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DRAFT MINUTES
South Carolina Board of Barber Examiners
Board Meeting
9:00 A.M., August 8, 2011
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Meeting Called to Order

Chairman Edwin C. Barnes called the meeting to order of the SC Board of Barber Examiners at 9:00 a.m. Other members participating in the meeting included: Paul E. Robinson, Vice Chairman, Frederick M. G. Evans and Renee Patton.

Staff members participating in the meeting included: Sheridan Spoon, Advice Counsel, Lisa Hawsey, Assistant Administrator, Glinda Legette, Administrative Specialist, Jessica DeBenedetto, – Compliance, Roz Bailey-Glover, Administrative Assistant, and Cecelia P. Englert, Court Reporter.

Others participating in the meeting include: Tony Hall, Rodrick Samuels, Blake Green, Christopher W. Mullen, Marcus J. Fripp, Jai A. Ferguson, Jonathan Oakman, and Rodney Talbert.

Video of this meeting can be viewed at the state’s public website:
www.llr.state.sc.us/POL/Barber, On the Board’s home page click “Board Information” and follow the link to the video.

Public Notice:

Mr. Barnes announced that public notice of this meeting was properly posted at the SC Board of Barber Examiners Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Approval of Excused Absences:

All members were present at the August 8, 2011 meeting.

Approval of the June 13, 2011 Minutes:

Motion:

Frederick M.G. Evans made a motion to approve the minutes as submitted on June 13th, 2011 with a correction to discussion line #11. Ms. Rene Patton seconded the motion, which was unanimous.

Chairman’s Remarks – Edwin Barnes:

Chairman Barnes stated there have been a number of changes within LLR, and that Mr. Jones, former Administrator retired. Chairman Barnes wanted it to go on record that Mr. Jones was really good to the Barber Board and he appreciated his direction over the years. Ms. Lisa

52 Hawsey will act as Board Administrator in the interim until a new Administrator is named, and
53 that all questions will be directed to Ms. Hawsey for today's session.

54
55 Chairman Barnes reminded everyone that the 2011 National Convention was one month away,
56 and there were still outstanding tasks that needed attention. Mr. Jones was supposed to check
57 if the hotel rooms could be prepaid by LLR. Chairman Barnes requested a follow-up from staff
58 regarding the hotel prepayment. Chairman Barnes clarified with board member Mr. Evans about
59 his guest speaker's topic and time slot. Mr. Evans stated that his guest speaker was all set for
60 Wednesday morning between 9:30 a.m. – 10:30 a.m. Chairman Barnes mentioned that he
61 invited other speakers including House Member, Mr. Grady Brown. In addition, the Chamber of
62 Commerce will have a High School ROTC to present the flag during the opening ceremony.
63 Chairman Barnes stated that he needed a couple of LLR staff member to help with the welcome
64 desk on Sunday and Monday. He also needs help with the registration desk on Sunday around
65 3:00 p.m. to assist the National Board.

66
67 **Administrator's Remarks, For Information – Eddie Jones:**

68 Ms. Lisa Hawsey addressed the board that there were no legislative issues or updates to
69 report.

70
71 Advisory Opinions, if needed, Office of General Counsel:

72 Mr. Sheridan Spoon addressed the Board stating there was no report to present, but he
73 mentioned the changes within LLR's Advisory Staff. Mr. Spoon stated that there would be three
74 attorneys serving as advice counsel per board. Each attorney has a primary group of boards
75 they are assigned to, and there would be two advice counsel attorneys to serve as backups.

76
77 Legislative Update, if needed, Legislative Liaison Office:

78 No report presented.

79
80 OIE Report – Office of Investigations and Enforcement:

81 Mr. Bobby Taylor, Investigations and Enforcement presented the OIE Report. Since January 1,
82 2011, OIE received twelve (12) complaints. Four (4) cases have been closed, and there are five
83 (5) pending complaints. Cases #2011-7 and 8 are dismissals. These were hair braiders who
84 were properly licensed, but the licenses were not posted in a visible location for the public. Case
85 #2010-25 was a formal complaint, and a consent agreement was issued. The Board did not
86 have a copy of the report. Copies of the report were provided to the Board later during the
87 session for review and approval.

