



NORTH CAROLINA STATE BOARD OF BARBER EXAMINERS

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Minutes for Public Meeting

Held November 15, 2016, at 5:30 p.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 5:32 p.m. on November 15, 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 (by telephone), Steffon Sharpless (by telephone), Gary Gardner (by telephone), Jamie Norton (by telephone), and Valerie Willis.

Dennis Seavers, Executive Director, was present in person. Palmer Sugg, Counsel to the Board, was present by telephone.

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. Sharpless made a motion to approve the minutes and closed-session narrative from the October 24, 2016 meeting. Mr. Norton seconded the motion, which passed, 5–0.

Proposed rules and review of public comments

Mr. Beal referred board members to Mr. Seavers’s October 31, 2016 memo on the approval of rules that had previously been proposed (see Attachment 1) and the public comments on the proposed rules (see Attachment 2). The board members indicated that they had fully considered the public comments. Mr. Sharpless made a motion to approve the proposed rules with the change to 21 NCAC 06F .0127 that the executive director recommended (see Attachment 1). Mr. Gardner seconded the motion, which passed, 5–0.

Mr. Beal referred board members to Mr. Seavers’s November 8, 2016 memo proposing amendments to 21 NCAC 06L .0102 (see Attachment 3). Ms. Willis made a motion to propose the amendments, and Mr. Gardner seconded. The motion passed, 5–0.

Mr. Beal made a motion to adjourn the meeting, and Mr. Sharpless seconded. The motion passed 5–0. Mr. Beal adjourned the meeting at 5:45 p.m.

Minutes approved on December 13, 2016

Don Beal

Steffon Sharpless

Gary Gardner

Jamie Norton

Valerie Willis



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: October 31, 2016

SUBJECT: Approval of proposed rules

At its August 23, 2016 meeting, the board proposed a new rule and amendments to three rules. On November 15, 2016, the board will hold a meeting to review any comments submitted by the public and adopt the rules. This memo offers background information, recommends a change to one of the rules, and describes the steps the board will need to take.

Background

The board proposed one new rule and amendments to three existing rules, as summarized below. The rules as they were proposed appear in Attachment 1, which is an excerpt from the September 15, 2016 issue of the *North Carolina Register*.

- **State authorization as a postsecondary institution** (proposed adoption of 21 NCAC 06F .0127). The rule proposed for adoption would allow the Board to designate qualifying barber schools as postsecondary institutions under 34 C.F.R. 600.9.
- **Inspections of shops** (proposed amendments to 21 NCAC 06L .0115). The proposed amendments to 21 NCAC 06L .0115 would shift responsibility for making inspection reports from barber shops to the board office and would eliminate the requirement for the inspector to leave a copy of the report at the shop. Reports would be available on request free of charge from the board office.
- **Form BAR-4** (proposed amendments to 21 NCAC 06N .0105). The proposed amendments to 21 NCAC 06N .0105 would eliminate the requirement for applicants for a registered apprentice certificate to submit a certified copy of the Federal Bureau of Investigation criminal record report.
- **Form BAR-8** (proposed amendments to 21 NCAC 06N .0109). The proposed amendments to 21 NCAC 06N .0109 would eliminate the requirement for out-of-

state applicants (license by endorsement) to submit a certified copy of the Federal Bureau of Investigation criminal record report.

Statute required the board to have a 60-day comment period, which will end on November 14, 2016. The board cannot adopt the rule before that comment period ends.

Comments

As of October 31, 2016, the board has not received any comments from the public. Please keep in mind that you must consider any comments received on or before November 14, 2016, so there's still time for the public to comment. I will provide you with any comments that the board receives by the deadline.

Proposed change to 21 NCAC 06F .0127

I recommend that the board make one change to the proposed rule on state authorization. Under the original proposal in paragraph (a)(1), there would be a requirement that the school have been in existence for two years. I requested that the U.S. Department of Education (DOE) clarify whether this provision was required. DOE indicated that it isn't required but the board could adopt that standard.

