



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

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### **Minutes for Public Meeting**

Held August 21, 2018, at 8:30 a.m.  
5809 Departure Drive, Suite 102  
Raleigh, North Carolina

#### **Board Members**

Don Beal, Chair  
Jamie Norton, Vice Chair  
Carolyn Q. Coleman  
Sherod Holloway

#### **Executive Director**

Dennis Seavers

#### **Counsel to the Board**

M. Jackson Nichols

The meeting of the North Carolina State Board of Barber Examiners was called to order at 8:38 a.m., on August 21, 2018, at the board's office at 5809 Departure Drive, Suite 102, Raleigh, North Carolina.

The following board members were present during the meeting: Carolyn Q. Coleman, Don Beal, Sherod Holloway, and Jamie Norton. No board members were absent.

Also in attendance were Dennis Seavers, Executive Director, and M. Jackson Nichols, 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**

Ms. Coleman made a motion to approve the minutes from the June 19, 2018 meeting. Mr. Holloway seconded the motion, which passed, 4–0.

### **Ad hoc committee appointments**

Mr. Beal made the following appointments to two ad hoc committees:

- Mr. Beal appointed Mr. Holloway and Mr. Seavers to an ad hoc committee for rule review. The purpose of the committee is to conduct the annual review required by G.S. § 150B–19.1(b) and submit a report to the board.
- Mr. Beal appointed Ms. Coleman, Mr. Norton, and Mr. Seavers to an ad hoc committee for strategic planning. The purpose of the committee is to submit recommendations to the board for a comprehensive strategic plan.

### **Complaints report**

Mr. Beal referred board members to Mr. Seavers’s August 3, 2018 complaint report (see Attachment 1). Mr. Seavers explained that the board only needed to take action if the board wanted to reopen a dismissed complaint. Mr. Holloway made a motion to approve the report, and Mr. Norton seconded. The motion passed, 4–0.

### **Executive director report**

Mr. Beal referred board members to Mr. Seavers’s August 6, 2018 report (see Attachment 2). Ms. Coleman made a motion to accept the report, and Mr. Norton seconded the motion. The motion passed, 4–0.

### **Amendment to 21 NCAC 06N .0101**

Mr. Beal referred board members to Mr. Seavers’s August 3, 2018 memo on an amendment to 21 NCAC 06N .0101. Mr. Holloway made a motion to propose the amendment, and Ms. Coleman seconded. The motion passed, 4–0.

## **Elections**

Mr. Beal referred board members to Mr. Seavers's August 3, 2018 memo on elections for chairperson and vice chairperson (see Attachment 4). Mr. Norton made a motion to elect Mr. Beal as chairperson, and Mr. Holloway seconded. The motion passed, 4–0. Mr. Holloway made a motion to elect Mr. Norton as vice chairperson, and Mr. Beal seconded. The motion passed, 4–0.

## **Online classes for barber schools**

Mr. Beal referred board members to Mr. Seavers's October 11, 2017 memo regarding online classes for barber school (see Attachment 5). (The memo was primarily to give new board members background information on the topic, which had previously been discussed by the board.) Mr. Norton reported that he had a conversation with a vendor about a product that might suit barber schools, and he discussed that product.

## **Administrative hearings**

Husam al Hasani had applied to take the apprentice barber exam. He was able to understand spoken English but struggled to read written English, and he had received a score of 30 on his written exam. The staff denied his request because the exam is a written exam under 21 NCAC 06J and because the board requires the exam to be taken in English. Mr. Hasani was joined at the hearing by Steve Layman, manager of a barber shop, who advocated for Mr. Hasani to be able to take the exam. Mr. Hasani and Mr. Layman answered questions from the board.

## **Felony petitions**

The following individuals were given notice to appear before the board but failed to appear.

- a. Clifford D. Belo
- b. Aaron C. Chambers
- c. Jeremiah B. Thomas

In addition, Matheson C. Fraser was given notice to appear but contacted the board before his hearing to request that it be rescheduled.

The North Carolina Department of Public Safety (NCDPS) had submitted documentation in support of Michael B. Greene receiving a registered barber license. Sophia Feaster-Lawrence of NCDPS presented information about Mr. Greene's record.

NCDPS had submitted documentation in support of Kevin D. Lewis receiving a registered barber license. Ms. Feaster-Lawrence presented information about Mr. Lewis's record.

NCDPS had submitted documentation in support of Rae L. Wiggins-Carruth receiving a registered barber license. Ms. Feaster-Lawrence presented information about Mr. Wiggins-Carruth's record.

NCDPS had submitted documentation in support of Jesse Wright receiving a registered barber license. Ms. Feaster-Lawrence presented information about Mr. Wright's record.

James Briggs, Jr., had submitted a student-permit application. He appeared and was sworn in. Mr. Nichols presented evidence to the board and asked Mr. Briggs questions. Mr. Briggs offered testimony and answered questions from the board.