88
89 OGC-Office of Investigations and Enforcement:

90 No report presented.

91
92 Office of General Counsel:

93 No report presented.

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95 Inspection Report:

96 Lisa Hawsey was called upon to present the Inspection Report. She stated that there was no
97 inspection report available at this time. However, as of July 18, 2011, the Office of General
98 Counsel will no longer allow inspectors to charge fines from the issuance of citations in salons
99 and barber shops. The inspectors will only be the finders of fact at this time as the Board statue
100 does not provide a provision to levy fines. Chairman Barnes requested copies of the Engine Bill
101 as he was lead to believe that the Engine Bill covered citations. Advice Counsel, Mr. Sheridan
102 Spoon clarified that the citation process was not in the Barber Board's practice act for inspectors

103 to issue citations, but that the Board could still issue a citation and file formal complaints. The
104 inspector would bring the facts to the Board and the Board would determine the action or levy
105 the fine. Mr. Sheridan Spoon clarified that through the IRC or DRC the facts would be drawn
106 and a fine determined. The facts and fine are forwarded from the IRC or DRC to the Board as a
107 recommendation. The board would then authorize the fine as a formal complaint and at that
108 point the licensee can have a hearing or enter into a consent agreement which they agree there
109 is a violation, and agree to a stipulated sanction. The Board determines the sanction after the
110 IRC review and can also issue a cease and desist order to a licensee. Further discussion
111 ensued. Mr. Spoon explained that through the IRC process the Board can issue a fine, and or
112 issue a consent agreement to the licensee. Licensees do not appear before the IRC. The IRC
113 consists of a public member, investigator, administrator, and attorney. The IRC makes the
114 recommendation to the Board to authorize the disposition of a case in the form of a dismissal,
115 letter of caution or formal complaint. A citation will no longer be issued by the investigator on
116 behalf of the Board. Mr. Evans expressed his concern about investigator inability to levy a fine
117 through the citation process. He felt that the process is now out of sync. Mr. Spoon stated that
118 one option is for the Board to change the law to allow the issuance of citations. Further
119 discussion ensued. Mr. Spoon reiterated that the Board has the authority to issue a cease and
120 desist, and the fine is decided by the Board. The Investigators are only the finders of facts, and
121 will write-up their findings, but they can no longer issue citations. The write-up goes to the IRC.
122 Mr. Evans wondered if the Board should suspend inspections until further clarification or a
123 complete process can be made regarding citations. Mr. Spoon stated that he would not advise
124 the Board to suspend inspections at this time. A cease and desist can still be issued by the
125 Board Administrator if a licensee is found, for example, to be practicing without a license.
126 People who are licensed can be disciplined by the Board. People who are not licensed or have
127 never been licensed have to be dealt with through the Administrative Law Clerk. The Board
128 members felt that the subject needed further discussion, and clarification at a later date. Mr.
129 Spoon stated that the Board should use the IRC to hear the results of investigations.

130
131 The Board members wanted more information provided on the IRC report to clarify the findings
132 of the investigation so that the Board is clear about what they are making a decision on.
133 Licensee names are not included in the report but more information would help the Board to
134 make an informed decision. Mr. Spoon clarified that since the Board appointed the IRC, the
135 committee acts on behalf of the Board, and cover the details of the investigation. The Board
136 requested that OIE provide a summary with more detail on the IRC reports regarding the
137 findings of the facts.

138
139 Mr. Bobby Taylor provided the Board with a copy of the IRC, and explained that case #2010-25,
140 #2011-4 were consent agreements. The IRC also recommended two years probation a \$500
141 fine, and quarterly inspections. On case #2011-6, this individual instructor was issued a letter of
142 caution for not providing training hours to students. Chairman Barnes requested a motion to
143 approve the IRC report review.

