



## **NORTH CAROLINA STATE BOARD OF BARBER EXAMINERS**

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### **Minutes for Public Meeting**

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

#### **Board Members**

Don Beal, Chair  
Jamie Norton, Vice Chair  
Gary Gardner  
Steffon Sharpless  
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 8:00 a.m., on August 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, Jamie Norton, Gary Gardner, Steffon Sharpless, and Valerie Willis.

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 June 20, 2017 meeting. Mr. Gardner seconded the motion, which passed, 3–0. (Mr. Sharpless and Ms. Willis were not present during this portion of the meeting.)

### **Executive director's report**

Mr. Beal referred board members to Mr. Seavers's August 11, 2017 report (see Attachment 1). Mr. Seavers answered questions from the board members. Mr. Gardner made a motion to accept the report, and Mr. Norton seconded. The motion passed, 3–0. (Mr. Sharpless and Ms. Willis were not present during this portion of the meeting.)

### **Complaint report**

Mr. Beal referred board members to Mr. Seavers's August 8, 2017 complaint report (see Attachment 2). Mr. Seavers explained that the board only needed to take action if the board wanted to reopen a dismissed complaint. The board took no action.

### **Proposed rulemaking**

Mr. Beal referred board members to Mr. Seavers's August 9, 2017 memo recommending rule changes that would allow licensees to serve as managers of multiple businesses (see Attachment 3). Mr. Norton made a motion to propose the revised rules, and Mr. Beal seconded. The motion passed, 4–0. (Ms. Willis was not present during this portion of the meeting.)

### **Administrative hearings**

Voheel Hasan had applied for a barber license as an out-of-state applicant. The board denied the application because he had received his training and license outside the United States, and the staff believed that the board is not authorized to issue licenses based on training or licensure received outside the country. Mr. Hasan offered testimony and answered questions from Mr. Sugg and the board members.

Willie Wright had received a violation for failure to display the barbershop sanitation grade. He subsequently received a probable-cause letter assessing civil penalties and

fees for the violation. He submitted a timely appeal of the violation and appeared at the hearing in person. Mr. Sugg presented evidence to the board and asked Mr. Wright questions. Randy Wilson, a board inspector, was present and answered questions. Joanna Lewis, a board inspector, was present and answered questions. Mr. Wright presented evidence in support of his appeal and answered questions from the board members.

### **Felony petitions**

The following applicant was given notice to appear before the board but failed to appear: Derrick A. Williams.

Arthur L. Davis, had submitted a student-permit application. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Davis questions. Mr. Davis offered testimony and answered questions from the board.

Trevor C. Leach had submitted a student-permit application. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Leach questions. Mr. Leach offered testimony and answered questions from the board.

Troy B. Moore had submitted a student-permit application. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Moore questions. Mr. Moore offered testimony and answered questions from the board.

Dale Snyder had applied for a barber license as an out-of-state barber. He appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Mr. Snyder questions. Mr. Snyder offered testimony and answered questions from the board.

### **Board calendar for 2018**

Mr. Beal referred board members to Mr. Seavers's August 10, 2017 memo on the 2018 board calendar (see Attachment 4). After discussion, Mr. Sharpless made a motion to adopt the calendar with the following changes. Mr. Norton seconded the motion, which passed, 5–0.

- Meetings would alternate between Mondays and Tuesdays
- Meetings would begin at 8:30 a.m.

The board also agreed to change the December 2017 meeting from Tuesday, December 12, to Monday, December 11.

### **Supervision requirement for apprentices**

Mr. Beal referred board members to Mr. Seavers's August 10, 2017 memo on the supervision requirement for apprentices (see Attachment 5). Mr. Seavers emphasized that the staff was not making a recommendation, but the memo provided background on

the legal issue. After discussion, the board asked Mr. Seavers to report back at the next meeting with a discussion of the various options the board could pursue.

### **Office space**

Ms. Willis recommended that the board office have artwork depicting the history of barbering or with similar decoration. After discussion, the board asked Mr. Seavers to report back at the next meeting with cost information.

The board recessed at 10:24 a.m. and reconvened at 10:30 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 10:31 a.m. and returned to open session at 11:05 a.m.

### **DETERMINATIONS**

The board upheld the staff decision to deny the application of Voheel Hasan.

The board upheld the violation and civil penalties and fees for Willie Wright.

The board ordered that Arthur L. Davis be offered a consent order with terms and conditions, including five years of probation.

