

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION
SOUTH CAROLINA BOARD OF BARBER EXAMINERS
BOARD MEETING
JUNE 13, 2011

BOARD MEMBERS:

EDWIN BARNES, CHAIRMAN

PAUL ROBINSON, JR.

FREDERICK M.G. EVANS

RENEE PATTON

CHRISTA BELL, ESQUIRE

EDDIE JONES, ADMINISTRATOR

This hearing held in Room 108 at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree Building, 110 Centerview Drive, Columbia, South Carolina, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting/hearing being held on the 13th day of June, 2011, scheduled for 9:00 a.m. and commencing at 9:50 a.m.

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Court Reporter's note:

-- indicates interruption; incomplete phrases; trailing
off; unfinished sentences

1 APPROVAL OF NEW SCHOOL -

2 GREGORY FIELDER - #1 CUTS BARBER COLLEGE

3

4 MR. BARNES: Approval of new school, Gregory Fielder, #1
5 Cuts Barber College. State your full name for the
6 record, please, sir.

7 THE WITNESS: My name -- my name is Gregory Fielder, G-R-
8 E-G-O-R-Y F-I-E-L-D-E-R.

9 MR. BARNES: Thank you, sir. Sorry.

10 THE WITNESS: It's okay.

11 MR. BARNES: And you're here applying for what, sir?

12 THE WITNESS: A barber school.

13 MR. BARNES: Okay. And tell us a little bit about the
14 school.

15 THE WITNESS: Little bit about the school, it's located
16 in Laurens, South Carolina. It's large enough to
17 accommodate 20 students. Has a very well qualified
18 instructor.

19 MR. BARNES: Do you have two instructors? or one?

20 THE WITNESS: Two.

21 MR. BARNES: Two. Who would be your second instructor,
22 sir?

23 THE WITNESS: My second instructor is Carlos Taylor.

24 MR. BARNES: And you would be the number one?

25 THE WITNESS: I'm number one.

1 MR. BARNES: Have we had any problems before with you,
2 sir, in the past?

3 THE WITNESS: Yes, you have, and they all have been
4 rectified, (inaudible).

5 MR. BARNES: Can we ask the question?

6 MS. BELL: Certainly. What issues have --

7 MR. BARNES: What issues have you had, sir?

8 THE WITNESS: I'm going to have to refer back to my
9 paperwork here. I didn't know if I needed to.

10 MR. BARNES: Go get it please.

11 (The witness complies.)

12 MR. BARNES: Go ahead, sir.

13 THE WITNESS: Okay. I don't know -- do you want me to
14 read the entire --

15 MR. BARNES: I don't want you to read the entire thing,
16 but I mean, tell us what's happened. You know,
17 we're trying to approve your school, but I want to
18 make sure whatever has happened is in the past and
19 we're done with it or whatever. I don't have -- I
20 do know some, as that was years ago, but I don't
21 remember everything about it, so -- a lot's passed
22 over the years. Go ahead.

23 MS. BELL: Yeah, I was going to say, Mr. Fielder, if you
24 could tell us, have you been reprimanded by the
25 Barber Board before?

1 THE WITNESS: That is correct.

2 MS. BELL: Okay. And when was that?

3 THE WITNESS: According to my records here, the Order
4 should have been fulfilled in April of this year.

5 MS. BELL: And do you have a copy of that Order?

6 THE WITNESS: Certainly, I do.

7 MS. BELL: Okay. Do you mind if we circulate that to the
8 board members to have a look at it?

9 MR. ROBINSON: We have it.

10 MS. BELL: Okay.

11 MR. BARNES: We do? Oh, I got it, I got it. Yeah. We
12 do, we do. I forgot about it. Okay.

13 MR. ROBINSON: While they're looking at that, Mr.
14 Fielder --

15 THE WITNESS: Fielder.

16 MR. ROBINSON: -- that is correct?

17 THE WITNESS: Yes.

18 MR. ROBINSON: Did you take a close look at your program
19 description before you submitted it?

20 THE WITNESS: I'm sure I did.

21 MR. ROBINSON: You have listed here as a total number of
22 hours, 1920, which is the requirement for OJT
23 training and not a school. School requires 1500.
24 And I'm a little concerned about that.

25 THE WITNESS: Let me answer that for you, please.

1 MR. ROBINSON: Uh-huh.

2 THE WITNESS: Initially when I submitted that, it was
3 just last Friday before last I sent in the corrected
4 pages for that.

