



NORTH CAROLINA STATE BOARD OF BARBER EXAMINERS

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Telephone (919) 981-5210 • Fax (919) 981-5068

Minutes for Public Meeting

Held February 21, 2017, at 8:00 a.m.
5809 Departure Drive, Suite 102
Raleigh, North Carolina

Board Members

Don Beal, Chair
Steffon Sharpless, Vice Chair
Gary Gardner
Jamie Norton
Valerie Willis

Executive Director

Dennis Seavers

Counsel to the Board

Palmer Sugg

The meeting of the North Carolina State Board of Barber Examiners was called to order at 8:06 a.m., on February 21, 2017, at the board's office at 5809 Departure Drive, Suite 102, Raleigh, North Carolina.

The following board members were present during the meeting: Don Beal, Steffon Sharpless, Gary Gardner, Jamie Norton, and Valerie Wills.

Also in attendance were Dennis Seavers, Executive Director, and Palmer Sugg, Counsel to the Board.

OPEN SESSION

Ethics awareness and conflict of interest

Mr. Beal read the statement required by N.C.G.S. § 138A–15(e) on ethics awareness and conflicts of interest. No board members indicated that they had any potential or actual conflicts.

Minutes from previous meeting

Mr. Norton made a motion to approve the minutes from the February 16, 2017 meeting. Mr. Gardner seconded the motion, which passed, 3–0. (Mr. Sharpless and Ms. Willis were not present for this portion of the meeting.)

Executive director's report

Mr. Beal referred board members to Mr. Seavers's February 9, 2017 report (see Attachment 1). Mr. Seavers answered questions from the board members.

Changes to the board's felony screening policy

Mr. Beal referred board members to Mr. Seavers's February 9, 2017 memo recommending changes to the board's felony screening policy (see Attachment 2). Mr. Seavers answered questions from the board members. Mr. Norton made a motion to approve the changes, and Mr. Gardner seconded. The motion passed, 3–0. (Mr. Sharpless and Ms. Willis were not present for this portion of the meeting.)

Proposed rule mandating online applications for student permits

Mr. Beal referred board members to Mr. Seavers's February 9, 2017 memo about online student-permit applications (see Attachment 3). Mr. Norton made a motion to approve the proposed rule, and Mr. Gardner seconded. The motion passed, 4–0. (Ms. Willis was not present for this portion of the meeting.)

Changes to the board's bylaws

Mr. Beal referred board members to Mr. Seavers's February 9, 2017 memo recommending changes to the board's bylaws (see Attachment 4). Mr. Sharpless made a motion to approve the changes, and Mr. Norton seconded. The motion passed, 4–0. (Ms. Willis was not present for this portion of the meeting.)

Report from committee regarding online classes for barber schools

At the December 16, 2016 board meeting, Mr. Beal had appointed Mr. Norton and Ms. Willis to a committee to examine some of the issues related to allowing barber schools

to offer certain classes online. Mr. Norton made a presentation to the board that focused on the potential benefits to the schools and students and technological solutions available to schools. He also outlined some issues the board will need to consider in the future. The board considered comments from representatives of schools in attendance at the meeting.

Mr. Beal asked the staff to have this topic on the agenda for the next meeting so that the board could discuss some of the regulatory issues that need to be addressed.

Presentation on continuing education for barber instructors

Mr. Norton made a presentation on continuing education (CE) for barber instructors. Mr. Seavers mentioned that at a previous meeting, the board had agreed to ask the General Assembly to pass a bill requiring barber-instructor CE in the 2019 session. Mr. Norton discussed some of the issues the board will need to address as it prepares for the legislation.

National Association of Barber Boards of America conference

Ms. Willis explained that the National Association of Barber Boards of America (NABBA) would be holding its conference in South Carolina. Since it would be relatively close to Raleigh, she suggested that it might be less expensive than usual for board members to attend. Mr. Beal said that board members would be welcome to attend, although expenses would have to be out-of-pocket rather than reimbursed by the board.

Felony petitions

The following applicants were given notice to appear before the board but failed to appear:

- a. Vernon Bailey
- b. Danny Clark
- c. Shaquita Y. Conderly
- d. Marvin J. Gay
- e. William S. Heckstall
- f. Richard Lenzy
- g. Aaron J. Mills
- h. Travis L. Vaughn
- i. Markell Wiggins

DeAngelo A. Bethea had applied for an apprentice barber license. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Bethea questions. Mr. Bethea offered testimony and answered questions from the board.

Clinton R. Ceasar had applied for an apprentice barber license. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Ceasar questions. Mr. Ceasar offered testimony and answered questions from the board.

Tracy Claboine, Jr., had applied for an apprentice barber license. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Claboine questions. Mr. Claboine offered testimony and answered questions from the board.

Gustavo Duarte had applied for an apprentice barber license. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Duarte questions. Mr. Duarte offered testimony and answered questions from the board.

Balke Fuller had applied for an apprentice barber license. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Fuller questions. Mr. Fuller offered testimony and answered questions from the board.

Jesse D. Smith, Jr., had applied for an apprentice barber license. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Smith questions. Mr. Smith offered testimony and answered questions from the board.

The board recessed at 9:49 a.m. and returned to open session at 9:58 a.m.

CLOSED SESSION

Mr. Beal made a motion to go into closed session under N.C.G. S. § 143–318.11, and Ms. Willis seconded. The motion passed, 5–0. Mr. Beal reminded board members that matters discussed in closed session are confidential and must not be discussed outside of the closed session. The board went into closed session at 9:59 a.m. and returned to open session at 10:31 a.m.

DETERMINATIONS

The board ordered that DeAngelo A. Bethea be offered a consent order with terms and conditions, including five years of probation.