The board ordered that Trevor C. Leach be offered a consent order with terms and conditions, including five years of probation.

The board ordered that Troy B. Moore be offered a consent order with terms and conditions, including five years of probation.

The board ordered that Dale Snyder be offered a consent order with terms and conditions, including three years of probation.

Mr. Beal adjourned the meeting at 11:06 a.m.

Minutes approved on November 1, 2017

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Don Beal

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Jamie Norton

*Not present at 10/27/2017 meeting*

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Gary Gardner

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Steffon Sharpless

*Not present at 10/27/2017 meeting*

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Valerie Willis



## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 11, 2017

**SUBJECT: Executive director's report**

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Below is the executive director's report for the board's August 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**

The attached table shows the board's expenditures and revenues for fiscal year (FY) 2017. The table also compares expenditures and revenues to the board's adopted budget.

Expenditures were under budget—96.86% of the expenditures budgeted for the first nine months of the fiscal year. There were some areas of higher spending; however, these have been addressed in the reports from previous board meetings. Board members should feel free to contact me if they have questions about other areas of spending.

Also attached is a chart showing the board's fund balance over the past few fiscal years. The board estimated that its fund balance would be \$505,685 at the end of the fiscal year; in fact, the ending fund balance was \$517,284.19. The fund balance is at the highest point it has reached in several fiscal years, largely attributable to the board's disciplined approach to its budget. As I reported at the June 20, 2017 board meeting, revenues were lower than anticipated. However, revenues were still within the normal range seen in previous fiscal years, and the decrease was partially offset by lower-than-budgeted spending.

#### **Barber exams**

Below is information about the pass rates for barber exams for 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 June 2017

Result	Count	Percentage
Pass	329	54.11%
Did not appear	108	17.76%
Fail	171	28.13%
<b>Total</b>	<b>608</b>	

**Apprentice Practical Exams**  
July 2016 to June 2017

Result	Count	Percentage
Pass	304	43.87%
Did not appear	139	20.06%
No model	109	15.73%
Model rejected	78	11.26%
Fail	46	6.64%
Improper dress	11	1.59%
Did not take	6	0.87%
<b>Total</b>	<b>693</b>	

*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 June 2017

Result	Count	Percentage
Pass	226	62.09%
Did not appear	59	16.21%
Model rejected	45	12.36%
Fail	30	8.24%
Improper dress	2	0.55%
No model	1	0.27%
Did not take	1	0.27%
<b>Total</b>	<b>364</b>	

**Budget v. Actual**  
**July 2016 through June 2017**  
**Accrual Basis**

	<b>Jul '16-Jun '17</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Income</b>				
<b>433 - investment income</b>				
433121 - STIF interest income	\$ 3,046.14	\$ 1,500.00	\$ 1,546.14	203.08%
433 - investment income - Other	\$ -	\$ -	\$ -	0.0%
<b>Total 433 - investment income</b>	<b>\$ 3,046.14</b>	<b>\$ 1,500.00</b>	<b>\$ 1,546.14</b>	<b>203.08%</b>
<b>435 - fees, licenses, and fines</b>				
435100 - business license fees				
435100059 - duplicate license	\$ 982.00	\$ 1,100.00	\$ (118.00)	89.27%
435100060 - individual license	\$ 324,365.58	\$ 338,000.00	\$ (13,634.42)	95.97%
435100061 - school permit	\$ 5,590.00	\$ 6,000.00	\$ (410.00)	93.17%
435100062 - bus/shop permit	\$ 139,779.00	\$ 115,000.00	\$ 24,779.00	121.55%
435100063 - student permit	\$ 25,850.00	\$ 30,000.00	\$ (4,150.00)	86.17%
435100064 - renewal-individual	\$ 66,550.00	\$ 85,000.00	\$ (18,450.00)	78.29%
435100 - business license fees - Other	\$ (78,033.12)	\$ -	\$ (78,033.12)	100.0%
<b>Total 435100 - business license fees</b>	<b>\$ 485,083.46</b>	<b>\$ 575,100.00</b>	<b>\$ (90,016.54)</b>	<b>84.35%</b>
435300 - certification fees				
435300016 - instructor exam fee	\$ 8,415.00	\$ 10,000.00	\$ (1,585.00)	84.15%
435300017 - registered exam fee	\$ 38,660.00	\$ 33,000.00	\$ 5,660.00	117.15%
435300018 - apprentice exam fee	\$ 132,025.00	\$ 68,000.00	\$ 64,025.00	194.15%
435300019 - apprentice certific	\$ 39,915.00	\$ 40,000.00	\$ (85.00)	99.79%
435300020 - instructor certific	\$ 14,960.00	\$ 12,000.00	\$ 2,960.00	124.67%
<b>Total 435300 - certification fees</b>	<b>\$ 233,975.00</b>	<b>\$ 163,000.00</b>	<b>\$ 70,975.00</b>	<b>143.54%</b>
435400 - inspection/exam fees	\$ 41,460.00	\$ 32,000.00	\$ 9,460.00	129.56%
435500 - fines, pen, assess fee	\$ 10,269.00	\$ 18,000.00	\$ (7,731.00)	57.05%
435800 - tuition and fees				
435830 - other fees	\$ 870.02	\$ 600.00	\$ 270.02	145.0%
<b>Total 435800 - tuition and fees</b>	<b>\$ 870.02</b>	<b>\$ 600.00</b>	<b>\$ 270.02</b>	<b>145.0%</b>
<b>Total 435 - fees, licenses, and fines</b>	<b>\$ 771,657.48</b>	<b>\$ 788,700.00</b>	<b>\$ (17,042.52)</b>	<b>97.84%</b>
<b>437 - miscellaneous</b>				
437127 - procuremnt card rebate	\$ 150.65	\$ -	\$ 150.65	100.0%
437990 - other misc revenue	\$ 646.61	\$ 12,000.00	\$ (11,353.39)	5.39%
<b>Total 437 - miscellaneous</b>	<b>\$ 797.26</b>	<b>\$ 12,000.00</b>	<b>\$ (11,202.74)</b>	<b>6.64%</b>

