



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

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### **Minutes for Public Meeting**

Held April 19, 2016, at 8:00 a.m.  
5809 Departure Drive, Suite 102  
Raleigh, North Carolina

#### **Board Members**

Don Beal, Chair  
Steffon Sharpless, Vice Chair  
Lance Crumley  
David Hood  
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 8:19 a.m., on April 19, 2016 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, and David Hood. Lance Crumley and Valerie Willis were absent.

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

## **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 meetings**

Mr. Sharpless made a motion to approve the minutes from the December 8, 2015; February 16, 2016; March 21, 2016; and April 14, 2016 meetings. Mr. Hood seconded the motion, which passed, 3–0.

## **OPEN SESSION**

### **Administrative hearings**

The board conducted a hearing for Gerald A. Bates, who appeared in person for his appeal of a violation for allowing an individual to practice barbering without a license. Mr. Bates offered testimony and answered questions from Mr. Sugg and the board.

The board conducted a hearing for Dennis S. Minnella, an out-of-state applicant who appealed a staff determination that he would need to take a written and practical examination. Mr. Minnella was unable to appear at the hearing. Mr. Sugg presented information about the case and answered questions from the board.

The board conducted a hearing for Jason Smith, who requested a hearing after being offered a consent order that was based on a staff assessment of his criminal history. Mr. Smith offered testimony and answered questions from Mr. Sugg and the board.

### **Administrative hearings—show cause**

The board conducted a hearing for Henry A. Boykin, who appeared in person to show cause for failing to pay civil penalties and fees for engaging in the practice of barbering without a license. Mr. Boykin offered testimony and answered questions from Mr. Sugg and the board.

The board conducted a hearing for Jeffrey S. Hooks to show cause for failing to pay civil penalties and fees for engaging in barbering without a license. Mr. Hooks failed to appear. Mr. Sugg presented evidence to the board of the violation and answered questions by the board members.

The board conducted a hearing for Travis Hunt to show cause for failing to pay civil penalties and fees for engaging in barbering without a license. Mr. Hunt failed to appear. Mr. Sugg presented evidence to the board of the violation and answered questions by the board members.

The board conducted a hearing for Donte A. Jackson to show cause for failing to pay civil penalties and fees for operating a barber shop without a permit and failure to display a current shop permit. Mr. Jackson failed to appear. Mr. Sugg presented evidence to the board of the violations and answered questions by the board members.

The board conducted a hearing for Joshua D. Rochelle, who appeared in person to show cause for failing to pay civil penalties and fees for engaging in barbering without a license. Mr. Rochelle testified that he was willing to pay his obligations immediately.

### **Felony petitions (part 1)**

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

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

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

Mr. Beal referred board members to Mr. Seavers's April 13, 2016 report (see Attachment 1), and Mr. Seavers answered questions from board members. Mr. Hood made a motion to approve Mr. Seavers's request for up to \$9,000 for temporary services to help with data entry through June 30.

### **Felony petitions (part 2)**

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

The board recessed at 9:11 a.m. and reconvened at 9:35 a.m.

The North Carolina Department of Public Safety Division of Prisons (NCDPS) had submitted documentation in support of Eric M. Craven receiving a registered barber license. Mr. Sugg presented information about Mr. Craven's criminal history. Sophia Feaster of NCDPS offered testimony in support of Mr. Craven.

NCDPS had submitted documentation in support of Derrick A. Bennett receiving a registered barber license. Mr. Sugg presented information about Mr. Bennett's criminal history. Sophia Feaster of NCDPS offered testimony in support of Mr. Bennett.

Tommie Moore III had applied for an apprentice barber license. 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.

Angela R. Thompson had applied to restore a registered barber license. She appeared and was sworn in. Mr. Sugg presented evidence to the board and asked Ms. Thompson questions. Ms. Thompson offered testimony and answered questions from the board.

### **CLOSED SESSION**

Mr. Beal made a motion to go into closed session under N.C.G. S. § 143–318.11(a)(1), (3), and (6) and under N.C.G.S. § 143–318.11(c), and Mr. Hood seconded. The motion passed, 3–0. 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 10:05 a.m. The board returned to open session at 11:12 a.m.

### **DETERMINATIONS**

The board upheld the violation of Gerald A. Bates and ordered him to pay his outstanding \$415 in penalties and fees, plus an additional attorney fee of \$165.

The board denied the request of Dennis S. Minnella and upheld the staff determination that Mr. Minnella would need to take the written and practical examinations.

The board made no determination on the case of Jason Smith but instead requested that the board counsel review Mr. Smith's claims in the hearing about the accuracy of the criminal record.