Marquise Daye had submitted a student-permit application. He appeared and was sworn in. Mr. Nichols presented evidence to the board and asked Mr. Daye questions. Mr. Daye offered testimony and answered questions from the board.

The board recessed from 10:15 a.m. to 10:25 a.m.

Gail Nichols of Pitt Community College and Rodney Bullock of Altitude Barber Academy (a vendor for Pitt Community College) addressed the board about their concerns regarding a previous determination by the board that Pitt Community College was operating a barber school and therefore needed to hold a barber school permit.

### **CLOSED SESSION**

Mr. Beal made a motion to go into closed session under N.C.G.S. § 143-318.11, and Mr. Holloway seconded. The motion passed, 4-0. 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 11:03 a.m.

The board recessed from 11:12 a.m. to 11:25 a.m. The board returned to open session at 11:59 a.m.

### **DETERMINATIONS**

The board made the following determinations by a motion made by Mr. Beal and seconded by Mr. Norton. The motion was approved, 4-0.

The board did not approve Husam al Hasani's request to have the exam read to him in English but authorized the staff to negotiate a consent order that would allow Mr. Husani to have a temporary permit for three years while he attended a class to improve English reading skills.

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

The board ordered that Kevin D. Lewis be offered a consent order with terms and conditions, including five years of probation.

The board ordered that Rae L. Wiggins-Carruth be offered a consent order with terms and conditions, including five years of probation.

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

The board ordered that James Briggs, Jr., be permitted to be licensed once he meets the requirements for licensure, without having any terms or conditions due to his criminal history.

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

The board determined that the staff should pursue discussions with Pitt Community College to see whether a different arrangement between the college and Altitude Barber Academy would allow the college to avoid holding a barber school permit.

Mr. Beal adjourned the meeting at 12:02 p.m.

Minutes approved on October 23, 2018

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Don Beal  
Board Chair



## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 3, 2018

**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 124**

On May 1, 2018, the board received a complaint about an unsanitary barber shop. The complaint included some specific allegations about unsanitary practices, such as combs or clippers not being disinfected between customers. An inspector went to the shop and found the shop’s practices to be sanitary and compliant with the board’s regulations.

*Basis for dismissal:* the allegations were unsubstantiated.

### **Complaint ID 125**

On My 2, 2018, the board received a complaint about a registered barber license displayed in a business without that business also having a barber shop permit. An inspector for the board went to the business and determined that the individual in question formerly was dually licensed (cosmetology and barbering). She had taken down her barber license before the inspector arrived and only was displaying a cosmetology license.

*Basis for dismissal:* there was no violation of the board's regulations.

### **Complaint ID 131**

On April 27, 2018, the board received a complaint about an unlicensed barber at a barber shop. The staff determined that the barber was properly licensed.

*Basis for dismissal:* the allegation was unsubstantiated.

### **Complaint ID 135**

On June 13, 2018, the board received a complaint about a business that allegedly was unsanitary. The staff determined that the business was a cosmetology salon and not a barber shop. The complaint was referred to the Board of Cosmetic Arts Examiners.

*Basis for dismissal:* the board doesn't have jurisdiction.

### **Complaint ID 140**

On July 9, 2018, the board received a complaint about a barber who gave a bad haircut. The individual requested a refund for the haircut and gas mileage.

*Basis for the dismissal:* the board doesn't have enforcement authority over bad haircuts that don't involve issues of sanitation or safety. Moreover, the board doesn't have the authority to give refunds for haircuts or mileage, or order a barber shop to give refunds or reimbursements.



## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 6, 2018

**SUBJECT: Executive director's report**

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Below is the executive director's report for the board's August 21, 2018 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 2018 BUDGET REPORT**

Attachment A shows the board's expenditures and revenues for fiscal year (FY) 2018, including accruals. Expenditures were under budget—92.21% of the expenditures budgeted for the fiscal year. Apart from items discussed in previous reports, there are three items highlighted in Attachment A that are justified below. Except for the first bullet, all instances of higher spending actually were prepays or accruals instead of spending beyond anticipated amounts.

- Under 532110 (legal services), the expenditures were \$4,915.04 above the budgeted total. The budgeted amount assumed more reimbursement costs from civil penalties and attorney fees than the board collected in the fiscal year.
- Under 532512 (rental of building or property), the expenditures were \$4,876.28 more than budgeted. That amount represents one month of rent, and it's the result of a prepay (i.e., payment for July rent in June). The state accounting system doesn't have a method for recording prepays, so the payment appears as a FY 2018 expense. In previous fiscal years, the board paid July rent late rather than have a prepay; this year, I decided to make the payment on time, even though it appears in the previous fiscal year. (The board's financial statements that will be prepared before October 31 will reflect the payment in the current fiscal year.)
- Under 533120 (data processing supplies), the expenditures were \$2,250 more than budgeted. This amount represents an invoice for one quarter of services by an outside accounting firm for accounts payable. In July 2017, the state



accounting system failed to process accruals correctly, and one invoice that should have appeared in FY 2017 instead appears as a FY 2018 expense.

