



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

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### **Minutes for Public Meeting**

Held December 8, 2015, at 9:00 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**

W. Bain Jones, Jr.

The meeting of the North Carolina State Board of Barber Examiners was called to order at 9:03 a.m., on December 8, 2015 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, Lance Crumley, David Hood, and Valerie Willis. No Board members were absent.

Also in attendance were Dennis Seavers, Executive Director, and W. Bain Jones, Jr., 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 October 20, 2015 meeting**

A motion was made by Mr. Hood and seconded by Ms. Willis to approve the draft minutes and closed-session narratives from the October 20, 2015 meeting. The motion passed, 4–0 (Mr. Sharpless was not present for this portion of the meeting).

## **OPEN SESSION**

### **Administrative hearings**

The board conducted a hearing for Nathaniel James, who appeared in person, after an appeal relating to a probable-cause letter for a violation. Mr. James offered testimony and answered questions from Mr. Jones and the board.

The board conducted a hearing for Cristian Segura, who appeared in person, after an appeal relating to a probable-cause letter for a violation. Mr. Segura offered testimony and answered questions from Mr. Jones and the board.

The board recessed at 10:53 a.m. and reconvened at 11:12 a.m.

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

The board conducted a hearing for Eric J. Barnes, who appeared in person to show cause for failing to pay civil penalties and fees for barbering with an expired license and permit. Mr. Barnes offered testimony and answered questions from Mr. Jones and the board.

The board conducted a hearing for Eric D. Dockery, who appeared in person to show cause for failing to pay civil penalties and fees for barbering with an expired license and permit. Mr. Dockery offered testimony and answered questions from Mr. Jones and the board.

The following individuals were served with a notice of hearing to appear before the board to show cause for failing to pay past-due civil penalties and attorney costs. None of the individuals listed below made the required appearance. Mr. Jones presented evidence to the board of the violations and answered questions by the board members.

- a. Miguel A. Alston
- b. Clifton W. Batts

- c. Jeffrey Betancourth
- d. Travis S. Bratcher
- e. Barry B. Broadway
- f. Ralph J. Clinkscales
- g. Randy Colegrove
- h. Shawn Cooper
- i. Eric N. Crowder
- j. Jevonne Gaddy
- k. Brian L. Holloway
- l. John A. Jones
- m. David S. Lindsay
- n. Michael J. Mackey
- o. Vischon T. McKinzie
- p. Armando Narvaez-Figueroa
- q. Anthony Spence
- r. Christopher Ward

The board recessed at 12:06 p.m. and reconvened at 12:12 p.m.

### **Felony petitions**

The North Carolina Department of Public Safety Division of Prisons (NCDPS) had submitted documentation in support of Richard D. Reavis receiving a registered barber license. Sophia Feaster of NCDPS offered testimony in support of Mr. Reavis. Mr. Jones presented information about Mr. Reavis's criminal history and recommended that the board issue a standard consent order with five years of probation that would allow Mr. Reavis to become a registered barber.

NCDPS had submitted documentation in support of Delton Tyler receiving a registered barber license. Sophia Feaster of NCDPS offered testimony in support of Mr. Tyler. Mr. Jones presented information about Mr. Tyler criminal history and recommended that the board issue a standard consent order with five years of probation that would allow Mr. Tyler to become a registered barber.

The board recessed at 12:21 p.m. and reconvened at 12:48 p.m.

Bernadette Toomer had applied for an apprentice barber license. She appeared and was sworn in. Mr. Jones presented evidence to the board and asked Ms. Toomer questions. Ms. Toomer offered testimony and answered questions from the board.

Dequan M. Boone had applied for an apprentice barber license. He appeared and was sworn in. Mr. Jones presented evidence to the board and asked Mr. Boone questions. Mr. Boone offered testimony and answered questions from the board.

Leon Conyers had applied for an apprentice barber license. He appeared and was sworn in. Mr. Jones presented evidence to the board and asked Mr. Conyers questions. Mr. Conyers offered testimony and answered questions from the board.

Demetrius O. Freeman had applied for an apprentice barber license. He appeared and was sworn in. Mr. Jones presented evidence to the board and asked Mr. Freeman questions. Mr. Freeman offered testimony and answered questions from the board.

The board recessed at 1:40 p.m. and reconvened at 1:46 p.m.

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

Mr. Beal referred board members to Mr. Seavers's November 20, 2015 report (see Attachment 1). Mr. Seavers added that the online-renewal project was on schedule to be completed for the renewal cycle that would begin in January 2016. Mr. Seavers answered questions from the board about the report. Mr. Hood made a motion to approve the report, and Mr. Sharpless seconded. The motion passed, 5–0.