The board ordered that Clinton Ceasar be offered a consent order with terms and conditions, including five years of probation and proof of completing a 40-hour substance-abuse program.

The board ordered that Tracy Claboine, Jr., be offered a consent order with terms and conditions, including five years of probation.

The board ordered that Gustavo Duarte be offered a consent order with terms and conditions, including five years of probation and proof of completing a 40-hour substance-abuse program.

The board ordered that Blake Fuller be offered a consent order with terms and conditions, including seven years of probation and proof of completing a 40-hour substance-abuse program.

The board ordered that Jesse D. Smith, Jr., be offered a consent order with terms and conditions, including five years of probation and proof of completing a 40-hour substance-abuse program.

Mr. Beal adjourned the meeting at 10:41 a.m.

Minutes approved on April 18, 2017

Don Beal

Steffon Sharpless

Gary Gardner

Jamie Norton

Valerie Willis



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: February 9, 2017

SUBJECT: Executive director's report

Below is the executive director's report for the board's February 21, 2017 meeting. If there are other areas of finances or operations that the board is interested in, or if board members have questions about this report, please feel free to contact me.

Fiscal year 2017 budget report

Attachment A shows the board's expenditures and revenues for fiscal year (FY) 2017 from July 1 to January 31. The attachment shows the amounts budgeted for the first seven months only, not for the entire fiscal year.

Expenditures were under budget—90.83% of the expenditures budgeted for the first four months of the fiscal year. There were some areas of higher spending; apart from what I've reported previously, one notable area is highlighted in Attachment A and explained below. Board members should feel free to contact me if they have questions about other areas of spending.

- 535900 – other expenses. The board had to pay \$3,204.19 for unemployment-insurance reimbursement.

Although the report shows that revenues are lower than projected, the board should expect its revenues to increase as the renewal period proceeds. I don't believe that the board has reason at this point to think that revenues will be lower than expected.

Attachment B shows the board's fund balance over the past few years and the projected fund balance through the end of the fiscal year. (Portions that are slightly grayed out represent projections for future months.)

State authorization of postsecondary institutions

On January 1, 2017, a rule went into effect that formalized the process for schools to be authorized as postsecondary institutions for the purpose of being eligible to receive certain funds from the Department of Education (DOE). Seven schools have applied for authorization under this rule, including schools that were on month-to-month DOE approval while the rule was pending, and all have been approved or soon will be after they provide some remaining documentation.

Training session for schools

The staff will offer a training session for schools in March. The session will address topics such as regulatory compliance, recent and future changes in law and operations, audit procedures, and best practices for adhering to the law. The staff is also developing a handbook for schools to assist them with regulatory compliance.

Barber exams

Below is information about the pass rates for barber exams for the first seven months of fiscal year 2017.

Apprentice exams

The two tables below show the results by number and percentage for written and practical exams. (The total counts won't match because some apprentice applicants only needed to retake one or the other exam.)

Apprentice Written Exams

July 2016 to January 2017

Result	Count	Percentage
Pass	190	52.05%
Fail	110	30.14%
Did not appear	65	17.81%
Total	365	

Apprentice Practical Exams

July 2016 to January 2017

Result	Count	Percentage
Pass	182	43.54%
Did not appear	86	20.57%
No model	61	14.59%
Model rejected	45	10.77%
Fail	33	7.89%
Improper dress	6	1.44%
Did not take	5	1.20%
Total	418	

Registered exams

The table below shows the results by number and percentage for practical exams. A number of people were unable to attend the October exam because of Hurricane Matthew, so the failure-to-appear rate is relatively high.

Registered Practical Exams
July 2016 to January 2017

Result	Count	Percentage
Pass	119	61.66%
Did not appear	39	20.21%
Model rejected	19	9.84%
Fail	12	6.22%
Improper dress	2	1.04%
No model	1	0.52%
Did not take	1	0.52%
Total	193	