Attachment B shows the board's fund balance over the past few years. The board has made significant strides toward achieving its long-term goal of improving the fund balance.

## BARBER EXAMS

Below is information about the pass rates for barber exams for FY 2018. (Several people were unable to attend the September exams because of hurricane-related storms, so the failure-to-appear rate is relatively high.)

### 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 2017 to June 2018

Result	Count	Percentage
Pass	353	57.31%
Fail	130	21.10%
Did not appear	133	21.59%
<b>Total</b>	<b>616</b>	

#### Apprentice Practical Exams

July 2017 to June 2018

Result	Count	Percentage
Pass	322	42.93%
Did not appear	160	21.33%
No model	104	13.87%
Model rejected	93	12.40%
Fail	66	8.80%
Improper dress	5	0.67%
<b>Total</b>	<b>750</b>	

### Registered exams

The table below shows the results by number and percentage for practical exams.

**Registered Practical Exams**  
July 2017 to June 2018

<b>Result</b>	<b>Count</b>	<b>Percentage</b>
Pass	221	55.53%
Did not appear	79	19.85%
Model rejected	60	15.08%
Fail	35	8.79%
Improper dress	2	0.50%
No model	1	0.25%
<b>Total</b>	<b>398</b>	

**Attachment A. Budget vs. Actual**  
**July 2017 through June 2018**

August 21, 2018 meeting  
ATTACHMENT 2

	<b>Jul '17 - Jun 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Income</b>				
<b>433 - investment income</b>				
433121 - STIF interest income	\$ 5,698.78	\$ 1,500.00	\$ 4,198.78	379.92%
<b>Total 433 - investment income</b>	<b>\$ 5,698.78</b>	<b>\$ 1,500.00</b>	<b>\$ 4,198.78</b>	<b>379.92%</b>
<b>435 - fees, licenses, and fines</b>				
435100 - business license fees				
435100059 - duplicate license	\$ 350.00	\$ 1,100.00	\$ (750.00)	31.82%
435100060 - individual license	\$ 341,055.46	\$ 338,000.00	\$ 3,055.46	100.9%
435100061 - school permit	\$ 4,810.00	\$ 6,000.00	\$ (1,190.00)	80.17%
435100062 - bus/shop permit	\$ 143,876.00	\$ 115,000.00	\$ 28,876.00	125.11%
435100063 - student permit	\$ 24,650.00	\$ 30,000.00	\$ (5,350.00)	82.17%
435100064 - renewal-individual	\$ 65,470.00	\$ 85,000.00	\$ (19,530.00)	77.02%
435100 - business license fees - Other	\$ (44,534.22)	\$ -	\$ (44,534.22)	100.0%
<b>Total 435100 - business license fees</b>	<b>\$ 535,677.24</b>	<b>\$ 575,100.00</b>	<b>\$ (39,422.76)</b>	<b>93.15%</b>
435300 - certification fees				
435300016 - instructor exam fee	\$ 5,610.00	\$ 10,000.00	\$ (4,390.00)	56.1%
435300017 - registered exam fee	\$ 31,475.00	\$ 33,000.00	\$ (1,525.00)	95.38%
435300018 - apprentice exam fee	\$ 91,510.00	\$ 68,000.00	\$ 23,510.00	134.57%
435300019 - apprentice certific	\$ 37,585.00	\$ 40,000.00	\$ (2,415.00)	93.96%
435300020 - instructor certific	\$ 15,385.00	\$ 12,000.00	\$ 3,385.00	128.21%
<b>Total 435300 - certification fees</b>	<b>\$ 181,565.00</b>	<b>\$ 163,000.00</b>	<b>\$ 18,565.00</b>	<b>111.39%</b>
435400 - inspection/exam fees	\$ 26,760.02	\$ 32,000.00	\$ (5,239.98)	83.63%
435500 - fines, pen, assess fee	\$ 9,455.00	\$ 18,000.00	\$ (8,545.00)	52.53%
435800 - tuition and fees				
435830 - other fees	\$ 640.00	\$ 600.00	\$ 40.00	106.67%
<b>Total 435800 - tuition and fees</b>	<b>\$ 640.00</b>	<b>\$ 600.00</b>	<b>\$ 40.00</b>	<b>106.67%</b>
<b>Total 435 - fees, licenses, and fines</b>	<b>\$ 754,097.26</b>	<b>\$ 788,700.00</b>	<b>\$ (34,602.74)</b>	<b>95.61%</b>
<b>437 - miscellaneous</b>				
437127 - procuremnt card rebate	\$ 43.29	\$ -	\$ 43.29	100.0%
437990 - other misc revenue	\$ 2,857.46	\$ 12,000.00	\$ (9,142.54)	23.81%
<b>Total 437 - miscellaneous</b>	<b>\$ 2,900.75</b>	<b>\$ 12,000.00</b>	<b>\$ (9,099.25)</b>	<b>24.17%</b>
<b>Total Income</b>	<b>\$ 762,696.79</b>	<b>\$ 802,200.00</b>	<b>\$ (39,503.21)</b>	<b>95.08%</b>

