said, Well, I'm on the
20 way to work; I'm taking them for pain. And so they
21 locked me up. I'm thinking it's just like a simple
22 charge.

23 I get up the next day. I'm just going to
24 pay the fine. I get up and go in the courtroom and
25 they charged me with trafficking heroin. And I'm

1 like, Man, I ain't got no heroin.

2 MR. CHAIRMAN: All right. That's the one
3 on October of last year.

4 THE WITNESS: Yeah. Where they got me
5 charged trafficking heroin. Then they -- then when
6 I went to court, they dropped it all the way down to
7 possession of a schedule two substance and gave me
8 probation.

9 MR. CHAIRMAN: Okay. Are you currently
10 on probation?

11 THE WITNESS: Huh-uh. They -- lady
12 called me last week and she -- she told me -- she
13 said -- she said, Look, I'm going to go ahead and
14 let you off probation. And so I -- she said, Sign
15 right here. I signed the paper. She -- she let me
16 off.

17 MR. CHAIRMAN: Do you have that
18 documentation?

19 THE WITNESS: I don't have -- because she
20 said I was going to get it in the mail, and she just
21 let me off -- like when was it? Like Wednesday last
22 week. It was on the 23rd.

23 MR. CHAIRMAN: Okay. Any other questions
24 from the Board?

25 MS. PATTON: And you're going to be

1 working where?

2 THE WITNESS: Yeah. Right now, I'm at
3 this place called Wally's Creation. It used to be
4 called Laten Alarm.

5 MR. CHAIRMAN: Any other questions from
6 the Board?

7 (NO RESPONSE.)

8 MR. CHAIRMAN: We'll entertain a motion.

9 MS. PATTON: I make a motion that he is
10 granted permission to get his license in the State
11 of South Carolina, with the contingent that he gets
12 us a copy of his release from probation report.

13 MR. CHAIRMAN: Motion on the floor.

14 MR. BARNES: I'll second it.

15 MR. CHAIRMAN: It's been motioned and
16 properly seconded that Mr. Elliott Miller receive
17 his license, contingent upon providing the office
18 with a letter stating his probation has been ended.
19 All those in favor?

20 BOARD MEMBERS: Aye.

21 MR. CHAIRMAN: All opposed?

22 (NO RESPONSE.)

23 MR. CHAIRMAN: So be it.

24 MR. EVANS: Good luck, Mr. Miller.

25 THE WITNESS: Thank you.

1 MR. CHAIRMAN: All right. Any public
2 comments? Next meeting is April 9th, 2012. I'll
3 entertain a motion for adjournment.

4 MR. EVANS: So moved.

5 MS. PATTON: Second it.

6 MR. CHAIRMAN: Motion properly second.

7 All in favor?

8 BOARD MEMBERS: Aye.

9 (THE MEETING WAS ADJOURNED AT 10:45 a.m..)

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1 CERTIFICATE OF REPORTER

2 I, Betty M. Washington, Verbatim Court Reporter and
3 Notary Public in and for the State of South Carolina at
4 Large, hereby certify that I reported the Board Meeting of
5 the South Carolina Board of Barber Examiners, held on the
6 6th day of February, 2012; and that the foregoing pages
7 constitute a true and correct transcription of said Board
8 Meeting, to the best of my ability.

9 I further certify that I am neither attorney nor
10 counsel for, nor related to or employed by any of the
11 parties connected with this action, nor am I financially
12 interested in said cause.

13 I further certify that the original of said transcript
14 was thereafter sealed and delivered to: BYRON RAY,
15 Administrator, Kingstree Building, Centerview Drive,
16 Columbia, South Carolina 29210, who will retain this sealed
17 original transcript and shall be responsible for same.

18 In witness whereof, I have set my hand and seal this 6th
19 day of February, 2012.

20

21

BETTY M. WASHINGTON
MY COMMISSION EXPIRES JULY 16, 2017.

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