**Budget v. Actual**  
**July 2016 through June 2017**  
**Accrual Basis**

August 21, 2017 minutes  
ATTACHMENT 1

	<b>Jul '16-Jun '17</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Total Income</b>	\$ 775,500.88	\$ 802,200.00	\$ (26,699.12)	96.67%
<b>Expense</b>				
<b>531 - personal services</b>				
531112 - EPA regular salaries	\$ 247,792.28	\$ 246,749.94	\$ 1,042.34	100.42%
531462 - longevity - receipts	\$ 5,162.00	\$ 7,600.00	\$ (2,438.00)	67.92%
531472 - bonus/incentive wages	\$ 1,227.00	\$ -	\$ 1,227.00	100.0%
531512 - Social Security	\$ 18,081.40	\$ 19,074.00	\$ (992.60)	94.8%
531522 - regular retirement	\$ 41,320.99	\$ 40,926.12	\$ 394.87	100.97%
531562 - medical insurance	\$ 28,758.48	\$ 27,820.80	\$ 937.68	103.37%
531576 - flexible spending acct	\$ 507.00	\$ 650.00	\$ (143.00)	78.0%
531651 - comp to board members	\$ 3,300.00	\$ 3,500.00	\$ (200.00)	94.29%
<b>Total 531 - personal services</b>	\$ 346,149.15	\$ 346,320.86	\$ (171.71)	99.95%
<b>532 - purchased services</b>				
532110 - legal services	\$ 54,680.00	\$ 50,610.00	\$ 4,070.00	108.04%
532120 - financial/audit svcs	\$ 9,670.00	\$ 9,670.00	\$ -	100.0%
532140 - other IT services	\$ -	\$ -	\$ -	0.0%
532145 - managed server support	\$ 26,993.92	\$ 33,073.60	\$ (6,079.68)	81.62%
532170001 - prof testing serv	\$ 10,530.00	\$ 11,000.00	\$ (470.00)	95.73%
532184 - janitorial services	\$ 4,550.00	\$ 4,200.00	\$ 350.00	108.33%
532199 - misc contract services	\$ 28,045.05	\$ 30,690.00	\$ (2,644.95)	91.38%
532210 - electrical service	\$ 6,973.00	\$ 6,500.00	\$ 473.00	107.28%
532220 - natural gas/propane	\$ 705.45	\$ 1,100.00	\$ (394.55)	64.13%
532430 - maint agrmnt - equip	\$ -	\$ -	\$ -	0.0%
532490 - maint agreemnt - other	\$ 2,540.14	\$ 3,600.00	\$ (1,059.86)	70.56%
532512 - rental of bldg/prop	\$ 57,489.25	\$ 56,920.00	\$ 569.25	101.0%
532524 - general office equip	\$ 7,849.70	\$ 9,000.00	\$ (1,150.30)	87.22%
532714 - ground trans in-state	\$ 16,560.44	\$ 18,670.00	\$ (2,109.56)	88.7%
532721 - lodging in-state				
532721900 - workshop/conference	\$ -	\$ -	\$ -	0.0%
532721 - lodging in-state - Other	\$ 10,616.04	\$ 18,000.00	\$ (7,383.96)	58.98%
Total 532721 - lodging in-state	\$ 10,616.04	\$ 18,000.00	\$ (7,383.96)	58.98%
532724 - meals in-state	\$ 8,124.58	\$ 13,000.00	\$ (4,875.42)	62.5%