The board upheld the violation of Henry Boykin and ordered him to pay his outstanding \$365 in penalties and fees, plus an additional attorney fee of \$165. The board suspended Mr. Boykin's license until he pays the \$530.

The board upheld the violation of Jeffrey S. Hooks and ordered him to pay his outstanding \$365 in penalties and fees. The board determined that no license would be issued until Mr. Hooks pays the obligation.

The board upheld the violation of Travis Hunt and ordered him to pay his outstanding \$365 in penalties and fees. The board determined that no license would be issued until Mr. Hunt pays the obligation.

The board upheld the violation of Donte A. Jackson and ordered him to pay his outstanding \$465 in penalties and fees, plus an additional attorney fee of \$165. The board suspended Mr. Jackson's license until he pays the \$630.

Since Joshua D. Rochelle paid at the time of his hearing, the board took no further action.

The board ordered that the licensure application of Eric Craven be approved, with the following conditions: five years of probation.

The board ordered that the licensure application of Derrick A. Bennett be approved, with the following conditions: five years of probation.

The board ordered that the licensure application of Shelton L. Barrett be approved, with the following conditions: five years of probation.

The board ordered that the licensure application of Taurean J. Leak be approved, with the following conditions: five years of probation.

The board ordered that the licensure application of Howard A. Leath be approved, with the following conditions: five years of probation.

The board ordered that the licensure application of Tommie Moore III be approved, with the following conditions: five years of probation.

The board ordered that the licensure application of Angela R. Thompson be approved, with the following conditions: five years of probation.

Mr. Beal adjourned the meeting at 11:16 a.m.

Minutes approved on June 21, 2016

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Don Beal

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Steffon Sharpless

(Not in attendance)

\_\_\_\_\_  
Lance Crumley

\_\_\_\_\_  
David Hood

(Not in attendance)

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Valerie Willis



## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: April 13, 2016

**SUBJECT: Executive director's report**

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Below is the executive director's report for the board's April 19, 2016 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 2016 budget report**

Attachment A shows the board's expenditures and revenues (on an accrual basis) for fiscal year (FY) 2016 from July 1 to October 31. The attachment shows the amounts budgeted for the first three quarters only, not for the entire fiscal year. The budgeted amounts reflect the board's budget revisions from the October 20, 2015 meeting.

Expenditures were within budget—about 94.47% of the expenditures budgeted for the first nine months of the fiscal year. There were some areas of higher spending; two notable areas are highlighted in Attachment A and explained below. (Any areas of higher spending that were explained in previous reports are not discussed below.) Board members should feel free to contact me if they have questions about other areas of spending.

- 532145 – managed server support. As I mentioned in my February report, the board experienced a firewall failure. The additional costs in this category include technical support, hardware, and installation costs.
- 532199 – miscellaneous contract services. The bulk of the additional costs in this area are for services by a retired barber to assist with exam administration. The board was aware of this need when it made its position cuts in October.

## License renewals

The board is in the midst of its annual renewal cycle. We have seen increasing use of the online renewal system as we get closer to the May 31 renewal deadline.

For mailed renewals, the board is behind in entries because of staff shortage. Catching up on renewals is not only good for customer service but will be important for accurate financials and effective enforcement. Therefore, I request that the board approve up to \$9,000 in temporary services to help with administrative responsibilities.

## Legislative update

### *Fee-increase bill*

The General Assembly will be in session later this month, and the board's proposed bill to increase the statutory fee cap, among other provisions, will be considered. The board staff will be in touch with board members with information about contacting your legislators.

### *Joint Legislative Administrative Procedures Oversight (APO) Committee*

On April 4, 2016, the APO met to consider various matters, including two legislative proposals from APO subcommittees. (Some of the provisions of these proposals have been discussed with the board at previous meetings.)

The first proposal (see Attachment B) was from the Dental Board Case Subcommittee. The subcommittee considered the impact of *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, which the staff has previously discussed with the board. The subcommittee recommended legislation that would include the following provisions, among others, for occupational licensing boards (OLBs):

- The board is currently required to have training on certain topics within six months of appointment to the board and every two years afterward. The proposed bill would add antitrust law and state-action immunity to the list of required topics.
- OLBs would be required to adopt rules (if they don't already have them) for receiving and resolving complaints, taking disciplinary action or enforcement actions against licensees, and taking enforcement actions against persons not licensed by the board. In addition, OLBs would be required to adopt as a rule any interpretation, clarification, or other delineation of a scope of practice.
- Complaint processes would have to meet certain requirements, such as having electronic complaint submission on the board's website.
- The proposed bill would clarify OLBs' authority to investigate unlicensed activity and notify unlicensed individuals or entities of possible violations. The draft legislation specifies requirements for OLBs to follow, and requires a specific statement in any notice of a possible violation.