144
145 **Motion:**

146 Ms. Renee Patton made a motion to accept the IRC report, and its findings. Mr.
147 Frederick Evans seconded the motion, which was unanimous.

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150 **Unfinished Business:**
151 Chairman Barnes asked if there was any unfinished business to discuss. There being none, he
152 moved on to the DRC Report. Before moving on to the DRC, the Board wanted to know if their

153 hotel rooms would be paid for up front for the National Conference. Lisa Hawsey let them know
154 that the finance department will let staff know, and will let the Board know at a later time.
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New Business:

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Approval of DRC Report:

160 Lisa Hawsey stated there was no one to present the DRC report. The Board received a copy of
161 the report for review. Ms. Hawsey further explained that the DRC report won't be provided to
162 the Board any more since citations will no longer be issued by the investigators on behalf of the
163 Board. This DRC report is being shared as information only as it is a carryover from the
164 citations issued before the new policy changes occurred. The Board reviewed the DRC report,
165 and briefly discussed the fines allowed in the Engine Bill with Mr. Spoon per Chapter 7, Section
166 40-1-120.
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Motion:

170 Mr. Frederick Evans made a motion to accept the DRC report from Monday, June
171 13, 2011, as information. Ms. Rene Patton seconded the motion, which was unanimous.
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Approval of New School:

175 Board Chairman Barnes called upon Mr. Rodrick Samuels seeking approval for the opening of
176 his new school, Profile Barber Institute, located in Summerville, SC. Mr. Samuels stated that he
177 has a second instructor he wished to hire, Ms. Shenquia Riley. Ms. Riley is currently a licensed
178 instructor with the Barber Board. The Board asked LLR staff to check the licenses of both Mr.
179 Samuels, and Ms. Riley to conclude their review. Mr. Samuels stated that he will also hire a
180 secretary to capture the hours for the students. The secretary will obtain the hourly information
181 from instructors Mr. Samuels and Ms. Riley and provide the hours to the students.
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183 The Board went into Executive Session to review the application.
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Motion:

187 Mr. Paul E. Robinson made a motion to review the school information under
188 Executive Session. Ms. Rene Patton seconded the motion, which was unanimous.
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190 The Board returned from Executive Session.
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Motion:

194 Chairman Barnes made a motion to resume the Board meeting as scheduled. Ms.
195 Renee Patton seconded the motion, which was unanimous.
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197 LLR staff checked Mr. Samuels records and found that on June 26, 2009 and order was issued
198 to Mr. Samuels. On August 5, 2009 he appealed the order. Documents were provided to the
199 Board for review. Mr. Samuel's has a current license. The \$500 fine assess was paid on
200 9/15/2009. Mr. Spoon explained the documents to Mr. Samuels. Mr. Samuels reviewed the
201 documents and they were made part of the records.
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Motion:

204 Ms. Patton made a motion to approval for the opening of his new school, Profile
205 Barber Institute. Mr. Evans seconded the motion, which was unanimous.
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208 **Approval of Third Student Permit:**

209 Board Chairman Barnes called upon Mr. Jonathan Oakman seeking approval for the issuance
210 of a third student permit. Mr. Oakman stated that the first school he attended, Necees, on April
211 1, 2010, the instructor left because she was not being paid. This left the students were without
212 an instructor for a month, so he did not receive any of his hours. Mr. Oakman then attended the
213 Shirley Wax School on November, 2010. He's asking for a third permit for Harley's Barber
214 College because the distance he has to travel to the Shirley Wax School is causing a hardship
215 for him and his family. Mr. Oakman believes he has accumulated 1,000 hours, but has never
216 received a copy of his hours from his former instructors. Chairman Barnes stated that Mr.
217 Oakman must demand a copy of his hours from his former instructors, and let the instructors
218 know that the Chairman of the Barber Board stated that there were no exceptions, and that the
219 hours must be provided.
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221 **Motion:**