**Budget v. Actual**  
**July 2016 through June 2017**  
**Accrual Basis**

August 21, 2017 minutes  
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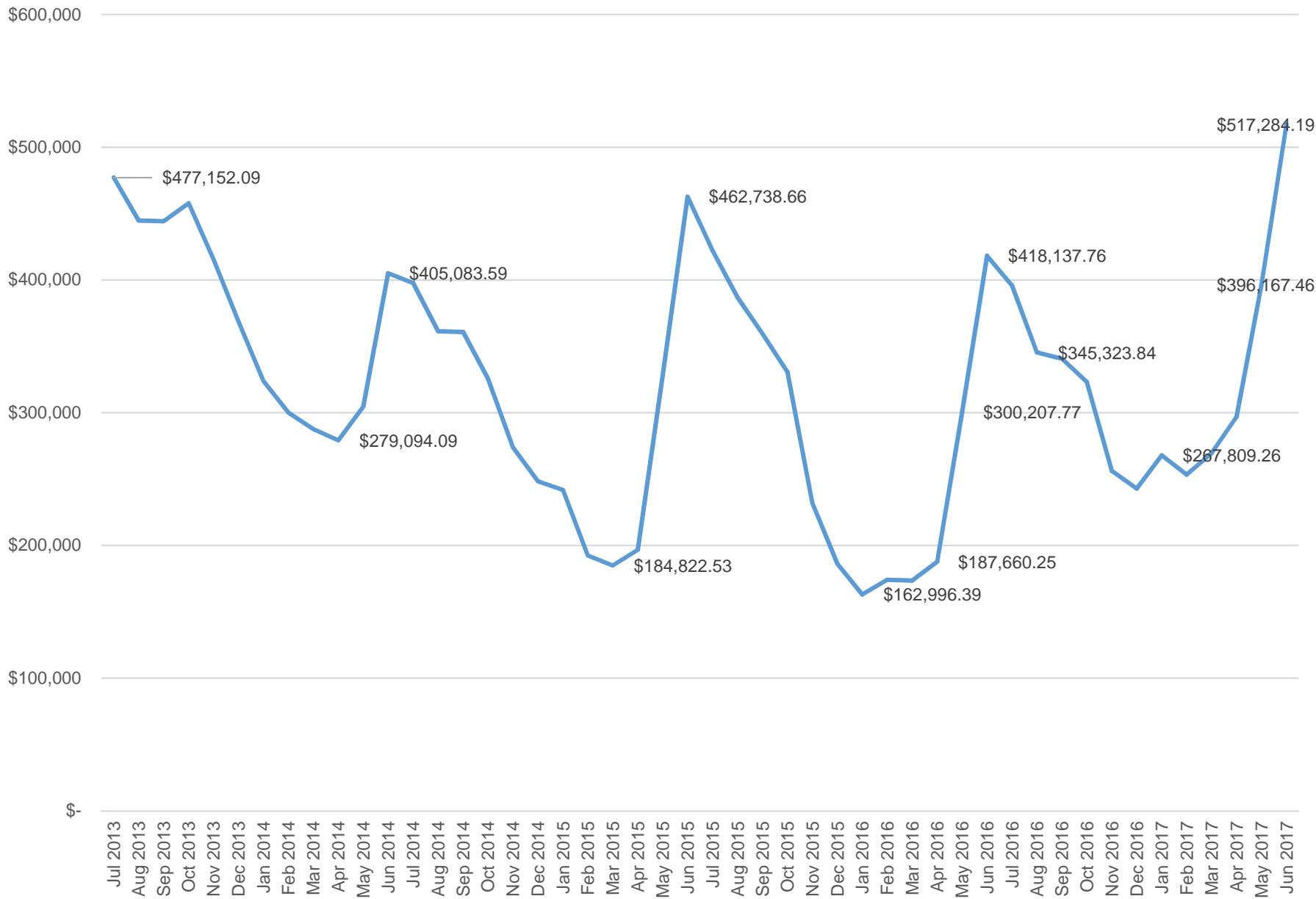
	<b>Jul '16-Jun '17</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
532731 - board/non-emp transpor	\$ 1,425.40	\$ 1,860.00	\$ (434.60)	76.63%
532732 - board/non-emp subsist	\$ 2,296.26	\$ 1,750.00	\$ 546.26	131.22%
532811 - telephone service	\$ 8,929.27	\$ 9,000.00	\$ (70.73)	99.21%
532814 - cellular phone service	\$ -	\$ -	\$ -	0.0%
532815 - email and calendaring	\$ 1,582.74	\$ 1,600.00	\$ (17.26)	98.92%
532817 - ISP charge	\$ 1,415.40	\$ 1,420.00	\$ (4.60)	99.68%
532819 - telephone wiring srvc	\$ -	\$ 1,000.00	\$ (1,000.00)	0.0%
532822 - managed LAN svc charge	\$ 322.00			
532826 - software subscriptions	\$ -	\$ -	\$ -	0.0%
532840 - postage & delivery	\$ 11,443.73	\$ 21,000.00	\$ (9,556.27)	54.49%
532850 - printing, binding, dup	\$ 4,043.92	\$ 4,000.00	\$ 43.92	101.1%
532911 - insurance - property	\$ 18,973.80	\$ 13,000.00	\$ 5,973.80	145.95%
532942 - other emp trng expense	\$ 60.00	\$ -	\$ 60.00	100.0%
<b>Total 532 - purchased services</b>	<b>\$ 295,820.09</b>	<b>\$ 320,663.60</b>	<b>\$ (24,843.51)</b>	<b>92.25%</b>
<b>533 - Supplies</b>				
533110 - general office supply	\$ 7,689.48	\$ 7,000.00	\$ 689.48	109.85%
533120 - data process supplies	\$ 9,750.00	\$ 9,000.00	\$ 750.00	108.33%
533150 - security & safety supp	\$ 6,974.50	\$ 8,000.00	\$ (1,025.50)	87.18%
533190 - other admin supplies	\$ 6.60	\$ -	\$ 6.60	100.0%
533210 - janitorial supplies	\$ -	\$ -	\$ -	0.0%
<b>Total 533 - Supplies</b>	<b>\$ 24,420.58</b>	<b>\$ 24,000.00</b>	<b>\$ 420.58</b>	<b>101.75%</b>
<b>534 - property, plant, &amp; equip</b>				
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%
<b>Total 534 - property, plant, &amp; equip</b>	<b>\$ -</b>	<b>\$ 4,000.00</b>	<b>\$ (4,000.00)</b>	<b>0.0%</b>
<b>535 - other expenses and adjust</b>				
535830 - member dues & subcript	\$ 270.00	\$ 500.00	\$ (230.00)	54.0%
535900 - other expenses	\$ 7,412.12	\$ -	\$ 7,412.12	100.0%