**Attachment A. Budget vs. Actual**  
**July 2017 through June 2018**

August 21, 2018 meeting  
ATTACHMENT 2

	<b>Jul '17 - Jun 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Expense</b>				
<b>531 - personal services</b>				
531112 - EPA regular salaries	\$ 254,061.12	\$ 254,061.00	\$ 0.12	100.0%
531412 - overtime pay-receipts	\$ 2,578.23			
531412001 - straight-time OT	\$ 857.78			
531422 - holiday pay - receipts	\$ 111.90			
531462 - longevity - receipts	\$ 5,274.00	\$ 7,600.00	\$ (2,326.00)	69.4%
531472 - bonus/incentive wages	\$ -	\$ -	\$ -	0.0%
531512 - Social Security	\$ 18,665.68	\$ 18,549.24	\$ 116.44	100.63%
531522 - regular retirement	\$ 44,616.16	\$ 45,233.64	\$ (617.48)	98.64%
531562 - medical insurance	\$ 29,344.80	\$ 29,345.00	\$ (0.20)	100.0%
531576 - flexible spending acct	\$ 535.67	\$ 650.00	\$ (114.33)	82.41%
531651 - comp to board members	\$ 2,728.95	\$ 3,000.00	\$ (271.05)	90.97%
<b>Total 531 - personal services</b>	<b>\$ 358,774.29</b>	<b>\$ 358,438.88</b>	<b>\$ 335.41</b>	<b>100.09%</b>
<b>532 - purchased services</b>				
532110 - legal services	\$ 13,970.00	\$ 9,054.96	\$ 4,915.04	154.28%
532120 - financial/audit svcs	\$ 10,050.00	\$ 9,670.00	\$ 380.00	103.93%
532140 - other IT services	\$ -	\$ -	\$ -	0.0%
532145 - managed server support	\$ 25,513.75	\$ 33,473.76	\$ (7,960.01)	76.22%
532170001 - prof testing serv	\$ 9,432.00	\$ 11,000.00	\$ (1,568.00)	85.75%
532184 - janitorial services	\$ 4,200.00	\$ 4,200.00	\$ -	100.0%
532199 - misc contract services	\$ 19,673.35	\$ 36,539.00	\$ (16,865.65)	53.84%
532210 - electrical service	\$ 6,413.94	\$ 6,500.00	\$ (86.06)	98.68%
532220 - natural gas/propane	\$ 1,011.00	\$ 850.00	\$ 161.00	118.94%
532430 - maint agrmnt - equip	\$ -	\$ -	\$ -	0.0%
532490 - maint agreemnt - other	\$ 2,544.42	\$ 2,800.00	\$ (255.58)	90.87%
532512 - rental of bldg/prop	\$ 64,049.90	\$ 59,173.62	\$ 4,876.28	108.24%
532524 - general office equip	\$ 7,840.96	\$ 8,000.00	\$ (159.04)	98.01%
532714 - ground trans in-state	\$ 14,836.55	\$ 18,670.00	\$ (3,833.45)	79.47%
532721 - lodging in-state				
532721900 - workshop/conference	\$ -	\$ -	\$ -	0.0%
532721 - lodging in-state - Other	\$ 9,831.48	\$ 16,100.00	\$ (6,268.52)	61.07%