Attachment A
Budget vs. Actual
July 2016 through January 2017

February 21, 2017 minutes
ATTACHMENT 1

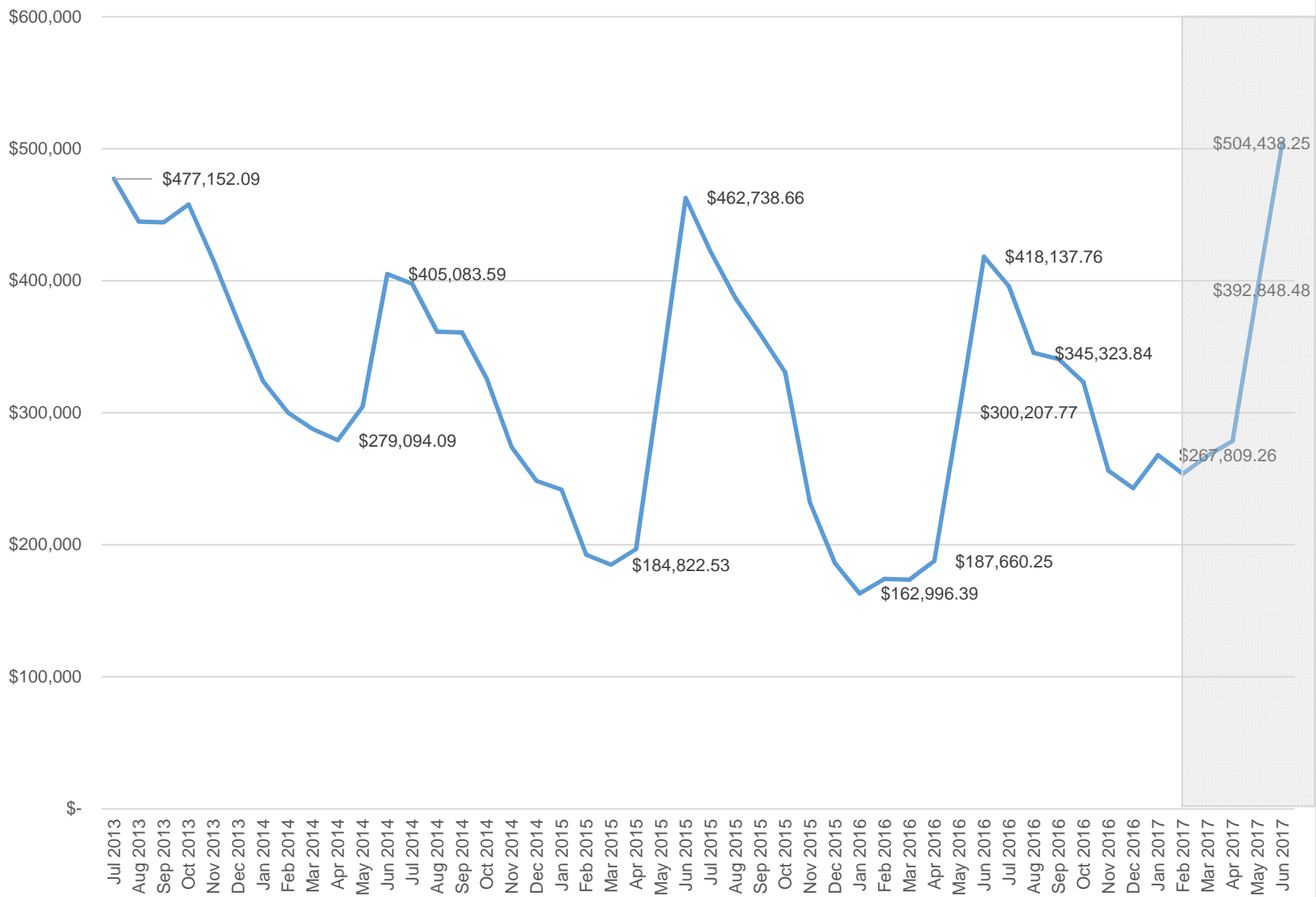
	Jul '16 - Jan '17	Budget	\$ Over Budget	% of Budget
Income				
433 - investment income				
433121 - STIF interest income	\$ 1,870.73	\$ 875.00	\$ 995.73	213.8%
433 - investment income - Other	\$ -	\$ -	\$ -	0.0%
Total 433 - investment income	\$ 1,870.73	\$ 875.00	\$ 995.73	213.8%
435 - fees, licenses, and fines				
435100 - business license fees				
435100059 - duplicate license	\$ 602.00	\$ 640.00	\$ (38.00)	94.06%
435100060 - individual license	\$ 152,060.00	\$ 139,431.00	\$ 12,629.00	109.06%
435100061 - school permit	\$ 2,860.00	\$ 2,470.00	\$ 390.00	115.79%
435100062 - bus/shop permit	\$ 68,045.00	\$ 57,035.00	\$ 11,010.00	119.3%
435100063 - student permit	\$ 16,325.00	\$ 21,325.00	\$ (5,000.00)	76.55%
435100064 - renewal-individual	\$ 56,110.00	\$ 65,334.00	\$ (9,224.00)	85.88%
435100 - business license fees - Other	\$ (234,463.00)	\$ -	\$ (234,463.00)	100.0%
Total 435100 - business license fees	\$ 61,539.00	\$ 286,235.00	\$ (224,696.00)	21.5%
435300 - certification fees				
435300016 - instructor exam fee	\$ 5,940.00	\$ 5,831.00	\$ 109.00	101.87%
435300017 - registered exam fee	\$ 26,335.00	\$ 27,135.00	\$ (800.00)	97.05%
435300018 - apprentice exam fee	\$ 91,800.00	\$ 39,665.00	\$ 52,135.00	231.44%
435300019 - apprentice certific	\$ 21,625.00	\$ 23,331.00	\$ (1,706.00)	92.69%
435300020 - instructor certific	\$ 6,205.00	\$ 7,000.00	\$ (795.00)	88.64%
Total 435300 - certification fees	\$ 151,905.00	\$ 102,962.00	\$ 48,943.00	147.54%
435400 - inspection/exam fees	\$ 29,480.00	\$ 18,665.00	\$ 10,815.00	157.94%
435500 - fines, pen, assess fee	\$ 5,779.00	\$ 10,500.00	\$ (4,721.00)	55.04%
435800 - tuition and fees				
435830 - other fees	\$ 550.02	\$ 350.00	\$ 200.02	157.15%
Total 435800 - tuition and fees	\$ 550.02	\$ 350.00	\$ 200.02	157.15%
Total 435 - fees, licenses, and fines	\$ 249,253.02	\$ 418,712.00	\$ (169,458.98)	59.53%
437 - miscellaneous				
437127 - procuremnt card rebate	\$ 150.65	\$ -	\$ 150.65	100.0%
437990 - other misc revenue	\$ 1,317.61	\$ 7,000.00	\$ (5,682.39)	18.82%
Total 437 - miscellaneous	\$ 1,468.26	\$ 7,000.00	\$ (5,531.74)	20.98%
Total Income	\$ 252,592.01	\$ 426,587.00	\$ (173,994.99)	59.21%
Expense				
531 - personal services				
531112 - EPA regular salaries	\$ 144,016.88	\$ 142,974.54	\$ 1,042.34	100.73%
531462 - longevity - receipts	\$ 846.00	\$ 2,405.00	\$ (1,559.00)	35.18%
531472 - bonus/incentive wages	\$ 1,227.00	\$ -	\$ 1,227.00	100.0%
531512 - Social Security	\$ 10,389.63	\$ 11,126.50	\$ (736.87)	93.38%
531522 - regular retirement	\$ 23,442.63	\$ 23,873.57	\$ (430.94)	98.2%
531562 - medical insurance	\$ 16,771.48	\$ 16,228.80	\$ 542.68	103.34%
531576 - flexible spending acct	\$ 282.75	\$ 379.15	\$ (96.40)	74.58%
531651 - comp to board members	\$ 1,900.00	\$ 2,000.00	\$ (100.00)	95.0%
Total 531 - personal services	\$ 198,876.37	\$ 198,987.56	\$ (111.19)	99.94%
532 - purchased services				
532110 - legal services	\$ 25,830.00	\$ 40,555.00	\$ (14,725.00)	63.69%
532120 - financial/audit svcs	\$ 9,670.00	\$ 9,670.00	\$ -	100.0%
532140 - other IT services	\$ -	\$ -	\$ -	0.0%
532145 - managed server support	\$ 21,502.66	\$ 27,654.46	\$ (6,151.80)	77.76%
532170001 - prof testing serv	\$ 6,048.00	\$ 6,416.65	\$ (368.65)	94.26%
532184 - janitorial services	\$ 2,450.00	\$ 2,450.00	\$ -	100.0%
532199 - misc contract services	\$ 19,670.08	\$ 17,902.50	\$ 1,767.58	109.87%
532210 - electrical service	\$ 4,172.83	\$ 3,791.65	\$ 381.18	110.05%
532220 - natural gas/propane	\$ 238.91	\$ 641.65	\$ (402.74)	37.23%
532430 - maint agrmnt - equip	\$ -	\$ -	\$ -	0.0%
532490 - maint agreemnt - other	\$ 1,321.03	\$ 2,100.00	\$ (778.97)	62.91%
532512 - rental of bldg/prop	\$ 33,335.00	\$ 33,201.84	\$ 133.16	100.4%
532524 - general office equip	\$ 4,564.91	\$ 5,250.00	\$ (685.09)	86.95%
532714 - ground trans in-state	\$ 9,836.66	\$ 10,890.85	\$ (1,054.19)	90.32%
532721 - lodging in-state				
532721900 - workshop/conference	\$ -	\$ -	\$ -	0.0%
532721 - lodging in-state - Other	\$ 5,988.01	\$ 10,500.00	\$ (4,511.99)	57.03%
Total 532721 - lodging in-state	\$ 5,988.01	\$ 10,500.00	\$ (4,511.99)	57.03%
532724 - meals in-state	\$ 4,086.10	\$ 7,583.35	\$ (3,497.25)	53.88%
532731 - board/non-emp transpor	\$ 689.80	\$ 1,085.00	\$ (395.20)	63.58%
532732 - board/non-emp subsist	\$ 1,020.09	\$ 1,020.85	\$ (0.76)	99.93%
532811 - telephone service	\$ 5,081.42	\$ 5,250.00	\$ (168.58)	96.79%
532814 - cellular phone service	\$ -	\$ -	\$ -	0.0%
532815 - email and calendaring	\$ -	\$ -	\$ -	0.0%
532817 - ISP charge	\$ 825.65	\$ 828.35	\$ (2.70)	99.67%
532819 - telephone wiring srvc	\$ -	\$ 1,000.00	\$ (1,000.00)	0.0%
532822 - managed LAN svc charge	\$ 137.00	\$ -	\$ 137.00	0.0%
532826 - software subscriptions	\$ -	\$ -	\$ -	0.0%