5 MR. ROBINSON: Can the staff verify that?

6 MS. HAWSEY: This is the only one that I found, that I
7 spoke to Mr. Fielder on the telephone one day. I
8 had to call him and tell him I did not receive a
9 transcript, and he said he had faxed it. So I
10 checked with Ms. Legette and this is what she had
11 received via fax, the one thing you have in your
12 packet. So we're -- this is a corrected version.

13 MR. ROBINSON: Okay. Mr. Fielder, I'm a little concerned
14 that the diligence on your part hasn't been carried
15 out. Just want to make sure that these hours that
16 are provided to the students are accurate from the
17 very beginning. Okay? There were no -- any
18 additional hours that you are requiring of the
19 students who had this before with other schools who
20 wanted to extend the amount of time the students are
21 in. So we need to make sure that is clear, for my
22 benefit and for yours as well, so -- the school's
23 going to be offering 1500 hours of training.

24 THE WITNESS: Yes. I'm very cognizant of the amount of
25 hours that are required for a school. I had

1 submitted this paperwork about three months prior to
2 the last time, and it was sent back. In that, I did
3 include a student catalog that contained 1500 hours.
4 And that package was part of -- this was part of it
5 that was sent back a couple months ago.

6 MR. ROBINSON: Okay.

7 MR. BARNES: Ms. Hawsey?

8 THE WITNESS: I sent that to Ms. Legette.

9 MR. BARNES: Okay. Did we send it back? Was something
10 sent back? Do you remember?

11 MR. ROBINSON: Well, the receipt marked -- that is
12 stamped on the application is April 21st. That's on
13 the copy that is before us, as far as your
14 application is concerned. I'm not going to debate,
15 you know, when you did what, you know. I just have
16 what I have in front of me, and that's the basis of
17 my questioning. If there's another packet that is
18 -- and I'll note that it was received after our last
19 scheduled meeting, April 21st. Our last meeting was
20 April the 11th. I just want to make sure we get off
21 on a good foot, Mr. Fielder.

22 THE WITNESS: And I can appreciate that. If it's
23 necessary, I have the copy of the first package that
24 was sent and received by this office.

25 MR. ROBINSON: Well, if it was returned to you, then

1 there was a problem with it, if it was returned to
2 you. That's what you're saying, right? Your first
3 package was returned.

4 THE WITNESS: That is correct.

5 MR. ROBINSON: So something was either incomplete or
6 incorrect in it. So all we have to go by is what we
7 have before us.

8 THE WITNESS: I understand that.

9 MR. ROBINSON: Okay. All right. Change the area subject
10 here. Your square footage on your classroom. And
11 I'm sure it's not to scale, but give me an idea
12 what's your classroom's square footage, please, sir,
13 on the diagram that you've turned in. I see 1800
14 square feet for the total space. What is your
15 square footage for your classroom space? Any idea?

16 THE WITNESS: Yes. It should be 12-by-18, I think would
17 be the --

18 MR. BARNES: How many students are you planning on
19 having?

20 MS. PATTON: Twenty.

21 THE WITNESS: About 20.

22 MR. BARNES: Going to be a tight classroom.

23 MS. PATTON: And do we have record that the penalty was
24 paid, the 750?

25 MR. BARNES: I'm sorry?

1 MS. PATTON: Do we have record that that was paid, the
2 750?

3 MR. BARNES: I don't know. Ask Eddie.

4 MR. JONES: To my knowledge, it has been. I can verify
5 the record for the individual. And I'd like to say,
6 Mr. Chairman and board members, had that not been
7 fulfilled, certainly, that would have been brought
8 to Mr. Fielder's attention, you know, in filing the
9 application.

10 MS. PATTON: The thing that would interest me is if it
11 were done within the 90 day period, or was it done
12 recently. That was my only question, because it
13 could have been --

14 MR. JONES: We can verify that.

15 MS. PATTON: -- I'd like to verify when that was done.

16 MR. JONES: I'm sure it was paid within that specified
17 time.

18 MR. ROBINSON: Mr. Fielder, is Mr. Taylor with you today?
19 Carlos Taylor?

20 THE WITNESS: He is not.

21 MR. ROBINSON: Okay. To the office, I didn't see where
22 Mr. Taylor's instructor's license was listed. Can
23 we verify whether he's in good standing?

24 MS. BELL: We can. Do y'all want to take a break? And
25 we can check both of those.

1 MR. BARNES: That's all right. Why don't we take a
2 break, because I got to make a phone call anyway.
3 And we'll take about a 10 minute break, and we'll
4 verify everything. Mr. Fielder, did I pronounce
5 that right?