**Attachment A. Budget vs. Actual**  
**July 2017 through June 2018**

	<b>Jul '17 - Jun 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
Total 532721 - lodging in-state	\$ 9,831.48	\$ 16,100.00	\$ (6,268.52)	61.07%
532724 - meals in-state	\$ 6,692.78	\$ 11,000.00	\$ (4,307.22)	60.84%
532731 - board/non-emp transpor	\$ 867.08	\$ 1,860.00	\$ (992.92)	46.62%
532732 - board/non-emp subsist	\$ 1,727.61	\$ 2,900.00	\$ (1,172.39)	59.57%
532811 - telephone service	\$ 7,230.76	\$ 9,000.00	\$ (1,769.24)	80.34%
532814 - cellular phone service	\$ -	\$ -	\$ -	0.0%
532815 - email and calendaring	\$ 1,163.16	\$ 1,600.00	\$ (436.84)	72.7%
532817 - ISP charge	\$ 1,415.40	\$ 1,420.00	\$ (4.60)	99.68%
532818 - data wiring srvc chrg	\$ 1,374.25			
532819 - telephone wiring srvc	\$ 250.00	\$ 1,000.00	\$ (750.00)	25.0%
532822 - managed LAN svc charge	\$ 2,003.73	\$ 2,180.74	\$ (177.01)	91.88%
532825 - managed WAN service	\$ 4,445.67	\$ 4,481.77	\$ (36.10)	99.2%
532826 - software subscriptions	\$ -	\$ -	\$ -	0.0%
532840 - postage & delivery	\$ 18,401.93	\$ 20,000.00	\$ (1,598.07)	92.01%
532850 - printing, binding, dup	\$ 3,580.14	\$ 7,000.00	\$ (3,419.86)	51.15%
532911 - insurance - property	\$ 16,928.00	\$ 25,000.00	\$ (8,072.00)	67.71%
532942 - other emp trng expense	\$ 10.00	\$ 100.00	\$ (90.00)	10.0%
<b>Total 532 - purchased services</b>	<b>\$ 255,457.86</b>	<b>\$ 303,573.85</b>	<b>\$ (48,115.99)</b>	<b>84.15%</b>
<b>533 - Supplies</b>				
533110 - general office supply	\$ 7,318.34	\$ 8,000.00	\$ (681.66)	91.48%
533120 - data process supplies	\$ 11,250.00	\$ 9,000.00	\$ 2,250.00	125.0%
533150 - security & safety supp	\$ 7,166.50	\$ 7,000.00	\$ 166.50	102.38%
533190 - other admin supplies	\$ -	\$ -	\$ -	0.0%
533210 - janitorial supplies	\$ -	\$ -	\$ -	0.0%
<b>Total 533 - Supplies</b>	<b>\$ 25,734.84</b>	<b>\$ 24,000.00</b>	<b>\$ 1,734.84</b>	<b>107.23%</b>
<b>534 - property, plant, &amp; equip</b>				
534511 - office equipment	\$ -	\$ -	\$ -	0.0%
534521 - PC software	\$ -	\$ -	\$ -	0.0%
534534 - PC and printer purch	\$ -	\$ 2,000.00	\$ (2,000.00)	0.0%
534535 - server purchases	\$ -	\$ -	\$ -	0.0%
534539 - other equipment	\$ -	\$ -	\$ -	0.0%
534730 - externally developed s	\$ -	\$ -	\$ -	0.0%