**Budget v. Actual**  
**July 2016 through June 2017**  
**Accrual Basis**

August 21, 2017 minutes  
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	<b>Jul '16-Jun '17</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Total 535 - other expenses and adjust</b>	\$ 7,682.12	\$ 500.00	\$ 7,182.12	1,536.42%
<b>538 - intragovernmental transac</b>				
538030 - fine/penalty transfer	\$ 12,177.00	\$ 13,000.00	\$ (823.00)	93.67%
<b>Total 538 - intragovernmental transac</b>	\$ 12,177.00	\$ 13,000.00	\$ (823.00)	93.67%
<b>Total Expense</b>	\$ 686,248.94	\$ 708,484.46	\$ (22,235.52)	96.86%
<b>Net Income</b>	<b>\$ 89,251.94</b>	<b>\$ 93,715.54</b>	<b>\$ (4,463.60)</b>	<b>95.24%</b>

### Fund balance





## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 8, 2017

**SUBJECT: Complaint report**

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Under 21 NCAC 06C .0912, the executive director must “submit to the Board a report of dismissed complaints that he or she has not previously reported, with a summary of the allegations and a justification for the dismissal.” The executive director is required to dismiss complaints for the following reasons:

- The complaint lacks information, such as barbershop location or a description of the alleged conduct, necessary to investigate the complaint. (Before dismissal, the executive director must attempt to collect additional information from the complainant, if possible.)
- The complaint alleges conduct that is not prohibited by the board’s statutes or rules or is not within the board’s jurisdiction.
- After receiving a recommendation from the investigator, the executive director determines that the allegation is untrue.