222 Mr. Frederick Evans made a motion to approve the third student permit. Mr. Paul
223 E. Robinson seconded the motion, which was unanimous.
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226 **Approval of Third Student Permit:**

227 Board Chairman Barnes called upon Mr. Tony Hall seeking approval for the issuance of a third
228 student permit. Mr. Hall stated that he had 1,127 hours of training and received copies of his
229 hours. He stated that with the 1st the barber shop he applied for OJT but the shop never
230 opened and he never used the first permit. The 2nd permit applied to Harley's Beauty and Barber
231 Career Institute which he started on October, 2010, on a part-time basis. Harley's would not
232 accept his first permit so he had to obtain the 2nd permit from the Board. The 2nd permit expired
233 in August, 2011. He will still be attending Harley's Beauty and Barber Career Institute which is
234 why he needs the 3rd permit. Ms. Lisa Hawsey stated that there's no way to determine if Mr.
235 Hall used his 1st permit or not as those records are not tracked by Board staff. Mr. Hall will
236 reapply with Harley's and submit the documents to the Barber Board for processing.
237

238 **Motion:**

239 Mr. Paul E. Robinson made a motion to approve the third student permit.
240 Mr. Renee Patton seconded the motion, which was unanimous.
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243 **Approval of Third Student Permit:**

244 Board Chairman Barnes called upon Mr. Blake Green seeking approval for a third student
245 permit. Mr. Green stated that he had 140 hours. He went to school at Number One Cuts in
246 Greenville, SC in 2005 with Mr. Gregory Fielders. He stopped attending for a short time with the
247 arrival of a new baby. When he went back to the school, it was closed. He cannot locate Mr.
248 Fielders and never received any hours or a transcript from Number One Cuts. He believes he
249 has earned at least 900 hours with Mr. Fielders. Unable to locate Mr. Fielders, Mr. Green went
250 to the Southside Barber Shop under Mr. Daniel Jones where he paid \$150 for a booth rental.
251 Business was slow and the \$150 rental was too expensive so he is no longer training under Mr.
252 Daniel Jones. His last day was June 18, 2011. Mr. Green would like to transfer to instructor
253 Reggie Rice at Reggie's Unique Cuts.
254

255 The Board went into Executive Session to review the application.
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Motion:

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Mr. Paul E. Robinson made a motion to review the permit application under Executive Session. Ms. Renee Patton seconded the motion, which was unanimous.

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The Board returned from Executive Session.

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Motion:

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Chairman Barnes made a motion to resume the Board meeting as scheduled. Ms. Renee Patton seconded the motion, which was unanimous. No motions were made during Executive Session.

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Motion:

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Ms. Renee Patton made a motion to grant the third permit to Mr. Green. Mr. Paul E. Robinson seconded the motion, which was unanimous.

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Ms. Renee Patton explained to Mr. Green that he would also be required to obtain his hours directly from his former instructor, Mr. Fielders.

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Review of SLED Report for Registered Barber License Reinstatement:

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Board Chairman Barnes called upon Mr. Rodney Talbert seeking approval to reinstate his license and review of his SLED report. Mr. Talbert stated that he went to school in SC several years ago. His wife is in the military so they moved to GA. He completed school in GA and but passed his Barber exam in SC. After passing the exam, SC provided him with a 90 day work permit which has since expired. Mr. Talbert testified that he never went to court for the last case and charges on his file, but he did go to jail. To his knowledge the 2011 charges are currently pending and he is not on probation or parole. The Board reviewed documents provided by staff, and noted a contradiction. Documents provided by staff show that the Mr. Talbert already had a former license in SC, but Mr. Talbert testified that he never had a license in SC only temporary work permit. Lisa Hawsey will check the records and provide additional information to the Board for the executive session. The Board noted that a license cannot be issued until the 2011 pending charges are cleared up. Mr. Talbert can work on the letter he received from the testing service until a permanent license can be issued. Any decision made by the Board will supersede the letter from PCS. The Board further discussed the type of letter that's issued to applicants from the testing service, PCS.