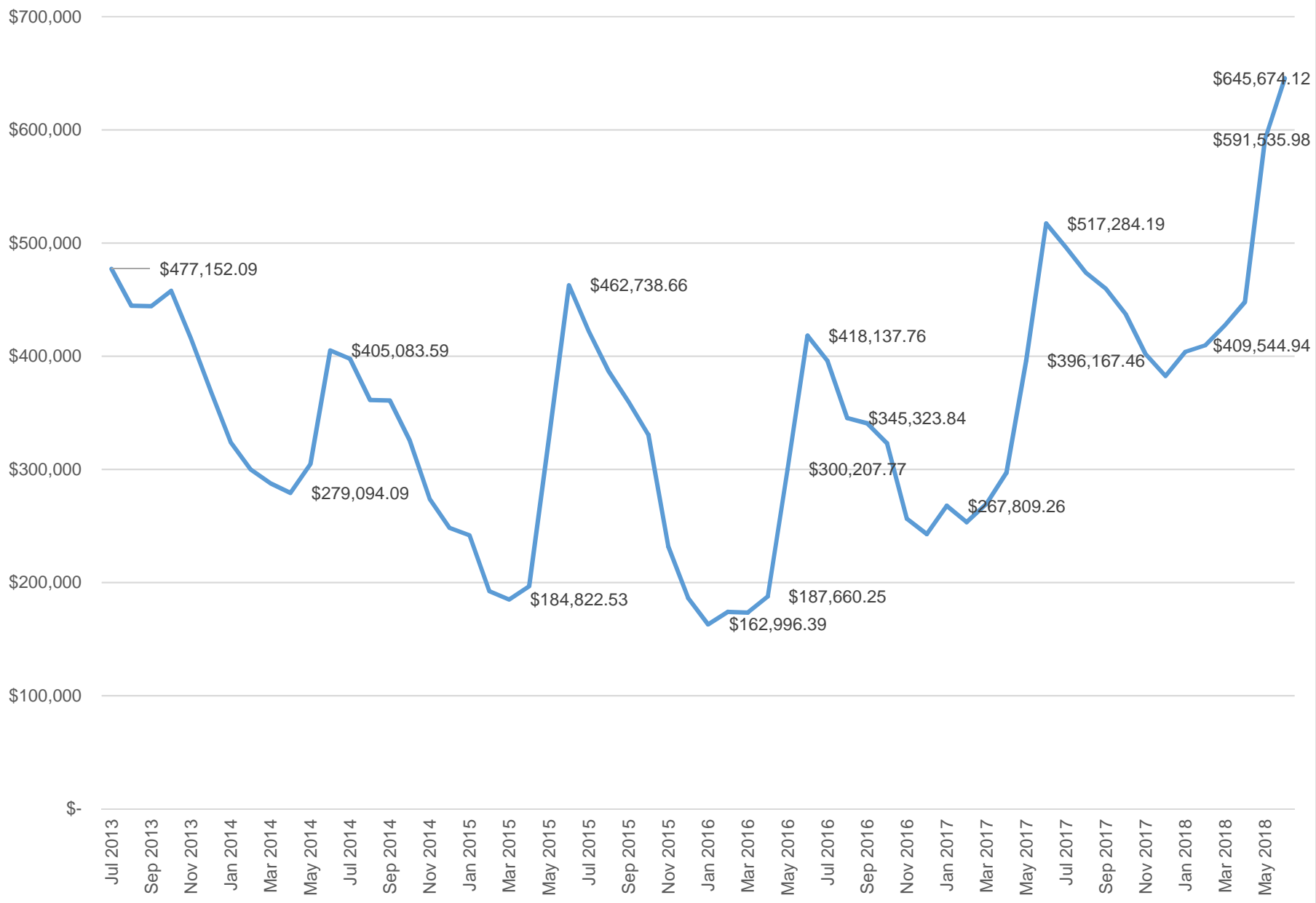
# Attachment A. Budget vs. Actual

July 2017 through June 2018

August 21, 2018 meeting  
ATTACHMENT 2

	<b>Jul '17 - Jun 18</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>Total 534 - property, plant, &amp; equip</b>	\$ -	\$ 2,000.00	\$ (2,000.00)	0.0%
<b>535 - other expenses and adjust</b>				
535830 - member dues & subcript	\$ 270.00	\$ 270.00	\$ -	100.0%
535900 - other expenses	\$ 125.19	\$ -	\$ 125.19	100.0%
<b>Total 535 - other expenses and adjust</b>	\$ 395.19	\$ 270.00	\$ 125.19	146.37%
<b>538 - intragovernmental transac</b>				
538030 - fine/penalty transfer	\$ 6,274.00	\$ 13,000.00	\$ (6,726.00)	48.26%
<b>Total 538 - intragovernmental transac</b>	\$ 6,274.00	\$ 13,000.00	\$ (6,726.00)	48.26%
<b>Total Expense</b>	\$ 646,636.18	\$ 701,282.73	\$ (54,646.55)	92.21%
<b>Net Income</b>	<b>\$ 116,060.61</b>	<b>\$ 100,917.27</b>	<b>\$ 15,143.34</b>	<b>115.01%</b>

### Attachment B. Fund balance





## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 3, 2018

**SUBJECT: Amendment to 21 NCAC 06N .0101**

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At its August 21, 2018 meeting, the board will consider whether it should amend one of its rules to indicate the circumstances under which the board will refund exam fees.

#### **Examination fees**

The board doesn't have a rule specifying the circumstances under which the board will refund fees for individuals who can't attend an exam. The board has a longstanding practice of requiring individuals to give 10 days' notice, except in emergencies, but I believe this practice needs to be in rule.

Just for your reference, newly proposed language will be underlined (like this) and language that is proposed for deletion will be struck through (~~like this~~).

The proposed amendment would do two things:

- The new paragraph (b) would require individuals scheduled for an exam to request a refund in writing at least 10 days before the exam; and
- The new paragraph (c) would allow individuals to receive a refund for good cause if the request was submitted later than 10 days before the exam. Examples of "good cause" are illness, injury, or a death in the family.

Please note that the changes that appear toward the end of the rule—in what would now be paragraph (h)—are pending changes that the board previously approved.

#### **Board action**

If the board agrees with the changes, it should adopt a motion to propose this amendment at the next board meeting. The proposal would then be published in the



North Carolina Register, with a 60-day comment period. After the comment period ends, the board would review any comments and decide whether to adopt the rule.

1 21 NCAC 06N .0101 is proposed for amendment as follows:

2

3 **21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS**

4 (a) The Board charges the following amounts for the fees authorized by G.S. 86A-25:

5	(1)	Certificate of registration or renewal as a barber	\$50.00
6	(2)	Certificate of registration or renewal as an apprentice barber	\$50.00
7	(3)	Barbershop permit or renewal	\$50.00
8	(4)	Examination to become a registered barber	\$85.00
9	(5)	Examination to become a registered apprentice barber	\$85.00
10	(6)	Late fee for restoration of an expired barber certificate within first year after expiration	\$35.00
11	(7)	Late fee for restoration of an expired barber certificate after first year after expiration but within five	
12		years after expiration	\$70.00
13	(8)	Late fee for restoration of an expired apprentice certificate within the first year after expiration	
14			\$35.00
15	(9)	Late fee for restoration of an expired apprentice certificate after first year after expiration but within	
16		three years of first issuance of the certificate	\$45.00
17	(10)	Late fee for restoration of an expired barber shop certificate	\$45.00
18	(11)	Examination to become a barber school instructor	\$165.00
19	(12)	Student permit	\$25.00
20	(13)	Issuance of any duplicate copy of a license, certificate, or permit	\$10.00
21	(14)	Barber school permit or renewal	\$130.00
22	(15)	Late fee for restoration of an expired barber school certificate	\$85.00
23	(16)	Barber school instructor certificate or renewal	\$85.00
24	(17)	Late fee for restoration of an expired barber school instructor certificate within first year after	
25		expiration	\$45.00
26	(18)	Late fee for restoration of an expired barber school instructor certificate after first year after	
27		expiration but within three years after expiration	\$85.00
28	(19)	Inspection of newly established barbershop	\$120.00
29	(20)	Inspection of newly established barber school	\$220.00
30	(21)	Issuance of a registered barber or apprentice certificate by certification	\$120.00
31	(22)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	
32	(23)	Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including	
33		any subsequent amendments and editions of the Rule	
34	(24)	Certificate of registration or renewal as a barber for barbers over 70 years of age	\$0.00
35	(25)	Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or	
36		a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-	
37		up order issued to an inspector.	\$70.00