Attachment A
Budget vs. Actual
July 2016 through January 2017

February 21, 2017 minutes
ATTACHMENT 1

	Jul '16 - Jan '17	Budget	\$ Over Budget	% of Budget
532840 - postage & delivery	\$ 6,305.36	\$ 12,250.00	\$ (5,944.64)	51.47%
532850 - printing, binding, dup	\$ 1,746.10	\$ 4,000.00	\$ (2,253.90)	43.65%
532911 - insurance - property	\$ 18,781.80	\$ 13,000.00	\$ 5,781.80	144.48%
532942 - other emp trng expense	\$ 30.00	\$ -	\$ 30.00	100.0%
Total 532 - purchased services	\$ 183,331.41	\$ 217,042.15	\$ (33,710.74)	84.47%
533 - Supplies				
533110 - general office supply	\$ 4,254.44	\$ 4,083.35	\$ 171.09	104.19%
533120 - data process supplies	\$ 6,000.00	\$ 6,750.00	\$ (750.00)	88.89%
533150 - security & safety supp	\$ 3,422.50	\$ 4,666.65	\$ (1,244.15)	73.34%
533190 - other admin supplies	\$ 6.60	\$ -	\$ 6.60	100.0%
533210 - janitorial supplies	\$ -	\$ -	\$ -	0.0%
Total 533 - Supplies	\$ 13,683.54	\$ 15,500.00	\$ (1,816.46)	88.28%
534 - property, plant, & equip				
534511 - office equipment	\$ -	\$ -	\$ -	0.0%
534521 - PC software	\$ -	\$ -	\$ -	0.0%
534534 - PC and printer purch	\$ -	\$ 4,000.00	\$ (4,000.00)	0.0%
534535 - server purchases	\$ -	\$ -	\$ -	0.0%
534539 - other equipment	\$ -	\$ -	\$ -	0.0%
534730 - externally developed s	\$ -	\$ -	\$ -	0.0%
Total 534 - property, plant, & equip	\$ -	\$ 4,000.00	\$ (4,000.00)	0.0%
535 - other expenses and adjust				
535830 - member dues & subcript	\$ -	\$ 500.00	\$ (500.00)	0.0%
535900 - other expenses	\$ 3,384.19	\$ -	\$ 3,384.19	100.0%
Total 535 - other expenses and adjust	\$ 3,384.19	\$ 500.00	\$ 2,884.19	676.84%
538 - intragovernmental transac				
538030 - fine/penalty transfer	\$ 3,645.00	\$ 7,583.35	\$ (3,938.35)	48.07%
Total 538 - intragovernmental transac	\$ 3,645.00	\$ 7,583.35	\$ (3,938.35)	48.07%
Total Expense	\$ 402,920.51	\$ 443,613.06	\$ (40,692.55)	90.83%
Net Income	\$ (150,328.50)	\$ (17,026.06)	\$ (133,302.44)	882.93%