Since the board doesn't have a direct interest in whether a school receives DOE funding, I recommend removing this provision. However, the board should remember to consider any comments received by the November 14 deadline, since these comments may address that paragraph. My proposed revision appears in Attachment 2.

Upcoming steps

- After fully considering all comments submitted by November 14, the board must decide whether to approve the proposed rules and whether to make any changes.
- I will then file the proposed rules with the Rules Review Commission immediately after the board meeting.
- The Rules Review Commission will consider the proposals at the December 15 meeting.
- If approved, the rules will become effective on January 1, 2017.

dseavers@ncbarbers.com or by mail at: North Carolina Board of Barber Examiners, 5809 Departure Dr Ste 102, Raleigh, NC 27616

Reason for Proposed Action:

The rule proposed for adoption, **21 NCAC 06F .0127**, would allow the Board to designate qualifying barber schools as postsecondary institutions under 34 C.F.R. 600.9.

The proposed amendments to **21 NCAC 06L .0115** would shift responsibility for making inspection reports from barber shops to the board office and would eliminate the requirement for the inspector to leave a copy of the report at the shop. Reports would be available on request free of charge from the board office.

The proposed amendments to **21 NCAC 06N .0105** would eliminate the requirement for applicants for a registered apprentice certificate to submit a certified copy of the Federal Bureau of Investigation criminal record report.

The proposed amendments to **21 NCAC 06N .0109** would eliminate the requirement for out-of-state applicants (license by endorsement) to submit a certified copy of the Federal Bureau of Investigation criminal record report.

Comments may be submitted to: Dennis Seavers, North Carolina Board of Barber Examiners, 5809 Departure Dr Ste 102, Raleigh, NC 27616, phone (919) 981-5210 x22, fax (919) 981-5068, email dseavers@ncbarbers.com

Comment period ends: November 14, 2016

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 06F – BARBER SCHOOL

SECTION .0100 – BARBER SCHOOL

ATTACHMENT 1

21 NCAC 06F .0127 STATE AUTHORIZATION AS A POSTSECONDARY INSTITUTION

(a) If a barber school seeks to be authorized by the Board as a postsecondary educational institution as set forth in 34 C.F.R. 600.9:

- (1) the school shall have been in existence for two years;
- (2) the school handbooks and enrollment agreements required by Rule .0125 of this Section shall require prospective students to have a high school diploma or equivalent; and
- (3) the school shall submit a copy of the student's high school diploma or equivalency documentation with each Form BAR-3 required by 21 NCAC 06N .0104 within the time frame set forth in Rule .0113(a) of this Section

(b) If a barber school meets the requirements set forth in Paragraph (a) of this Rule, the Board shall include the phrase "Postsecondary Institution" on the barber school permit issued under G.S. 86A-13. If the school already holds a school permit issued by the Board, the Board shall issue the permit with the phrase "Postsecondary Institution" at no additional cost, and the school shall relinquish the permit without the phrase to the Board.

(c) The Board shall determine that a school no longer complies with Paragraph (a) of this Rule based on an inspection or investigation, notification to the Board by the school, or a failure by the school to comply with Subparagraph (a)(3) of this Rule. If the Board makes this determination:

- (1) the Board shall issue at no charge a duplicate copy of the permit without the phrase "Postsecondary Institution";
- (2) the school shall relinquish to the Board the permit with the phrase "Postsecondary Institution"; and
- (3) the Board shall notify the federal Department of Education of the school's change in postsecondary status.

(d) This Rule shall not be construed to authorize the Board to delay issuing a permit without the phrase "Postsecondary Institution" to a school that otherwise meets the requirements of the North Carolina General Statutes and the rules of the Board.

Authority G.S. 86A-13; 86A-22; 20 U.S.C. 1001; 20 U.S.C. 1002; 34 C.F.R. 600.9.