This memo serves as the required report. By a majority vote, the board may reopen any of these complaints if the board believes that the dismissal was not justified. If the board agrees with the dismissals, no further action is required.

### **Complaint ID 53**

On February 13, 2017, the board received a complaint alleging that a barber was drinking alcohol on site and was possibly intoxicated while performing barber services. The board’s inspector attempted to conduct a surprise inspection while the barber was working but was unable to catch him. In the meantime, the barbershop manager notified us that the barber no longer worked at that shop.

*Basis for dismissal:* the allegations were not substantiated.

### **Complaint ID 69**

On April 3, 2017, the board received a complaint alleging that a barbershop had a tattoo parlor in the back of the business, with underage individuals receiving tattoos and without the parlor having a sanitary grade. The complaint also claimed that there were parties at the barbershop with the use of cocaine and marijuana. Finally, the complaint alleged that there were unsanitary practices, including a failure to wash hands between services, a failure to store tools and towels properly, and the accumulation of hair on the floor.

For the portions of the complaint dealing with tattoo practices, the board has no jurisdiction. For the portion of the complaint dealing with drug use, the board staff referred the complaint to local law enforcement. After allowing local law enforcement an opportunity to investigate the shop, the board inspector investigated the remaining portion of the complaint. He found that the shop was clean and in order and did not find evidence to support the complaint allegations.

*Basis for dismissal:* some of the allegations were not within the board's jurisdiction, and the remaining allegations were not substantiated.

### **Complaint ID 72**

On May 1, 2017, the board received a complaint that claimed a barber shop used the same razor blade on every customer without sanitizing it. An inspector for the board investigated the complaint and determined that the barber was changing the blade after each service. The inspector gave additional instruction to help the barber improve sanitary practices.

*Basis for dismissal:* the allegations were not substantiated.

### **Complaint ID 75**

On May 7, 2017, the board received a complaint alleging that an individual was providing barber services with an apprentice license and claimed that the individual should not be able to get a license because of his criminal and child-support history. An inspector investigated the complaint and determined that the individual was not working at the shop.

*Basis for dismissal:* the allegations were not substantiated.

### **Complaint ID 79**

On May 16, 2017, the board received a complaint that an individual's barbering skills were inadequate and that the barber did not wear his eyeglasses. The complaint also made various other claims—for example, that the barber would put the hair cape on too

tight. The complainant claimed that the barber needed to return to school. The executive director dismissed the complaint without referring it to an inspector.

*Basis for dismissal:* the alleged activity did not represent a violation of the board's regulations.

### **Complaint ID 82**

On June 15, 2017, the board received a complaint that the air conditioning in a barber shop was not working. The complainant said that the shop had fans but "that does no good." The complainant also said that booth rent at the shop is \$200 a week.

*Basis for dismissal:* the allegations in the complaint do not represent a violation of the board's regulations.

### **Complaint ID 86**

On June 28, 2017, the board received a complaint that a barbershop did not meet the square footage established in the board's rules. The complaint alleged that a previous inspector approved the shop "as an illegal favor," even though the shop didn't meet the square footage requirement. The complaint also said that the barbershop was in a location that previously was a laundromat. An inspector for the board investigated the complaint and determined that the square footage met the board's requirements.

*Basis for dismissal:* the allegations were not substantiated.

### **Complaint ID 88**

On July 8, 2017, the board received a complaint that an unlicensed barber was working in a barbershop. An inspector for the board investigated the complaint and did not find evidence that the unlicensed barber was working at the shop.

*Basis for dismissal:* the allegations were not substantiated.

### **Complaint ID 90**

On July 12, 2017, the board received a complaint that a barber school was allowing students to offer practical instruction without a licensed instructor present. The complaint also claimed that the school had reduced the number of hours offered each week. An inspector for the board investigated the complaint and did not find evidence that instruction was occurring without an instructor being present or that unlicensed individuals were offering instruction.