6 THE WITNESS: Correct.

7 MR. BARNES: Okay. Mr. Fielder, we'll come back to you
8 in just a few minutes, but we'll move on, instead of
9 holding everybody up time-wise, okay?

10 (Off the record.)

11 MR. BARNES: Mr. Fielder, will you come back up?

12 (The witness comes forward.)

13 MR. BARNES: You had some questions, Ms. General Counsel?

14 MS. BELL: There was a question about Mr. Taylor because
15 the information did not reveal on the application
16 that he's to be one of the instructors, as to
17 whether or not he was actually in good standing. I
18 think Mr. Jones has some information

19 MR. JONES: Our current records reveal that Mr. Carlos
20 Taylor had a case with us and made a payment
21 arrangement.

22 MR. BARNES: Wait a minute. You said Carlos --

23 MR. ROBINSON: Taylor. This is the second instructor.

24 MS. BELL: Second instructor --

25 MR. BARNES: Second instructor, okay.

1 MS. BELL: -- for Mr. Fielder.

2 MR. JONES: That he was fined for \$200 and he's paid a
3 hundred dollars of that fine and a hundred still
4 remains unpaid.

5 MS. PATTON: And this took place when?

6 MR. JONES: This is June of 2009.

7 MS. PATTON: Wow. The question I was asking is for Mr.
8 Fielder was charged \$750, as to when that took
9 place.

10 MR. JONES; Okay. That record, we cannot certify at this
11 particular time. As to when he paid it, whether
12 anything was ever paid --

13 MS. PATTON: Well, technically, it should have been
14 March, April, May, June of 2006 --

15 MR. JONES: Right.

16 MS. PATTON: -- should have been paid by then.

17 MR. JONES: I'll check the records that we have available
18 on --

19 MR. BARNES: Do you have a -- do you have a copy of when
20 your check posted or anything?

21 THE WITNESS: From when?

22 MR. BARNES: 2006, in your records.

23 MS. PATTON: Paying the penalty.

24 MR. BARNES: We're trying to help you, so --

25 THE WITNESS: Well, naturally, right now, I don't. I

1 would say no. I will give you -- without giving you
2 too much information, but I also work as the
3 Solicitor's office as an arbitrator. And generally,
4 you know, I think that when a case has been
5 adjudicated, it's pretty much on the ones in charge
6 and maintain. Often time, clients, they just don't,
7 for whatever reason, maintain their records. So
8 that's been quite a while. Perhaps I could go to my
9 bank and ask for that type of information, but I
10 don't rarely keep that with me on my person.

11 MR. EVANS: Mr. Chairman, if I may.

12 MR. BARNES: Go ahead.

13 MR. EVANS: Here, according to the Order, even if the --
14 and this is just a point of information here -- even
15 if the respondent -- I meant, if Mr. Fielder did not
16 pay within the 90 days and suffered whatever
17 penalty, his license would have been reinstated
18 after the Summons was paid. So pretty much would
19 have cancelled itself out within that 90 days,
20 correct? On Page 2 at the top.

21 MS. HAWSEY: It should, but not necessarily.

22 MR. EVANS: Well, see, "failure to comply with this
23 requirement within the prescribed time may result in
24 the immediate temporary suspension of respondent's
25 license, until such time as full compliance has been

1 made by respondent." So if he would have paid it --
2 if he didn't pay it, then paid it, then he's still
3 okay, correct? So --

4 MR. BARNES: Uh-huh.

5 MR. EVANS: -- we --

6 MR. BARNES: Okay.

7 MS. PATTON: We have no record that there was a
8 suspension.

9 MR. ROBINSON: Mr. Fielder, I have a question concerning
10 Mr. Taylor. Were you aware that he was in violation
11 of state regulations, relevant to his license, his
12 barber instructor's license? Were you aware of
13 that?

14 THE WITNESS: No. And I would not request someone to
15 work for me that was in violation of any barber
16 regulations.

17 MR. ROBINSON: Okay. Well, that being said, will he
18 remain as a second instructor?

19 THE WITNESS: For the sake of proceeding with the
20 application and because I know that it's not
21 absolutely necessary to have a second instructor to
22 put the students in, I -- I would start out -- I
23 would say no.