Attachment B. Fund balance





NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: February 9, 2017

SUBJECT: Changes to felony screening policy

At its February 21, 2017 meeting, the board will consider possible changes to its policy for screening applicants with felony offenses. This policy offers guidance to the staff on which individuals can proceed through the licensing process, which should be offered a consent order, and which should be referred for a hearing.

The board currently has a minor backlog of cases and is holding about 15 hearings each meeting. This backlog is temporary and is due to the fact that the board has streamlined the background-check process for applicants, resulting in an overlap of applicants under both the old and new systems of conducting background checks. However, there may be an opportunity for the board to consider whether the cases it considers at board meetings can be handled by the staff without a hearing.

The current policy is attached, along with proposed changes. (The section entitled "Procedures" simply explains how the executive director has instructed the staff to carry out the policy. The focus of this memo is on the section entitled "Policy.") The proposed changes are highlighted, with strikethrough for language to be removed and underlining for new language. The table below summarizes the impact of the proposed changes.

Current policy	Proposed policy
Hearing for felony offense within the past five years, except for crimes involving controlled substances or alcohol abuse	The staff would offer a consent order instead of scheduling a hearing
Hearing for individual on probation or parole for a felony offense	No change

<p>Hearing for certain felony offenses against other individuals, such as rape, homicide, sex offense, or kidnapping</p>	<p>Mostly the same, except that the policy now makes it clear that preparatory offenses (attempt to commit an offense, solicitation to commit an offense, facilitation of an offense, and conspiracy to commit and offense) are included. In addition, the policy revision would include all forms of homicide and not just murder or manslaughter. (In some states, vehicular homicide is a separate offense.)</p>
<p>Felony offense involving the use of a firearm or other form of deadly force</p>	<p>The staff would allow the individual to proceed within licensure, unless the offense was within the past five years, in which case the staff would offer a consent order.</p>
<p>Felony offense involving controlled substances or alcohol abuse within the past the past five years</p>	<p>Same. (Although the policy strikes this language, it would be covered by the new authorization for the board to offer a consent order for any felony offense within the past five years.)</p>

The advantage of making the proposed changes is that the staff could offer consent orders more frequently and save the board and the staff the time and effort of holding formal hearings. In some cases, the revisions would allow an individual to proceed through the licensure process without a consent order or hearing.

When considering whether to adopt these or any other changes to the policy, the board should ask whether it consistently makes the same decision on cases with substantially similar criminal histories, and whether it consistently adopts the recommendation of the board counsel. If so, those cases could be referred to the staff to handle without a hearing. However, if the board feels uncomfortable approving cases or offering consent orders without having a hearing to assess facts more fully, the board should continue to require hearings for those cases.

NORTH CAROLINA BOARD OF BARBER EXAMINERS POLICIES AND PROCEDURES	TOPIC: Screening felony applicants
	EFFECTIVE: 8/18/2015 (ratified)
	LAST UPDATED: 1/12/2017

POLICY

The purpose of this policy is to streamline the review of applications for licensure from individuals with a felony criminal record by authorizing the staff to issue consent orders without board hearings

- A. ~~Except as indicated in section B below, applicants~~ Applicants must appear before the board to determine whether they are suitable to seek any occupational license issued by the board if ~~they meet any of these conditions: they:~~
- ~~1. Committed any felony fewer than five years ago at the time of application;~~
 2. Are currently on state or federal court-ordered probation or parole for a felony offense;
 3. Regardless of the date of the offense, committed a felony crime against a person—rape, attempted murder, murder, manslaughter, homicide, sex offense, or kidnapping, including preparatory offenses—or any offense that included the use of a firearm or other form of deadly force.
- B. For applicants who have committed felony crimes involving controlled substances or alcohol abuse within the past five years, the board staff may offer a consent agreement that would allow the individual to proceed with licensure upon completion of the non-probationary consent-order requirements. The board staff may determine the appropriate consent-order requirements and length of probation based on the applicant's criminal history.
- C. If the executive director or board attorney determine that the nature of the crime or crimes justify having the applicant appear before the board, they will recommend review by the board.
- D. All petitioners have a right for a review by the Board if the petitioner disagrees with the staff determination. All petitioners have a right to judicial review if his or her application is not approved by the Board.

PROCEDURES

- A. The applicant's file will be provided to the executive director to run a background check using a private vendor.
- B. The executive director will review the record and, according to the criteria in the policy above, take one of the following steps:
 - a. Determine that the applicant may be offered a consent agreement. The executive director will send the record to the board attorney, who will prepare and send the proposed consent agreement to the applicant.