### **Modifications to operations based on budget cuts**

Mr. Seavers explained that this agenda item was a continuation of the board's October 20, 2015 discussion. The board specifically was going to identify which of the remaining inspector positions should be cut. Mr. Seavers reiterated his view that the position cut should be based on seniority, since the inspectors all had comparable performance. After discussion about the value of a cut based on seniority, Mr. Hood made a motion to accept Mr. Seavers's proposal. Mr. Sharpless seconded the motion, which passed, 4–1.

### **Legal report**

Mr. Jones indicated that the board had issued 13 probable-cause letters in October for violations of board regulations.

### **Legislative report**

Mr. Beal referred board members to Mr. Jones's December 3, 2015 legislative report (see Attachment 2). Mr. Jones answered questions from the board. Ms. Willis made a motion to approve the report, and Mr. Hood seconded. The motion passed, 5–0.

## **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, 5–0. Mr. Beal reminded board members that matters discussed in closed

session are confidential and must not be discussed outside of the closed session. The board went into closed session at 2:29 p.m.

Mr. Beal made a motion to come out of closed session, and Mr. Hood seconded. The motion passed, 5–0. The board returned to open session at 3:43 p.m.

## **DETERMINATIONS**

The board dismissed the Cristian Segura’s violation.

The board ordered that the license of Nathaniel James be suspended until he complies with the following requirements: be seen by a psychiatrist for counseling and medical treatment; release the psychiatrist to verify that Mr. James is under that professional’s care; have the psychiatrist submit quarterly reports on March 31, June 30, September 30, and December 31 confirming that Mr. James is attending appointments and making a good-faith effort to comply with any treatment requirements; comply with the requirements of the sex-offender registry and the terms of his conviction; pay \$530 in fines and fees. In addition, Mr. James would be on probation for eight years.

The board ordered that no license be issued to Eric J. Barnes until he paid the civil penalties and attorney fees, including an additional \$165 for attorney fees and costs for the show-cause hearing.

The board ordered that no license be issued to Eric D. Dockery until he paid the civil penalties and attorney fees, including an additional \$165 for attorney fees and costs for the show-cause hearing.

The board suspended the license of (or prevented future issuance of a license to) each of the respondents listed below in the show-cause administrative hearings for the respondents’ failure to pay past-due civil penalties and attorney costs. The board also ordered that the licenses remain suspended (or no license be issued) until all civil penalties and attorney costs, including an additional \$165 each for attorney fees and costs for the show-cause hearing, were paid in full.

- a. Miguel A. Alston
- b. Clifton W. Batts
- c. Jeffrey Betancourth
- d. Travis S. Bratcher
- e. Barry B. Broadway
- f. Ralph J. Clinkscapes
- g. Randy Colegrove
- h. Shawn Cooper
- i. Eric N. Crowder
- j. Jevonne Gaddy
- k. Brian L. Holloway

- l. John A. Jones
- m. David S. Lindsay
- n. Michael J. Mackey
- o. Vischon T. McKinzie
- p. Armando Narvaez-Figueroa
- q. Anthony Spence
- r. Christopher Ward

The board ordered that the licensure application of Richard Reavis be approved, with five years of probation.

The board ordered that the licensure application of Delton Tyler be approved, with five years of probation.

The board ordered that the licensure application of Dequan M. Boone be approved, with the following conditions: 10 years of probation; proof of completing a 30-day mental-health program that focuses on daily living, judgment, coping skills, and decision making; proof of completing an alcohol-abuse or drug-treatment program; and proof of completing of a drug screening.

The board ordered that the licensure application of Leon Conyers be approved, with the following conditions: five years of probation and proof of completing a 30-day mental-health program that focuses on daily living, judgment, coping skills, and decision making.

The board ordered that the licensure application of Demetrius O. Freeman be approved, with five years of probation.

The board ordered that the licensure application of Bernadette Toomer be approved, with the following conditions: eight years of probation, a copy of a sponsor letter attesting to regular attendance at a 12-step program, and proof of completing a 30-day mental-health program that focuses on daily living, judgment, coping skills, and decision making.

Mr. Beal indicated that the board training will be conducted at a later date.

Mr. Beal adjourned the meeting at 3:59 p.m.

Minutes approved on April 19, 2016

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Don Beal

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Steffon Sharpless

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Lance Crumley

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David Hood

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Valerie Willis



## NORTH CAROLINA BOARD OF BARBER EXAMINERS

### Memo

TO: Board members

FROM: Dennis Seavers

DATE: November 20, 2015

**SUBJECT: Executive director's report**

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Below is the executive director's report for the board's December 8, 2015 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, you may contact me at [dseavers@ncbarbers.com](mailto:dseavers@ncbarbers.com) or (919) 981-5210 x22.

