



State of North Carolina

Board Members

Kenneth Jackson
Lance Crumley
David Hood
Glovette Shannon
Gary Warwick

Board of Barber Examiners
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Wayne Mixon
Executive
Director

W. Bain Jones, Jr
Counsel to the
Board

**NORTH CAROLINA STATE BOARD OF BARBER EXAMINERS
MEETING MINUTES**

April 14, 2014

The meeting of the North Carolina State Board of Barber Examiners was called to order at 9:05 a.m., on April 14, 2014 at the Board's office at 5809-102 Departure Drive, Raleigh, North Carolina.

Members Present:

Kenneth Jackson, Chair
Gary Warwick, Vice Chair
Glovette Shannon
David Hood

Staff Members Present:

Wayne Mixon – Executive Director
W. Bain Jones, Jr. – Board Counsel

1. 138A Ethics Awareness & Conflict of Interest

This statement was read by Chairman Jackson. No board members indicated any potential or actual conflicts.

2. Approve/Disapprove Minutes

The minutes of the February 17, 2014, Board meeting were approved as printed and signed as an accurate account by the members who were present at the February 17, 2014 meeting.

New Business:

3. A motion was made by Mr. Hood and seconded by Mr. Warrick to alter the order on the agenda by removing Rico Edwards and James Murchison from the show cause list as their matters were settled and to remove and continue for a future hearing date the Emmitt Blount case from the appeals list due to the current illness of the Board's Inspector and key witness. The motion passed unanimously.

4. Administrative Hearings (Show Cause)

The following individuals were served with a Notice of Hearing to appear before the Board for "Show Cause" for failure to pay past due civil penalties and attorney costs. With the exception of Harold White, none of the individuals appeared as required by the Notice of Hearing.

- a) Bennie Campbell
- b) Robert Locke
- c) Clarence D. Massey
- d) Albert Ventress
- e) Harold White

A motion was made by Mr. Warwick and seconded by Mr. Crumley to allow Mr. White to pay the past due \$215.00 civil penalty and attorney costs and to waive the additional \$165.00 attorney costs for the hearing if Mr. White paid the past due \$215.00 by noon of the same day as the hearing. If Mr. White failed to pay as agreed, his license would be suspended until all past due civil penalties and attorney fees, including the additional \$165.00 attorney costs for the hearing, are paid in full. The motion passed unanimously.

5. Administrative Hearings (Appeals)

- a) Jorge Moradel: Mr. Moradel appeared before the Board for charges brought against him for submitting a false student application.

Mr. Moradel made remarks to the Board. The Board questioned Mr. Moradel.

6. Applicants with felony convictions with petitions before the Board.

- a) Reginald Alston appeared before the Board to request permission to obtain a registered barber license.

Mr. Alston was convicted in Wake Superior Court on January 25, 2008 for Assault with a Deadly Weapon with Intent to Commit Serious Injury. He received a supervised probation sentence for twenty-five months. The judgment in this case has not been satisfied.

Mr. Alston made remarks to the Board. The Board questioned Mr. Alston.

- b) George Brown: Mr. Brown appeared before the Board to request permission to obtain a registered barber license.

Mr. Brown was convicted in Georgia for Driving Under the Influence in Georgia. On December 17, 2012, Mr. Brown was convicted of DWI and incarcerated in Wake County.

Mr. Brown made remarks to the Board. The Board questioned Mr. Brown.

- c) Michael Carmon: Mr. Carmon appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Carmon was convicted on November 13, 2008 for two counts of Larceny after Breaking and Entering, Breaking and Entering, and Assault by Strangulation in Guilford County. Mr. Carmon served an active sentence followed by supervised probation. The judgment in this case is not satisfied.

Mr. Carmon made remarks to the Board. The Board questioned Mr. Carmon.

- d) Gino Coelho: Mr. Coelho appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Coelho was convicted on May 26, 2010 for Felony Possession of Schedule I and Felony Probation Violation in Onslow Superior Court. He received an active sentence followed by supervised probation.

Mr. Coelho made remarks to the Board. The Board questioned Mr. Coelho.

- e) Roy Dail: Mr. Dail appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Dail was convicted in Pitt Superior Court for Robbery with a Dangerous Weapon and received an active sentence.

Mr. Dail made remarks to the Board. The Board questioned Mr. Dail.

- f) Jamel Davis: Mr. Davis appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Davis was convicted in Moore County Superior Court for Breaking and Entering on May 27, 2008. Mr. Davis received an active sentence.

Mr. Davis made remarks to the Board. The Board questioned Mr. Davis.

- g) Joe Ginyard: Mr. Ginyard appeared before the Board to request permission to renew his registered barber license.

Mr. Ginyard was convicted in Onslow County Superior Court for Deliver Cocaine and Traffick Cocaine on March 28, 2011. Mr. Ginyard received an active sentence of 35 to 42 months.

Mr. Ginyard made remarks to the Board. The Board questioned Mr. Ginyard.

7. Lunch

A motion was made, seconded and approved unanimously to adjourn for lunch at 12:15 p.m.

At 1:00 p.m., a motion was made, seconded, and approved unanimously to reconvene the meeting.

8. Applicants with felony convictions with petitions before the Board (***continued***)

- h) Jeffrey Gustus: Mr. Gustus failed to appear before the Board to request permission to obtain an apprentice barber license.

Mr. Gustus was convicted in Pender County Superior Court on August 27, 2012 for Break and Enter a Motor Vehicle. He was place on supervised probation for 30 months.

The Chairman instructed the Board to take no action on Mr. Gustus' petition until such time as Mr. Gustus appears before the Board.