*Basis for dismissal:* the allegation about instruction occurring without a licensed instructor present was not substantiated. The remaining allegation (about a reduction in hours) does not represent a violation of the board's regulations.

## **Complaint ID 91**

The board received a complaint on July 18, 2017 that a barber was calling the complainant's wife for reasons unrelated to business. The executive director dismissed the complaint without referring it to an inspector.

*Basis for dismissal:* the alleged activity does not represent a violation of the board's regulations.



# NORTH CAROLINA BOARD OF BARBER EXAMINERS

## Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 9, 2017

**SUBJECT: Proposed rulemaking**

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At its August 21, 2017 meeting, the board will consider whether it should amend two of its rules to allow individuals to serve as the manager of multiple business.<sup>1</sup> This memo explains the proposed amendments and the options for the board.

### **Background**

Under the board's rules, a barber can serve as the manager of only one barbershop or barber school. A barber cannot be manager of:

- More than one barbershop;
- More than one barber school; or
- A barbershop and a barber school.

These limitations were initially proposed in 2014 as part of the rule readoption process and formally adopted in 2016. By setting these limitations, the board evidently believed that a person could not adequately serve as the manager of multiple business entities, presumably because of the demands of being a manager. The board was apparently concerned that an individual who managed multiple businesses wouldn't be able to make sure the businesses complied with the board's regulations.

### **Reason for proposed amendments**

Based on feedback from business owners and the board's inspectors, I recommend that the board revisit the relevant rules to determine whether these limitations are

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<sup>1</sup> The board uses the term "manager" to mean the person who is responsible for compliance with the board's regulations. A manager may not necessarily be the person responsible for other aspects of a business's operations, such as scheduling or finances.

necessary. In particular, the staff believes that individuals can adequately manage multiple barbershops. (It may be sensible for the board to determine that a barber school manager should only manage the school, but the attached amendments would eliminate all limitations.)

The board should be aware that there are regulations in place to hold managers responsible for violations of G.S. 86A or the board's rules. In addition, the board has rules that specifically hold managers responsible for compliance, whether they're present on the business premises or not.<sup>2</sup>

Examples of situations where these limitations have created difficulties for business owners include the following:

- A barber may own multiple shops and serve as the manager of one shop while designating other barbers as managers of other shops. If a manager leaves one of the other shops, the owner may need time to find another manager and can't serve as manager in the interim. The owner may then need to close the business at least temporarily.
- Barbers may own a shop and also have a shop in a medical facility, such as a nursing home or assisted-living facility. The shop in the medical facility is only used on a limited basis—maybe one or two days a week. The medical facility may have difficulty finding someone to provide services on this part-time basis if the board prohibits a shop manager from also managing the shop in the medical facility.

### **Board actions**

- If the board believes the limitations for managers aren't necessary, the board should propose rule amendments.
  - I've attached two proposed amendments to the relevant rules, assuming that the board wants to allow barbers to manage as many shops or schools as they wish.
  - Alternatively, the board could keep some form of limitation in place while making the regulatory burden lighter.
- If the board believes that the rules are necessary, no further action is required.

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<sup>2</sup> See 21 NCAC 06F .0102(b) and 21 NCAC 06L .0116(d).

1 21 NCAC 06F .0102 is proposed for amendment as follows:

2

3 **21 NCAC 06F .0102 MANAGER**

4 (a) Each barber school shall designate one of the instructors required by G.S. 86A-22(2) as the school manager.

5 (b) The barber school manager is responsible for the school's compliance with G.S. 86A-15 and the rules in this  
6 Subchapter, whether present on the school premises or not.

7 ~~(c) A barber school manager shall not manage a barber shop or another barber school.~~

8

9 *Authority G.S. 86A-15; 86A-22*

1 21 NCAC 06L .0116 is proposed for amendment as follows:

2

3 **21 NCAC 06L .0116 BARBER SHOP MANAGERS**

4 (a) All barber shop managers shall verify that any licensee employed in the barber shop is the person whose name  
5 appears on the license or permit prior to allowing the licensee to perform barbering services in the shop. This  
6 verification shall be based on government issued identification.

7 ~~(b) A barber shop manager shall not manage another barber shop or a barber school.~~

8 ~~(b)~~ The shop manager is responsible for the sanitary condition, as defined in 21 NCAC 06P .0103(10), of the entire  
9 shop.