- i. The cover letter should indicate that the applicant has 30 days from the date of the letter to return a signed and notarized copy of the consent order or request an appeal.
 - ii. The letter should also indicate that if the applicant does not respond within 30 days, the applicant will have to reapply to the board.
 - b. Determine that the applicant may proceed through the licensure process without any impediment. The executive director will return the file to the administrative assistant to continue processing the application, along with a cover sheet indicating the determination.
 - c. Determine that the applicant must appear at a hearing. The executive director will send a notice to the applicant for the appropriate date.
- C. If the applicant is sent a proposed consent agreement, the executive director will enter the information into the tracking database for felony applicants and will place the file among the cases waiting for consent-order compliance.
- D. Once the applicant has submitted a signed and notarized copy of the consent order, the administrative assistant will provide the signed copy to the executive director.
 - a. The executive director will enter the appropriate information in the tracking database.
 - b. The board chair or his or her designee will sign the consent order.
- E. If the applicant provides documentation of compliance with provisions in the consent order, the executive director will review the documentation and determine whether it is adequate.
 - a. If the conditions of the consent order have all been met, with the exception of probation, the administrative assistant will proceed with the applicant.
 - b. If there are remaining conditions to be met, apart from probation, the administrative assistant will file compliance documents, and the case will remain in the file until the applicant has submitted all compliance documents.
 - c. If the documentation is inadequate, the executive director will send a letter to the applicant and include a copy of the letter in the file.
- F. On a monthly basis, the executive director will send a letter to any applicants who were sent a proposed consent order more than three months ago and who have not responded. The letter will request that that applicants either return the signed order or indicate that they wish to have a board hearing.

LEGAL REFERENCES

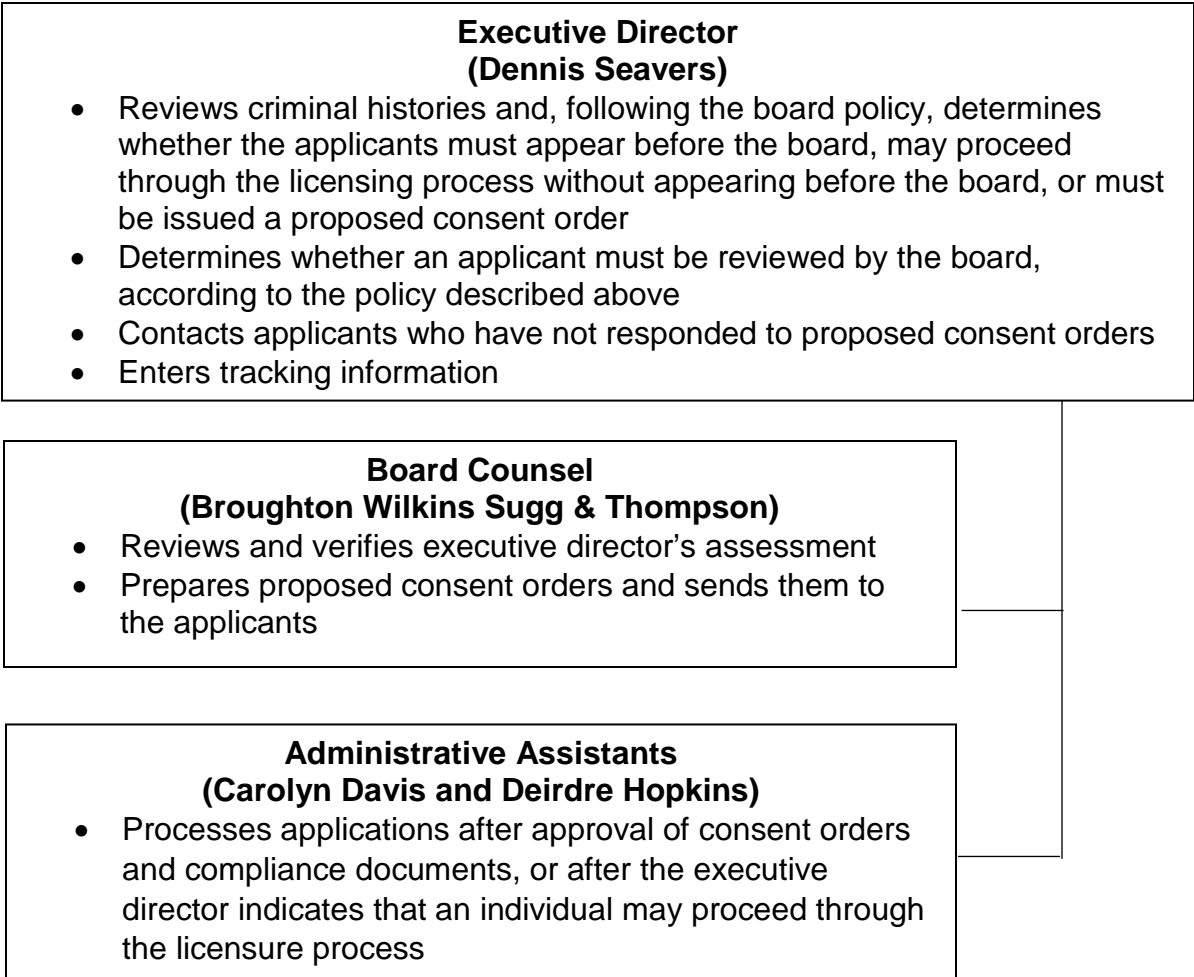
- N.C.G.S. § 86A-18(1)

REVISION NOTES

- Originally adopted at the February 20, 2012 meeting
- Apparently modified at the February 17, 2014 meeting
- Ratified at the August 18, 2015 meeting (see minutes for information on adoption and modification history and the reason for ratification)

- Modified on March 1, 2016, to reflect the fact that the board has a private contract attorney in place of a full-time staff attorney (see October 20, 2015 board minutes). The revisions reflect the executive director's role in reviewing the criminal-history records and the outside counsel's role in preparing the consent orders. Removed audit process, since the executive director makes the initial review of the criminal-history records.
- Modified on November 30, 2016, to remove from the Legal References section the citation to 21 NCAC 06Q .0103, which was repealed on October 1, 2016. This modification had no other effect on the policy or procedures.
- Modified on January 12, 2017, to reflect the fact that the board now uses a private vendor for background checks rather than the FBI.