- i) Marcus Harris: Mr. Harris appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Harris was convicted in Guilford County Superior Court for Possession with Intent to Sell and Deliver Marijuana on May 12, 2006.

Mr. Harris made remarks to the Board. The Board questioned Mr. Harris.

- j) Kacey Hicks: Mr. Hicks appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Hicks was convicted on April 19, 2011 for Sell and Deliver Schedule II and Driving while License was Revoked. Mr. Hicks received an active sentence and the judgment is not satisfied.

Mr. Hicks made remarks to the Board. The Board questioned Mr. Hicks.

- k) Ashley Jones: Ms. Jones appeared before the Board to request permission to obtain an apprentice barber license.

Ms. Jones was arrested on February 18, 2012 for Driving while Impaired and Driving while License was revoked in Carteret County. The FBI record check does not indicate a disposition in these cases. Ms. Jones has been requested to clarify the disposition in these cases.

Ms. Jones made remarks to the Board. The Board questioned Ms. Jones.

- l) Michael Link: Mr. Link appeared before the Board to request permission to obtain an apprentice barber license.

Mr. Link was convicted on January 7, 2011 for Driving While Impaired in Mecklenburg County on January 7, 2011. He received a probationary sentence for 12 months.

Mr. Link made remarks to the Board. The Board questioned Mr. Link.

9. A motion was made by Mr. Hood and seconded by Mr. Warwick to approve the Rules Committee's recommendation as proposed by Board Counsel, Bain Jones, that the Board declares that all of its Rules are necessary with public interest. The motion passed unanimously.
10. A motion was made by Mr. Crumley and seconded by Mr. Warwick to initiate action to seek a change in legislation to increase fees, eliminate free license at 70 years of age, eliminate the six month license renewal grace period for registered barbers, eliminate required sanitation warnings before a citation can be issued and to require posting student permits. The motion passed unanimously.

Old Business

11. Legal activities status report

Board Counsel, W. Bain Jones, Jr., presented the Board with updates related to various cases and probable cause to levy civil penalties against violators of G.S. 86A and the Board Rules. Mr. Jones made comments to the Board and the Board questioned Mr. Jones.

12. Legislative activity status report.

Board Counsel, W. Bain Jones, Jr., presented the Board with updates related to the activities taken by the General Legislature on issues that could affect the Board and/or the barbering profession directly or indirectly. Mr. Jones made comments to the Board and the Board questioned Mr. Jones.

13. New Computer System Report

Mr. Mixon reported that the field staff inspection piece is still in the development phase and should be online in the near future.

Executive Director Report

14. Finance Report

Executive Director, Wayne Mixon, reported on the financial condition of the Board. Mr. Mixon reported that the Board's finances are down considerably due to an irregular license renewal trend. Mr. Mixon further advised that he is hopeful that licensees are simply waiting until close to the deadline to renew vice not renewing as this will have an adverse impact on Board operations.

Executive Session

15. A motion was made by Mr. Hood and seconded by Mr. Warwick, to go into closed session pursuant to N.C.G.S. § 143-318.11(a)(3) and (a)(6). The motion passed unanimously.

A motion was made, seconded and unanimously passed to come out of closed session.

The Board rendered the decision to suspend the license of each respondent in the show cause administrative hearings with the exception of Harold White for respondent's failure to pay past due civil penalties and attorney costs as ordered and for the respondent's license to remain suspended until such time as all civil penalties and attorney costs, including \$165.00 for the show cause hearing, are paid in full. The names of these individuals are as follows:

- a) Bennie Campbell
- b) Robert Locke
- c) Clarence D. Massey
- d) Albert Ventress

The Board rendered the following decision regarding the appeal brought by Jorge Moradel:

Revoke Mr. Moradel's student permit for falsifying information on his student permit application.

The Board rendered the decision to allow the petitioners to move forward with licensure as requested and to offer consent orders with the following requirements.

- a) Reginald Alston: Five year probation and completion of program to improve judgment and to learn good decision making skills.
- b) George Brown: Five year probation, completion of 30 day drug rehabilitation program and immediate drug screen.
- c) Michael Carmon: Five year probation and completion of program to improve judgment and to learn good decision making skills.
- d) Gino Coelho: Five year probation, completion of 30 day drug rehabilitation program and immediate drug screen.
- e) Roy Dail: Five year probation and completion of program to improve judgment and to learn good decision making skills.
- f) Jamel Davis: Five year probation and completion of program to improve judgment and to learn good decision making skills.
- g) Joe Ginyard: Five year probation, completion of 30 day drug / alcohol rehabilitation program and immediate drug screen.
- h) Jeffrey Gustus: Did not appear. No action taken.
- i) Marcus Harris: Five year probation and immediate drug screen.
- j) Kacey Hicks: Five year probation and immediate drug screen.
- k) Ashley Jones: Five year probation and immediate drug screen.
- l) Michael Link: Five year probation and immediate drug screen.

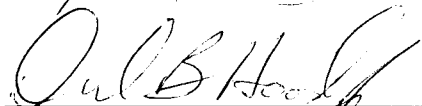
Adjournment

16. A motion was made by Mr. Crumley and seconded by Mr. Jackson to adjourn the Board meeting until the next scheduled regular meeting on June 16, 2014. The motion passed unanimously.

Glovette Shannon



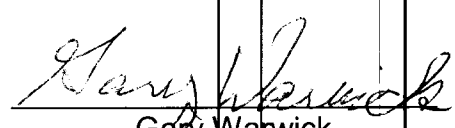
Lance Crumley



David Hood



Kenneth Jackson



Gary Warwick