- Jurisdictional disputes between boards would have to be resolved through informal means. If the informal means were unsuccessful, an affected board would be allowed to begin an administrative proceeding in the Office of Administrative Hearings to resolve the dispute.

The second proposal (see Attachment C) was from the Occupational Licensing Board Oversight Subcommittee. The most controversial aspects of the draft bill would have eliminated several boards or transferred their function to other state agencies or boards. (The Board of Barber Examiners would not have been affected.) The bill also would have required OLBs to consolidate all licenses into a single license. The APO tabled this bill until after the short session, although the bill itself or any provisions could be introduced by a legislator acting on his or her own.

# Attachment A

## Budget vs. Actual

### July 2015 through March 2016

	Jul '15 - Mar 16	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
<b>433 - investment income</b>				
433121 - STIF interest income	1,561.89	1,100.00	461.89	141.99%
433 - investment income - Other	0.00	0.00	0.00	0.0%
<b>Total 433 - investment income</b>	<b>1,561.89</b>	<b>1,100.00</b>	<b>461.89</b>	<b>141.99%</b>
<b>435 - fees, licenses, and fines</b>				
435100 - business license fees				
435100059 - duplicate license	430.00	650.00	-220.00	66.15%
435100060 - individual license	178,185.00	166,000.00	12,185.00	107.34%
435100061 - school permit	2,600.00	2,330.00	270.00	111.59%
435100062 - bus/shop permit	76,052.00	48,000.00	28,052.00	158.44%
435100063 - student permit	24,325.00	22,500.00	1,825.00	108.11%
435100064 - renewal-individual	58,800.00	60,000.00	-1,200.00	98.0%
435100 - business license fees - Other	-145,112.00	0.00	-145,112.00	100.0%
<b>Total 435100 - business license fees</b>	<b>195,280.00</b>	<b>299,480.00</b>	<b>-104,200.00</b>	<b>65.21%</b>
435300 - certification fees				
435300016 - instructor exam fee	6,930.00	7,498.00	-568.00	92.43%
435300017 - registered exam fee	24,820.00	24,750.00	70.00	100.28%
435300018 - apprentice exam fee	90,865.00	50,999.00	39,866.00	178.17%
435300019 - apprentice certific	26,250.00	29,998.00	-3,748.00	87.51%
435300020 - instructor certific	6,755.00	9,000.00	-2,245.00	75.06%
<b>Total 435300 - certification fees</b>	<b>155,620.00</b>	<b>122,245.00</b>	<b>33,375.00</b>	<b>127.3%</b>
435400 - inspection/exam fees	22,040.00	23,900.00	-1,860.00	92.22%
435500 - fines, pen, assess fee	11,941.00	13,500.00	-1,559.00	88.45%
435800 - tuition and fees				
435830 - other fees	680.00	450.00	230.00	151.11%
<b>Total 435800 - tuition and fees</b>	<b>680.00</b>	<b>450.00</b>	<b>230.00</b>	<b>151.11%</b>
<b>Total 435 - fees, licenses, and fines</b>	<b>385,561.00</b>	<b>459,575.00</b>	<b>-74,014.00</b>	<b>83.9%</b>
<b>437 - miscellaneous</b>				
437127 - procuremnt card rebate	295.34			
437990 - other misc revenue	8,415.55	9,000.00	-584.45	93.51%
<b>Total 437 - miscellaneous</b>	<b>8,710.89</b>	<b>9,000.00</b>	<b>-289.11</b>	<b>96.79%</b>
<b>Total Income</b>	<b>395,833.78</b>	<b>469,675.00</b>	<b>-73,841.22</b>	<b>84.28%</b>
<b>Expense</b>				
<b>531 - personal services</b>				
531112 - EPA regular salaries	275,132.05	272,515.72	2,616.33	100.96%
531462 - longevity - receipts	3,472.05	2,734.62	737.43	126.97%
531472 - bonus/incentive wages	6,000.00			
531512 - Social Security	20,522.82	21,370.00	-847.18	96.04%
531522 - regular retirement	42,682.14	43,577.37	-895.23	97.95%
531562 - medical insurance	29,871.56	30,714.88	-843.32	97.25%
531576 - flexible spending acct	445.36	482.13	-36.77	92.37%
531651 - comp to board members	1,900.00	2,500.00	-600.00	76.0%
<b>Total 531 - personal services</b>	<b>380,025.98</b>	<b>373,894.72</b>	<b>6,131.26</b>	<b>101.64%</b>