24 MR. ROBINSON: Okay. Well, I base my question on the
25 fact that you indicated that the space, you intended

1 to have as many as 20 students, which would have
2 required you to have the second instructor. And
3 that's the only basis of my --

4 THE WITNESS: May I ask: Do you have a copy of the
5 diagram in front of you?

6 MR. ROBINSON: Yes.

7 THE WITNESS: And do you see the square footage for the
8 facility?

9 MR. ROBINSON: Yes.

10 THE WITNESS: And what's the square footage?

11 MR. ROBINSON: Well, this is your document. You don't
12 know it?

13 THE WITNESS: I know. But I want to confirm because I
14 can't see what you have before you.

15 MR. ROBINSON: I have what you submitted, which is the
16 paperwork which you submitted with your application.

17 THE WITNESS: And what's the square footage?

18 MR. ROBINSON: It's my job --

19 THE WITNESS: Anyway, it should be --

20 MR. ROBINSON: Just to be clear, it's my job to ask the
21 questions, okay? So being coy with me is not going
22 to help.

23 THE WITNESS: I wasn't being coy. I didn't know what you
24 had before you.

25 MR. ROBINSON: What you presented as a application, as

1 part of your application, the diagram of the school,
2 that you said that you want to open.

3 THE WITNESS: But it should be 3600 square feet.

4 MR. ROBINSON: On the bottom of the page, it has 1800
5 square feet on two sides of the paper, and so
6 there's no indication whether that means that the
7 entire space is 1800 square feet, or each side of
8 your drawing is 1800 square feet.

9 THE WITNESS: Okay. What it should indicate is that
10 there are two spaces that you have 18 square feet.
11 There should be a line indicating a wall -- a wall
12 between the two spaces, each one having their own
13 separate entrance.

14 MR. ROBINSON: Okay.

15 THE WITNESS: So actually, it is 3600 square feet that is
16 available. That -- that -- that's what I was
17 asking.

18 MR. ROBINSON: Okay. Well, my question didn't deal with
19 the square footage. It dealt with the fact that you
20 intend on having as many as 20 students, which would
21 require the second instructor. And if you're
22 telling us that Mr. Carlos Taylor will be the second
23 instructor, of course that poses the problem if he's
24 in violation or has not paid his complete fine as of
25 today. That's all I'm saying.

1 THE WITNESS: Okay. May I ask -- I know it's your
2 position to ask questions. I do want to ask a
3 question, if it's okay. How many students can one
4 instructor instruct?

5 MR. ROBINSON: You don't know?

6 THE WITNESS: It's been quite a while since I ran --
7 several things have changed, so no. If you would,
8 please --

9 MR. ROBINSON: Okay.

10 THE WITNESS: -- (inaudible).

11 MR. ROBINSON: Maybe you need to do a little more
12 research on opening a barber school. I'm not going
13 to school you on the law because that's your
14 responsibility. And I'm not going to take the rest
15 of the day explaining to you what is required or the
16 law.

17 Mr. Chairman, I make a motion that we consider
18 Mr. Fielder's application in executive session.

19 MS. PATTON: I second.

20 MR. BARNES: Second? Okay. All in favor

21 BOARD MEMBERS: Aye.

22 MR. BARNES: We're going to take this up in executive
23 session with our attorney and see what we can come
24 up with. So you hang around, please. I'd
25 appreciate it.

1 THE WITNESS: I can.

2 MR. BARNES: Thank you.

3 (Executive Session.)

4 MR. BARNES: Somebody make a motion we come out of
5 executive session.

6 MS. PATTON: I make a motion we come out of executive
7 session.

8 MR. ROBINSON: Second.

9 MR. BARNES: All in favor?

10 BOARD MEMBERS: Aye.

11 MR. BARNES: Mr. Fielder, will you come up to the front
12 please?

13 (The witness comes forward.)

14 MR. BARNES: Would you like to go ahead?

15 MR. EVANS: Sure. Mr. Chairman, I'd like to make a
16 motion that Mr. Fielder's application for new barber
17 school be approved.

18 MR. BARNES: Do I have a second?

19 MS. PATTON: I second.

20 MR. BARNES: All in favor?

21 BOARD MEMBERS: Aye.

22 MR. BARNES: All opposed?

23 MR. ROBINSON: Nay.

24 MR. EVANS: Mr. Fielder, when you're ready to be
25 inspected, please touch base with Ms. Patton,

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CERTIFICATE OF REPORTER

I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, BOARD OF BARBER EXAMINERS BOARD MEETING ON THE 13TH DAY OF JUNE, 2011, AND THAT THE FOREGOING 18 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF THE SAID HEARINGS.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO LISA HAWSEY, ASSISTANT ADMINISTRATOR, SCLLR - BOARD OF BARBER EXAMINERS, KINGSTREE BUILDING, 110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 20TH DAY OF OCTOBER, 2011.

CECELIA P. ENGLERT, COURT REPORTER
MY COMMISSION EXPIRES JUNE 03, 2018