SUBCHAPTER 06L - BARBER SHOPS

21 NCAC 06L .0115 INSPECTIONS OF SHOPS

(a) The Board's Executive Director and its inspectors may enter and make inspections of any shop during its business hours for the purpose of determining whether or not G.S. 86A and the Board's administrative rules are being followed. Persons authorized to make an inspection of shops shall prepare a report according to Rule .0119 of this Section. The report shall be signed by the inspector. ~~inspector~~ and shall be available free of charge upon request by the owner or manager or any member of the public. The inspector shall leave a copy of the inspection report with the owner or manager, or at the shop if the owner or manager are unavailable. The manager shall retain the inspection report within

the barber shop until the next inspection and make it available for review by the public upon request. The copy of any violation notice shall be left with the owner or manager, and retained within the barbering area until the violation is resolved with the Board.

(b) The Board's Executive Director and its inspectors may inspect all areas of the shop, including the backstand and its drawers and cabinets, and any other drawers, closets or other enclosures within the permitted shop.

(c) The Board's Executive Director and its inspectors may determine and assign numerical and letter sanitary grades to a shop following inspections as set forth in Rules .0118 and ~~21 NCAC 06L-0119~~ .0119 of this Section. The grade shall be displayed in a place visible to the public at the front of the shop.

Authority G.S. 86A-5(a)(1); 86A-15.

SUBCHAPTER 06N – FEES AND FORMS

21 NCAC 06N .0105 FORM BAR-4

(a) The Form BAR-4 shall be filed by one applying to take the examination to receive a registered apprentice certificate. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant;
- (2) the name of any barber school attended and the date of enrollment and graduation; and
- (3) the place of proposed employment as an apprentice barber; and barber.
- (4) ~~a certified copy of his or her Federal Bureau of Investigation criminal record report.~~

(b) The course training certification shall be filled in by the manager of the barber school the applicant last attended.

(c) The fee in Rule .0101(a)(5) of this Section shall be submitted with the application.

(d) The Form BAR-4 shall be notarized.

Authority G.S. 86A-1; 86A-10; 86A-24; 86A-25; 93B-14.

21 NCAC 06N .0109 FORM BAR-8

(a) The Form BAR-8 shall be filed by one who has practiced as a barber in a state other than North Carolina for three years or more and is applying to obtain a certificate as a registered barber in North Carolina. It requires the following:

- (1) the name, address, social security number, and birthdate of the applicant;
- (2) the name and address of any barber school attended in another state; and
- (3) barbering experience and the status of each barber license in another state; and state.
- (4) ~~a certified copy of his or her Federal Bureau of Investigation criminal record report.~~

(b) The fee in Rule .0101(a)(21) of this Section shall accompany this form.

(c) The Form BAR-8 shall be notarized.

(d) The Form BAR-8 shall be accompanied by verification from the applicant's out-of-state ~~Board~~ agency of the applicant's licensure in that state.

Authority G.S. 86A-1; 86A-12; 86A-25

1 21 NCAC 06F .0127 is adopted with changes as published in 31:06 NCR 484 as follows:

2

3 **21 NCAC 06F .0127 STATE AUTHORIZATION AS A POSTSECONDARY INSTITUTION**

4 (a) If a barber school seeks to be authorized by the Board as a postsecondary educational institution as set forth in 34
5 C.F.R. 600.9:

6 ~~(1) the school shall have been in existence for two years;~~

7 ~~(2)~~(1) the school handbooks and enrollment agreements required by 21 NCAC 06F .0125 shall require
8 prospective students to have a high school diploma or equivalent; and

9 ~~(3)~~(2) the school shall submit a copy of the student’s high school diploma or equivalency documentation
10 with each Form BAR-3 required by 21 NCAC 06N .0104 within the time frame set forth in 21
11 NCAC 06F .0113(a).

12 (b) If a barber school meets the requirements set forth in Paragraph (a) of this Rule, the Board shall include the phrase
13 “Postsecondary Institution” on the barber school permit issued under G.S. 86A-13. If the school already holds a school
14 permit issued by the Board, the Board shall issue the permit with the phrase “Postsecondary Institution” at no
15 additional cost, and the school shall relinquish the permit without the phrase to the Board.