ORGANIZATIONAL CHART





NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: February 9, 2017

SUBJECT: Online student-permit applications

At its February 21, 2017 meeting, the board will consider proposed amendments to a rule dealing with student-permit applications. The primary purpose of the rule change is to require schools to submit the application online.

The board's licensing-software vendor will be developing an online application system for student permits this year. The system will save the board staff from time-consuming data-entry requirements without creating significant additional burdens for the schools, which already have to write or type the data onto a form. It will make the process of issuing student permits faster.

The attached rule proposal would make the following changes:

- Student-permit applications would have to be completed using the online system rather than the current paper form.
- Schools could submit payment online, by mail, or in person. Online payments wouldn't be required because some entities, such as community colleges, may not allow all employees to have credit or debit cards. In addition, some schools have the students pay the fee. (In these cases, even though the staff will need to process the mailed or in-person payment, the bulk of the work associated with student-permit applications will be eliminated with the online system.)
- Currently, schools must submit student-permit applications at least 10 calendar days before the student begins classes. Under the revised rule, if the payment is online, the schools would have more time to submit the application—five business days rather than 10 calendar days. The justification for this change is that the staff only has to reconcile payments and print the student permits if the payment is online; therefore, we need less time to process the application and can allow schools to enroll students with a shorter amount of time before classes begin.

- The current rule states that students cannot receive credit for training unless the permit has been issued and the school has received the permit. The revised rule would simply require that the permit have been issued. Although the board has a separate requirement that the student permit be displayed, this change addresses situations where delays in mail, or similar causes that aren't a school's fault, prevent the school from receiving the permit before classes begin.

If the rule is approved by the board, I will file it for publication, after which the 60-day comment period would begin. If the board ultimately approves the rule after reviewing any comments, I would not file the rule for Rules Review Commission approval until the online application system is complete and any major performance issues have been addressed. However, proposing the rule at this time allows the board to begin the process, get input from the schools, and be ready to enact the rule.

1 21 NCAC 06F .0113 is proposed for amendment as follows:

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21 NCAC 06F .0113 STUDENT PERMIT

(a) The barber school shall submit an application as required by 21 NCAC 06N .0104 for a student permit to the ~~Board~~
~~at least 10 days prior to the student beginning classes.~~ Board.

(b) The barber school shall submit the application for a student permit using the online application system available at the website listed in 21 NCAC 06A .0102. However, the school may submit the fee required by 21 NCAC 06N .0101(a)(12) separately by mail or in person at the address listed in 21 NCAC 06A .0102.

(c) The school shall submit the application and fee to the Board at least:

- (1) five business days before the student begins classes if the payment is online; or
- (2) 10 calendar days before the student begins classes if the payment is by mail or in person.

~~(b)(d)~~ A student cannot be enrolled in the school until the Board issues the student permit. The student shall receive no credit for training received in barber school until a student permit has been issued for the ~~student and received by the school.~~ student.

~~(e)~~(e) Within five business days of the date on which any student completes his or her course of study, drops out of school, or transfers to another school, the barber school shall return the student permit to the Board.

~~(d)~~(f) The Board issues a student permit only for the specific application. Once a student permit is issued, the Board shall not refund the fee.

Authority G.S. 86A-22



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: February 9, 2017

SUBJECT: Changes to bylaws

At its February 21, 2017 meeting, the board will consider possible changes to its bylaws.

The current bylaws are attached, with proposed changes marked with strikethrough (for language to be repealed) and underlining (for language to be added). The attachment also has highlighted text that explains the reasons for the proposed changes. The changes intend to improve clarity, eliminate possible conflicts with state law, and address changes in practice. The changes are merely suggestions, and the board should feel free to make the changes it wishes to its bylaws, as long as the changes are consistent with state law.

NORTH CAROLINA BOARD OF BARBER EXAMINERS BYLAWS

ARTICLE I NAME AND PURPOSE

Section 1. Name

~~The name of the Board is the State Board of Barber Examiners as organized under Chapter 86A of the North Carolina General Statutes.~~

Reason for changes: clarity and simplification.

Section 2. Purpose

~~The purpose of the Board is to carry out all powers and duties outlined under Chapter 86A-5 of the North Carolina General Statutes.~~

ARTICLE II MEMBERSHIP AND MEETINGS

Section 1. ~~Member Eligibility~~ Members

~~The Board shall consist of five members appointed by the Governor in accordance with Chapter N.C.G.S. § 86A-4 of the North Carolina General Statutes.~~

Reason for changes: clarity and simplification.

Section 2. ~~Regular Meetings~~

~~The Board shall hold meetings on the third Monday of every other month for the purpose of holding administrative hearings, considering out-of-state applicants, reviewing applicants with criminal convictions, receiving public comment, and to take action on other general matters of the Board. The Board may have such other meetings as are determined to be appropriate during the year. as determined by the Chair or the Board and as permitted by N.C.G.S. Chapter 143, Article 33C. All Board members shall be notified that a meeting will be held not less than 10 days prior to the scheduled meeting date with the exception of the provisions as outlines in Section II.3 for special and emergency meetings. Those members of the Board present at regularly scheduled meetings shall constitute a quorum for the transaction of business.~~

Reason for changes: clarity, simplification, removal of language that might be give the impression that the board can hold meetings in way other than what's allowed by Open Meetings Law. I don't think there's any reason the board should make it

more difficult to hold meetings than what's allowed by Open Meetings Law, and the board certainly can't make it any easier to hold meetings than what the law allows. Also, the changes make it clear that the chair can call meetings, which is a common practice with boards.