1 (b) Except as set forth in Paragraph (c) of this Rule, if an applicant is unable to attend an examination, he or she may  
2 request a refund of the fee. To request the refund, the applicant shall submit a written request to the address listed in  
3 21 NCAC 06A .0102 at least 10 days before the scheduled examination.

4 (c) If an applicant submits a request for a refund of examination fees later than 10 days before the scheduled  
5 examination, the Board consider the request on a case-by-case basis and only grant the request if the applicant  
6 demonstrates good cause for not complying with Paragraph (b) of this Rule. For the purpose of this Rule, “good  
7 cause” means that the applicant could not have submitted the written request as set forth in Paragraph (b) of this Rule  
8 due to circumstances such as illness, injury, or death in the family.

9 ~~(b)(d)~~ In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue  
10 to issue and renew licenses and all fees tendered shall be placed in the escrow account maintained by the Board for  
11 this purpose.

12 ~~(e)(e)~~ The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A  
13 .0102.

14 ~~(d)(f)~~ All timely renewals of licenses, permits, or certificates of registration shall be submitted online at the Board's  
15 website, along with any fees required by this Rule.

16 ~~(e)(g)~~ Barber school permits shall be exempt from the online renewal requirement in Paragraph (d) of this Rule.

17 ~~(f)(h)~~ Registered barbers, apprentice barbers, barber instructors, or barber shops that are unable to comply with the  
18 online requirement of Paragraph (d) of this Rule may submit the renewal and payment by mail or in person after  
19 receiving a waiver from the Board. This waiver shall be effective only for one renewal period. The Board shall issue  
20 a waiver within five business days after receiving the following:

- 21 (1) For registered barbers, apprentice barbers, or barber instructors, a ~~notarized~~ statement from the  
22 holder of the license, permit, or certificate of registration that the individual is not able to renew  
23 online; or
- 24 (2) For barber shops, a ~~notarized~~ statement from the manager or owner that neither the manager nor  
25 owner are able to renew online.

26  
27 *Authority G.S. 86A-5; 86A-25; 86A-27(d); 93B-2*



# NORTH CAROLINA BOARD OF BARBER EXAMINERS

## Memo

TO: Board members

FROM: Dennis Seavers

DATE: August 3, 2018

**SUBJECT: Elections**

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The board's statutes require the board to "annually elect its own officers . . . ." <sup>1</sup> At its August 21, 2018 meeting, the board will have elections for officers (chair and vice-chair). This memo offers background information on the roles of the officers and the election procedures.

### Roles of officers

According to the board's bylaws (section III.2), the chair:

- Performs the duties and has the responsibilities of the chief executive officer of the board;
- Presides at the meetings of the board;
- Supervises the performance of all activities of the board;
- Keeps the board duly informed and carries out its decisions; and
- Performs other duties and has other powers as pertain to the office or as may be designated by the board.

The same section of the bylaws states that the vice-chair assumes the duties of the chair when the chair is absent and has any other duties that the chair may assign.

Officers serve for one year. <sup>2</sup> If there is a change in officers, the current officers will serve "until the close of the annual Board meeting in which elections are held." <sup>3</sup>

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<sup>1</sup> G.S. § 86A-6

<sup>2</sup> Bylaws § III.1

<sup>3</sup> Id. at § III.3

All officers must remain in good standing with the board during the tenure.<sup>4</sup> If an elected board member misses two consecutive meetings of the board without good cause, the member is automatically removed from office and a successor will be elected.<sup>5</sup> (This meeting-attendance requirement for officers is separate from the one in Executive Order 34, which establishes attendance requirements for all board members.)

### **Election procedures**

North Carolina's Open Meetings Law (OML) prohibits secret ballots.<sup>6</sup> Under OML, if written ballots are used, they must be signed and available for public inspection until the minutes of the meeting are approved.<sup>7</sup>

Since OML discourages the use of written ballots, I recommend the following steps for each office. I also recommend handling the office of chair first; after electing a chair, then the board can elect a vice-chair:

1. Board members make a nomination and second the nomination.
2. After the nominations are complete, a motion is made and seconded to close the nominations.
3. Through a roll-call vote, the board members cast their votes for one of the nominated members.