16 (c) The Board shall determine that a school no longer complies with Paragraph (a) based on an inspection or
17 investigation, notification to the Board by the school, or a failure by the school to comply with Paragraph (a)(3) of
18 this Rule. If the Board makes this determination:

19 (1) the Board shall issue at no charge a duplicate copy of the permit without the phrase “Postsecondary
20 Institution”;

21 (2) the school shall relinquish to the Board the permit with the phrase “Postsecondary Institution”; and

22 (3) the Board shall notify the federal Department of Education of the school’s change in postsecondary
23 status.

24 (d) This Rule shall not be construed to authorize the Board to delay issuing a permit without the phrase “Postsecondary
25 Institution” to a school that otherwise meets the requirements of the North Carolina General Statutes and the rules of
26 the Board.

27

28 *History Note: Authority G.S. 86A-13; 86A-22; 20 U.S.C. 1001; 20 U.S.C. 1002; 34 C.F.R. 600.9;*
29 *Eff. January 1, 2017.*

Dennis Seavers

From: Bull City Barber College [REDACTED]
Sent: Thursday, November 03, 2016 10:08 AM
To: Dennis Seavers
Subject: Comment submission for Nov 15 Meeting

Hello,

Please consider the comment below for the meeting to be held on November 15.

After verifying that the Department of Education does not have a two-year requirement for post-secondary designation, I would like to propose that the two-year requirement for post-secondary designation be removed from the North Carolina Board of Barber Examiners proposed new rules.

Thank you

Crystal Green
Manager
Bull City Barber College

[REDACTED]

Dennis Seavers

From: Nenad Simic [REDACTED]
Sent: Wednesday, November 09, 2016 10:57 AM
To: Dennis Seavers
Subject: RE: Maestro
Attachments: [REDACTED]

Hello Mr . Dennis .

I would like to keep this rule on the power as secondary school level.

I believe that agenda and attitude of many schools and students is different if they have to have high school diploma or GED in order, many schools today approved students based on income what they possibly can receive from the Government, and I clearly can see difference in students attitude who truly want to be a barber as career and students who find that going to barber school is just a temporary income.

Amount of Government financing should be based on high school GPA not on temporary financial status or personal choice, skin color, sexual orientation, political opinion or religion orientation, we all should be equal .

If you have any questions about my personal opinion please feel free to call or email me .

Thank you and hope you will have great day .



November 10, 2016

To whom it may concern:

This correspondence is in regards to the Board of Barber Examiners proposed rule change. This letter is specific to the following: **(State authorization as a postsecondary institution** (proposed adoption of 21 NCAC 06F .0127). The rule proposed for adoption would allow the Board to designate qualifying barber schools as postsecondary institutions under [34 C.F.R. 600.9](#)).

I am the co-owner/CFO, along with Mr. Shannon Long, co-owner/CEO of Beyond Measure Barbering Institute, Mebane, NC. We have been privileged to be licensed to operate under the NC Board of Barber Examiners since 2009. We have had the honor to provide an amazing educational experience to hundreds of students in a professional manner in the great state of North Carolina. We believe our institution was created to enhance the mindsets of individuals as they prepare to excel as leaders in the field of barbering through our innovative teaching methods, individual attention and modern facilities. Our goal is to allow them to be successful and to become positive contributors back to the state of North Carolina. We believe financial stability increases the chances of our students becoming better members of our society. Our intentions are to improve the quality of our students and their families lives, professionally & financially through the great career of barbering.

Beyond Measure Barbering Institute received our accreditation from the highly respected accreditation agency (**NACCAS- National Accrediting Commission of Career Arts & Sciences**) in 2013. In 2014, we were approved to offer Title IV funding through the Department of Education, to our students. These credentials have allowed so many deserving men and women the opportunity to receive an education in the Barbering Industry, that otherwise was not available to them. Beyond Measure Barbering Institute has displayed the highest level of compliance to the rules and regulations expected of NACCAS, Department of Education & the NC Board of Barber Examiners. Our documented records, regarding graduation rate, exam passing rates and job placement speaks volumes to our level of commitment to our student's education and success. Our student records are available upon request. We embrace the opportunity to provide the highest level of education to our students.