# Attachment A

## Budget vs. Actual

### July 2015 through March 2016

	Jul '15 - Mar 16	Budget	\$ Over Budget	% of Budget
<b>532 - purchased services</b>				
532110 - legal services	-9,775.00	-4,722.00	-5,053.00	207.01%
532120 - financial/audit svcs	9,300.00	8,000.00	1,300.00	116.25%
532140 - other IT services	64.05			
<b>532145 - managed server support</b>	<b>30,257.42</b>	<b>28,524.17</b>	<b>1,733.25</b>	<b>106.08%</b>
532170001 - prof testing serv	8,064.00	8,249.00	-185.00	97.76%
532184 - janitorial services	2,800.00	3,150.00	-350.00	88.89%
<b>532199 - misc contract services</b>	<b>3,644.41</b>	<b>1,873.00</b>	<b>1,771.41</b>	<b>194.58%</b>
532210 - electrical service	4,555.51	5,100.00	-544.49	89.32%
532220 - natural gas/propane	577.43	880.00	-302.57	65.62%
532430 - maint agrmnt - equip	0.00	602.00	-602.00	0.0%
532490 - maint agreemnt - other	1,934.18	2,700.00	-765.82	71.64%
532512 - rental of bldg/prop	47,955.92	44,086.84	3,869.08	108.78%
532524 - general office equip	6,571.82	9,765.00	-3,193.18	67.3%
532714 - ground trans in-state	15,115.08	26,000.00	-10,884.92	58.14%
532721 - lodging in-state	12,194.80	18,056.00	-5,861.20	67.54%
532724 - meals in-state	7,735.15	12,510.00	-4,774.85	61.83%
532731 - board/non-emp transpor	1,012.00	1,334.00	-322.00	75.86%
532732 - board/non-emp subsist	951.21	1,400.00	-448.79	67.94%
532811 - telephone service	5,565.03	8,623.00	-3,057.97	64.54%
532815 - email and calendaring	0.00	0.00	0.00	0.0%
532817 - ISP charge	1,179.50	1,062.70	116.80	110.99%
532819 - telephone wiring srvc	0.00	1,000.00	-1,000.00	0.0%
532840 - postage & delivery	12,870.81	13,348.00	-477.19	96.43%
532850 - printing, binding, dup	77.96	5,248.00	-5,170.04	1.49%
532911 - insurance - property	9,085.00	9,000.00	85.00	100.94%
532942 - other emp trng expense	20.00	1,350.00	-1,330.00	1.48%
<b>Total 532 - purchased services</b>	<b>171,756.28</b>	<b>207,139.71</b>	<b>-35,383.43</b>	<b>82.92%</b>
<b>533 - Supplies</b>				
533110 - general office supply	3,985.21	5,248.00	-1,262.79	75.94%
533120 - data process supplies	6,000.00	9,000.00	-3,000.00	66.67%
533150 - security & safety supp	3,626.00	7,102.00	-3,476.00	51.06%
533190 - other admin supplies	0.00	225.00	-225.00	0.0%
<b>Total 533 - Supplies</b>	<b>13,611.21</b>	<b>21,575.00</b>	<b>-7,963.79</b>	<b>63.09%</b>
<b>534 - property, plant, &amp; equip</b>				
534511 - office equipment	400.00	0.00	400.00	100.0%
534521 - PC software	0.00	900.00	-900.00	0.0%
534535 - server purchases	0.00	0.00	0.00	0.0%
<b>Total 534 - property, plant, &amp; equip</b>	<b>400.00</b>	<b>900.00</b>	<b>-500.00</b>	<b>44.44%</b>
<b>535 - other expenses and adjust</b>				
535830 - member dues & subcript	403.00	1,575.00	-1,172.00	25.59%
535900 - other expenses	89,407.75	80,000.00	9,407.75	111.76%
<b>Total 535 - other expenses and adjust</b>	<b>89,810.75</b>	<b>81,575.00</b>	<b>8,235.75</b>	<b>110.1%</b>
<b>538 - intragovernmental transac</b>				

# Attachment A

## Budget vs. Actual

July 2015 through March 2016

	Jul '15 - Mar 16	Budget	\$ Over Budget	% of Budget
538030 - fine/penalty transfer	5,759.00	14,999.00	-9,240.00	38.4%
<b>Total 538 - intragovernmental transac</b>	<b>5,759.00</b>	<b>14,999.00</b>	<b>-9,240.00</b>	<b>38.4%</b>
<b>Total Expense</b>	<b>661,363.22</b>	<b>700,083.43</b>	<b>-38,720.21</b>	<b>94.47%</b>
<b>Net Income</b>	<b>-265,529.44</b>	<b>-230,408.43</b>	<b>-35,121.01</b>	<b>115.24%</b>