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<sup>4</sup> Id. at § III.4

<sup>5</sup> Id. at § III.5

<sup>6</sup> G.S. § 143-318.13(b).

<sup>7</sup> Ibid.



# NORTH CAROLINA BOARD OF BARBER EXAMINERS

## Memo

TO: Board members

FROM: Dennis Seavers

DATE: October 11, 2017

**SUBJECT: Online classes for barber schools**

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At its June 20, 2017 meeting, the board accepted the proposals of an ad hoc committee that had been appointed to give recommendations about online classes for barber schools. (For more information about the ad hoc committee and its recommendations, see Attachment 5 to the June 20, 2017 minutes.) The board also requested that the staff submit a report outlining the steps necessary to implement the recommendations, and this memo serves as that report.

As a reminder, the board only planned to allow schools to offer online classes for theory subjects, not for practical training.

### **Overview and timeline**

The board will need to make the statutory change listed in the next section by requesting action by the General Assembly in the 2019 legislative session. If passed in that session, the bill would go into effect no earlier than the summer or fall of 2019, assuming that the bill doesn't have a delayed effective date.

After the bill passes, the board would need to change its rules as listed later in this memo.<sup>1</sup> The rulemaking process normally takes at least five or six months. On this schedule, rulemaking activity would be completed around the spring or summer of 2020.

### **Statutory changes**

G.S. 86A-22(2) prohibits any school from providing “practical training and theoretical training simultaneously unless at least two instructors are present.” The board

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<sup>1</sup> It's possible that the board could make some rule changes before the legislation passes, but this memo assumes that online barber classes would have limited value without the statutory changes.

concluded that this law should be amended to allow online barber classes to occur at any time, including times when the school was offering practical training. The board would need to request that a bill be introduced to allow simultaneous instruction when the school offers online barber classes.

In addition, the board may need to request a statutory change so that the board can require a licensed instructor to review or develop the online program. Please see the next section under “Instructors” for more information.

## **Rule changes**

There are several rules that the board would need to change so that barber schools could offer online classes. The discussion below includes all rules that I believe need to be modified or assessed for modification; however, there will still need to be a complete review to make sure that no other rules need to change.

### *Physical structure*

21 NCAC 06F .0101(b)(15) requires barber schools to “have a classroom area, separate from the practical area, with desk chairs sufficient to serve the number of students enrolled, and a desk and chair for the instructors.” The board would need to determine whether there needs to be the same type of classroom area when the school offers online classes.

### *Instructors*

21 NCAC 06F .0104 requires all course work outlined in the board’s curriculum to “be taught by a certified barber instructor.” The board determined that state regulations should require schools to have a licensed barber instructor develop or review the online program to make sure it meets the state’s regulatory criteria and curriculum requirements. However, the board did not believe that individuals appearing in videos, including narrators or actors, necessarily needed to be licensed instructors. As a result, Rule 06F .0104 would need to be modified so that online classes don’t need to feature certified barber instructors.

The board may not have statutory authority to require schools to have the instructor develop or review the online program. If not, the board would also need to request a statutory change as part of the 2019 legislation.

### *Uniforms and identification*

21 NCAC 06F .0122 says, “All students shall wear a clean, washable uniform, smock, or similar professional attire along with a nametag at all times during instructional hours.” The board would need to modify this rule to clarify that students working on online units don’t need to wear this attire or identification while sitting at a computer.

### *Student hours*

There are two provisions in 21 NCAC 06F .0124 that may need to change.

- Paragraph (b) states that students must record their start time by an electronic time recording system “upon entering the school for practical or theory hours.” The presumption of the rule appears to be that the individual is physically present at a school facility. The board may need to clarify that the time recording must occur regardless of whether the student is taking in-person or online classes.
- Paragraph (c) limits the amount of instruction that can occur “off school premises or from a field trip.” The board may need to clarify that this restriction doesn’t apply to online classes.

### *State authorization as a postsecondary institution*

21 NCAC 06F .0127 deals with the requirements for schools to be authorized as postsecondary institutions for the purpose of receiving certain federal funds. The board will want to communicate with the U.S. Department of Education to determine whether this rule needs to be modified to account for schools that offer online classes. Although no change may be necessary, the board won’t want to make any changes that would jeopardize the state authorization program.

### *General definitions*

The board may need to alter its definition of “barber instructor” in 21 NCAC 06P .0103(2) so that it doesn’t include individuals appearing in online materials who won’t be required to be licensed instructors.

### **Policy changes**

The board determined that there should be occasional audits of schools to verify that their online barber classes meet state regulations. Although the board may be able to enact a requirement in rule, it would make most sense to handle audits through policies and resource allocations rather than regulations.