We are asking that the board would truly consider the students who will suffer if the benefits currently provided by Title IV funding, would no longer exist. From our understanding, the issue

is result of the wording of the rule regarding **(postsecondary education)**. Thank you for your consideration in this rule change, that will potentially effect so many current and potential students that are looking for an opportunity to improve themselves and their families economically. Which in result, can only have a positive effect on our great state of North Carolina.

November 15, 2016 minutes
ATTACHMENT 2

Sincerely,

Curtis Bass
CFO
Beyond Measure Barbering Institute





NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: November 8, 2016

SUBJECT: Amendment to 21 NCAC 06L .0102

At its November 15, 2016 meeting, the board will consider an amendment to 21 NCAC 06L .0102, which specifies the required measurements for barber shops. This memo explains the purpose of the proposed amendment and describes the future steps to enact the proposed changes.

Purpose of amendment

Attachment 1 shows the proposed amendment to 21 NCAC 06L .0102 (see line 6, where the number “12” is changed to “eight”). The current rule states that for each area where there is a barber chair, there must be 12 linear feet from the front wall to the back wall, measured through the center of the barber chair. “Back wall” is defined as the wall to which the backstand is affixed. In other words, the inspector would identify the wall where the backstand is affixed and measure from that wall through the center of the chair. If the inspector reached a wall within 12 feet, then the area would not meet the requirements of the rule.

The problem with the current wording is that the board has not been enforcing the rule; the inspectors believe that this measurement is too restrictive because a number of spaces currently permitted would not comply with this rule.¹ There are many spaces—particularly in rental studios and residences that have been modified to become commercial space—that have been permitted in the past and don’t appear to create problems for sanitation or safety, but that wouldn’t be permitted under this rule.

The staff recommends that the board change the rule from 12 feet to eight feet. If the board believes that eight feet is too small, the staff recommends reducing the

¹ The failure to enforce the rule is the result of training issues and inconsistent guidance from management—not because of any failure on the part of the inspectors. I have worked with the inspectors to make sure they’re properly implementing this rule, but we believe that it needs to change.

measurement to at least 10 feet and preferably smaller. If the board were to keep the current rule, we believe that the rule would create restrictions on businesses that would have a negative effect on the barber industry without any corresponding benefit for public health.

In addition to the change on line 6, I also included a technical change on line 7 to correct a typographical error.

Future steps

If the board approves an amendment, the rule proposal would be filed for publication in the *Register*. In order to expedite the rule, the board would need to hold an additional meeting (members could join by telephone) between February 14 and 17, in addition to the regularly scheduled meeting on February 21. That would allow the rule to go into effect no earlier than April 1, 2017. Otherwise, if the board were to approve the final rule at the February 21 meeting, the rule would go into effect no earlier than May 1, 2017.

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

2

3 **21 NCAC 06L .0102 MEASUREMENTS OF BARBER SHOP**

4 (a) Each barber shop shall be a minimum of 196 square feet measured from the inside walls of the shop, not including
5 common areas shared with other businesses or residents.

6 (b) Each chair shall be located in an area where there is no less than ~~12~~eight linear feet from front wall to back wall,
7 measured through the center of the chair, with the back wall being the wall or ~~plain plane~~ to which the backstand is
8 affixed. There shall be a minimum of five linear feet of space between each barber chair, from center to center of each
9 chair and there shall be no less than three linear feet from the center of any chair to any side wall. There shall be an
10 unobstructed aisle in front of each chair of no less than four feet.

11 (c) Paragraphs (a) and (b) apply to barber shops permitted on or after December 1, 1994 or that undergo modification
12 or structural renovations on or after that date.

13 (d) Barber shops permitted prior to February 1, 1976, shall be a minimum of 12 feet in width and 14 feet in length.

14 (e) Barber shops permitted between February 1, 1976 and November 30, 1994 shall be a minimum of 14 feet in width
15 and 14 feet in length.

16 (f) Barber shops permitted within the North Carolina Department of Public Safety, Division of Adult Correction and
17 Juvenile Justice prior to July 1, 2010 are exempt from the requirements of this Rule.

18

19 *Authority G.S. 86A-15*