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The Board will consider Mr. Talbert's application during executive session.

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Motion:

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Mr. Paul Robinson made a motion to deny the registered barber license until the charges shown on his SLED report for 2011 can be adjudicated. Ms. Renee Patton seconded the motion, which was unanimous.

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Approval of Apprentice Registered:

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Board Chairman Barnes called upon Mr. Christopher W. Mullen seeking approval of his Apprentice Registered Barber license application. Mr. Mullen submitted a criminal background

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306 report with his license application, and was requested to appear before the board for approval.
307 Mr. Mullen presented testimony stating that he is not on probation or parole. He also brought
308 Mr. Willie T. Woods from Sumter Barber Shop to testify on his behalf. Mr. Woods stated that he
309 has known Mr. Mullen for four months, and felt that he should be given a second chance.

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312 **Motion:**

313 Renee Patton made a motion to approve Mr. Mullen to apply for his Apprentice
314 Registered Barber license. Mr. Frederick M.G. Evans seconded the motion, which was
315 unanimous.

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317 Board Chairman Barnes called upon Mr. Mr. Jai A. Ferguson. Mr. Ferguson submitted a
318 criminal background report with his application for reinstatement of his Registered Barber
319 license and was requested to appear before the board for approval. Mr. Ferguson testified that
320 he wanted to be reinstated, and passed his examination. He stated that he was not on probation
321 or parole, and has nothing pending. He is currently working off of his examination letter from
322 PCS. His work permit is currently expired. His arrest was in a hotel near Goose Creek H.S. on
323 May 5, 2011, but he was released for time served. Mr. Ferguson testified that he has been out
324 of jail for thirty-eight days. The SLED report Mr. Ferguson submitted for Board review did not
325 cover the most recent arrest final disposition. Mr. Ferguson stated that he only received a photo
326 identification card showing his release date, and did not receive any letter regarding the terms of
327 his release. Since there is a gap in information the Board must verify that Mr. Ferguson is not on
328 probation, and server his time for the last charge. Mr. Ferguson will obtain a new SLED report to
329 show the charges were resolved.

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332 **Motion:**

333 Mr. Paul E. Robinson made a motion that the application is incomplete and that
334 Mr. Ferguson must provide an updated SLED report, or corrected SLED report, or proof of his
335 release, then submit his application to the Board again for consideration. If the charges are
336 resolved as shown on a new SLED report, Mr. Ferguson would be authorized to proceed with
337 the permanent license process. The motion was seconded by Ms. Renee Patton.

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339 The Board clarified to Mr. Ferguson that he could still work on his letter from the testing service,
340 but must provide a new SLED report immediately to Ms. Lisa Hawsey. Mr. Ferguson was
341 cautioned that if the report comes back showing he is on probation, he will have to return to the
342 Board for another hearing.

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345 Board Chairman Barnes called upon Mr. Marcus J. Fripp. Mr. Fripp submitted a criminal
346 background report with his application for an Apprentice Master Haircare Barber license, and
347 was requested to appear before the board for approval. Mr. Fripp testified that he is currently
348 working at the Navy Base in Charleston, SC, and has not been in trouble with the law for
349 several years. He learned his lesson.

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351 **Motion:**

352 Ms. Renee Patton made a motion to approve the Apprentice Master Haircare
353 Barber license. Mr. Paul E. Robinson seconded the motion, which was unanimous.

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356 **Public Comments:**

357 There were no public comments.

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360 **Motion:**

361 Chairman Barnes made a motion to adjourn the Board meeting. Mr. Frederick

362 Evans seconded the motion, which was unanimous.

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365 **Adjournment of Meeting:**

366 The August 8, 2011, Board of Barber Examiners meeting was adjourned at: 12:40 p.m.