~~Section 3. Special and Emergency Meetings.~~

~~The Board may call a special or emergency meeting on the basis of any matters that require immediate Board attention and that affect the health, safety and welfare of licensees and/or employees of the Board as provided in Chapter 143 of the General Statutes, the Open Meetings Act. A member quorum shall be established before the Board may hold an emergency meeting and consideration shall be given to the schedules of all Board members before the time and location of said meeting is chosen. All special and emergency meetings shall be noticed in accordance with G.S. § 143-318.12.~~

Reason for changes: the section is unnecessary, since the circumstances for calling special or emergency meetings are addressed in Open Meetings Law.

~~Section 4. Notice of Meetings.~~

~~All meetings of the Board shall be on not less than ten days notice with the exception of meetings called on a special or emergency basis as outlined in Section II.3. above. The Executive Director shall mail the Agenda for all regular meetings to each Board member in a timely manner before each meeting.~~

Reason for changes: the section is unnecessary, since the requirements for meeting notices are addressed in Open Meetings Law.

~~Section 5. Section 3. Quorum.~~

~~A majority of the members of the Board officially appointed and then serving shall constitute a quorum for the purpose of transacting business, and all action by the Board shall be by majority vote of those present. Once established at the opening of the meeting, a quorum shall continue to exist until adjournment upon the departure from the meeting of one or more members.~~

Reason for changes: Some of the language in this section appears to be inconsistent with in Open Meetings Law.

~~Section 6. Proxies.~~

~~Votes may be either in person or by one or more proxies authorized by a written appointment of proxy signed by the Board member or by his duly authorized attorney in fact. An appointment of proxy is valid for eleven months from the date of its execution, unless a different period is expressly provided in the appointment form.~~

Reason for changes: the practice of using proxies may run afoul of the law, and the board doesn't currently use them.

~~Section 7.~~ Section 4. Robert's Rules of Order.

~~The current edition of Robert's Rules of Order, 10th edition and any subsequent editions of or amendments to the same, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Board may adopt. Board meetings, except as prohibited by law.~~

Reason for changes: to simplify the section and to clarify that where Robert's Rules conflicts with statutes or rules, the latter takes precedence. (For example, there are some circumstances where Robert's Rules will conflict with Open Meetings Law, but the board has to comply with Open Meetings Law.)

ARTICLE III OFFICERS

Section 1. Officers

The officers of the Board shall be a Chair, and a Vice-Chair ~~and a Secretary~~. All officers of the Board shall be elected by the Board on an annual basis.

Reason for changes: the board doesn't have a secretary anymore, and the responsibilities are fulfilled by the staff.

Section 2. Chair and Vice-Chair

The Chair shall perform the duties and have the responsibilities of the Chief Executive Officer of the Board; shall preside at meetings of the Board; shall supervise the performance of all activities of the Board; shall keep the Board duly informed and carry out its decisions; and shall perform such further duties and have such further powers as pertain to the office or as may be designated by the Board. The Vice-Chair shall assume the duties of the Chair in absence of the Chair and shall have such other and further duties as the Chair from time to time may provide.

~~Section 3. Secretary~~

~~The Secretary shall, in consultation with the Executive Director and Chair, maintain the rolls and records of the Board, prepare and maintain minutes from all Board meetings, prepare transcripts from administrative hearings, and shall prepare and maintain such other records and reports of the Board as may be necessary.~~

Reason for changes: the board doesn't have a secretary anymore, and the responsibilities are fulfilled by the staff.

~~Section 4.~~ **Section 3. Term of Office**

All officers shall serve until the close of the annual Board meeting in which elections are held. Should a vacancy occur in the office of Chair or Vice-Chair, a replacement shall be elected by the Board. Any officer elected in the course of a term to fill a vacancy shall serve only until the close of the next annual meeting in which elections are held. No officer shall serve more than two consecutive terms in the same office.

~~Section 5.~~ **Section 4. Elections**

Elections shall be held annually by the Board during a regular meeting. ~~The election of officers shall be by written ballot and the names of the newly elected officers shall be read into the minutes by legal counsel immediately following the vote.~~ All officers shall remain in good standing with the Board during their tenure.

Reason for changes: Open Meetings Law discourages the use of ballots, and the law makes it clear how boards should conduct elections.

~~Section 6.~~ **Section 5. Attendance at Meetings**

If an elected Board member shall fail to attend two consecutive meetings of the Board without good cause, such member shall be automatically removed from office and a successor elected ~~in accordance with this Section.~~

Reason for changes: the section mentioned nothing about elections. In any case, the language can be removed since it's clear how elections should occur from Open Meetings Law.

**ARTICLE IV
AMENDMENTS TO BYLAWS**

~~Section 1.~~ **Amendments**

~~Except as otherwise provided, these Bylaws may be amended or repealed, and new bylaws may be adopted, by the Board. These Bylaws may be amended only by action taken by a majority of Board members present at a regular meeting as outlined in Article II, Section 2. An amendment must be approved by two-thirds (2/3) vote of the Board members present before it can become effective.~~

Reason for changes: it's unclear why or even whether a current board should be able to constrain a future board on what amounts to a board policy by requiring a supermajority vote.