10 ~~(c)~~ The barber shop manager is accountable for activities at the shop whether present on the premises or not.

11

12 *Authority G.S. 86A-15; 86A-22*



# NORTH CAROLINA BOARD OF BARBER EXAMINERS

## Memo

TO: Board members  
FROM: Dennis Seavers  
DATE: August 10, 2017  
**SUBJECT: 2018 calendar**

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At its August 21, 2017 meeting, the board will approve its 2018 meeting schedule. Attached is the proposed calendar, along with the exam schedule and list of state holidays. (The proposed calendar assumes that the staff will continue to be able to change the exam dates if necessary, as in the past.)

The board meeting schedule assumes that the board will meet on the second-to-last Tuesday of the even-numbered months. One exception is December, which I moved to an earlier week because of the state holiday for Christmas. The staff is flexible and will be available if the board wants to alter this schedule.



## 2018 BOARD CALENDAR

### REGISTERED AND APPRENTICE EXAMS

January 8–9	May 7–8	September 10–11
February 12–13	June 4–5	October 1–2
March 5–6	July 2–3	November 5–6
April 2–3	August 6–7	December 3–4

### INSTRUCTOR EXAMS

#### Written

January 16	May 14	September 4
March 12	July 9	November 13

#### Practical

*Dates below indicate start date; exams may take up to three days*

February 14	June 6	October 3
April 4	August 8	December 5

### BOARD MEETINGS—Agendas will be posted at [ncbarbers.com](http://ncbarbers.com)

February 20	June 19	October 23
April 24	August 21	December 18

### HOLIDAYS

January 1 (Monday)	New Year's Day
January 15 (Monday)	Martin Luther King Day
March 30 (Friday)	Good Friday
May 28 (Monday)	Memorial Day
July 4 (Wednesday)	Independence Day
September 3 (Monday)	Labor Day
November 12 (Monday)	Veterans Day
November 22–23 (Thursday and Friday)	Thanksgiving
December 24–26 (Monday, Tuesday, and Wednesday)	Christmas



## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 10, 2017

**SUBJECT: Supervision requirement for apprentices**

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At its August 21, 2017 meeting, the board will discuss one aspect of the supervision requirement for apprentices. This discussion was requested by a board member rather than the staff, so this memo only provides background information to facilitate discussion. The memo doesn't make a recommendation.

G.S. 86A-24, a copy of which is attached to this memo, has two sentences related to the supervision of an apprentice barber.

1. The apprentice license is only valid if the apprentice is working under the supervision of a registered barber; and
2. The registered barber must remain present on the barbershop premises at all times while the apprentice is working.

The subject of the board's discussion will primarily be the second sentence, which prohibits an apprentice from providing services if no registered barber is present. The board will consider whether apprentices should be able to work even if there isn't a registered barber present on the premises at all times. If the board believes that requirement should be changed, the board would have to request legislative action by the General Assembly.

**§ 86A-24. Apprenticeship.**

(a) Before being issued an apprentice license, an applicant must pass an examination conducted by the Board to determine his competence, including his knowledge of barbering, sanitary rules and regulations, and knowledge of diseases of the face, skin and scalp.

(b) An apprentice license expires on May 31 of each year. Every holder of an apprentice license shall annually renew the apprentice license by the expiration date and pay the required renewal fee. An apprentice license issued under this Chapter is automatically suspended by operation of law after failure to renew the apprentice license by the expiration date. An apprentice whose apprentice license has expired may have the certificate restored immediately upon paying all lapsed renewal fees and the required late fee. The certificate of registration of an apprentice is valid only so long as the apprentice works under the supervision of a registered barber. The registered barber shall remain present on the premises of the barbershop at all times while the apprentice is working. No apprentice shall operate a barbershop.

(c) On completion of at least one year's apprenticeship, evidenced by affidavit of the supervising registered licensed barber or barbers, and upon meeting the other requirements of G.S. 86A-3, the apprentice shall be issued a license as a registered barber, pursuant to G.S. 86A-10. No registered apprentice may practice for a period exceeding three years without retaking and passing the required examination to receive a certificate as a registered apprentice. (1929, c. 119, ss. 4, 5; 1941, c. 375, s. 3; 1975, c. 68, ss. 1, 2; 1979, c. 695, s. 1; 1981, c. 457, s. 14; 1995 (Reg. Sess., 1996), c. 605, s. 13; 2004-146, s. 8.)