### **FISCAL YEAR 2016 BUDGET REPORT**

#### *Budget performance*

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 four months only, not for the entire fiscal year.

Expenditures were within budget—about 89% of the expenditures budgeted for the first quarter. There were some areas of higher spending; notable areas are highlighted in Attachment A and explained below.

- 532145 – managed server support. The appearance of higher-than-budgeted spending is due to the timing of invoices rather than a substantial spending increase.
- 532199 – miscellaneous contract services. As with the previous area, the appearance of higher spending is due to the timing of invoices.
- 535900 – other expenses. As previously reported, these costs are entirely due to ongoing invoices from a worker compensation claim. For more information, please see the executive director's report from the October 20, 2015 board meeting (Attachment 2 of the minutes from that meeting).

*Cash flow and effect of budget cuts*

The board's projected cash flow has improved as a result of the board's October 20 budget reductions. The current projection for the lowest point of the fund balance is \$119,489 in February 2016. Attachment B shows the board's fund balance over the past few years (blue) and the projected fund balance through the end of the fiscal year (red).

I will continue to provide monthly cash-flow reports to the board. However, the board should remain vigilant about the health of its fund, since board is projected to end the year with about \$100,000 less cash than the end of the previous fiscal year, even with the budget cuts.

## Attachment A

### Budget vs. Actual

#### July through October 2015

	Jul - Oct 15	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
<b>433 - investment income</b>				
433121 - STIF interest income	\$ 867.21	\$ 700.00	\$ 167.21	123.89%
433 - investment income - Other	\$ -	\$ -	\$ -	0.0%
<b>Total 433 - investment income</b>	<b>\$ 867.21</b>	<b>\$ 700.00</b>	<b>\$ 167.21</b>	<b>123.89%</b>
<b>435 - fees, licenses, and fines</b>				
<b>435100 - business license fees</b>				
435100059 - duplicate license	\$ 280.00	\$ 255.00	\$ 25.00	109.8%
435100060 - individual license	\$ 125,025.00	\$ 106,000.00	\$ 19,025.00	117.95%
435100061 - school permit	\$ 2,210.00	\$ 1,400.00	\$ 810.00	157.86%
435100062 - bus/shop permit	\$ 50,775.00	\$ 24,000.00	\$ 26,775.00	211.56%
435100063 - student permit	\$ 8,925.00	\$ 8,000.00	\$ 925.00	111.56%
435100064 - renewal-individual	\$ 37,070.00	\$ 32,000.00	\$ 5,070.00	115.84%
435100 - business license fees - Other	\$ (183,822.00)	\$ -	\$ (183,822.00)	100.0%
<b>Total 435100 - business license fees</b>	<b>\$ 40,463.00</b>	<b>\$ 171,655.00</b>	<b>\$ (131,192.00)</b>	<b>23.57%</b>
<b>435300 - certification fees</b>				
435300016 - instructor exam fee	\$ 2,805.00	\$ 3,332.00	\$ (527.00)	84.18%
435300017 - registered exam fee	\$ 14,025.00	\$ 11,000.00	\$ 3,025.00	127.5%
435300018 - apprentice exam fee	\$ 45,475.00	\$ 22,664.00	\$ 22,811.00	200.65%
435300019 - apprentice certific	\$ 18,270.00	\$ 13,332.00	\$ 4,938.00	137.04%
435300020 - instructor certific	\$ 4,725.00	\$ 4,000.00	\$ 725.00	118.13%
<b>Total 435300 - certification fees</b>	<b>\$ 85,300.00</b>	<b>\$ 54,328.00</b>	<b>\$ 30,972.00</b>	<b>157.01%</b>
<b>435400 - inspection/exam fees</b>	<b>\$ 8,840.00</b>	<b>\$ 10,400.00</b>	<b>\$ (1,560.00)</b>	<b>85.0%</b>
<b>435500 - fines, pen, assess fee</b>	<b>\$ 6,390.00</b>	<b>\$ 6,000.00</b>	<b>\$ 390.00</b>	<b>106.5%</b>
<b>435800 - tuition and fees</b>				
435830 - other fees	\$ 280.00	\$ 200.00	\$ 80.00	140.0%
<b>Total 435800 - tuition and fees</b>	<b>\$ 280.00</b>	<b>\$ 200.00</b>	<b>\$ 80.00</b>	<b>140.0%</b>
<b>Total 435 - fees, licenses, and fines</b>	<b>\$ 141,273.00</b>	<b>\$ 242,583.00</b>	<b>\$ (101,310.00)</b>	<b>58.24%</b>
<b>437 - miscellaneous</b>				
437990 - other misc revenue	\$ 6,994.00	\$ 4,000.00	\$ 2,994.00	174.85%
<b>Total 437 - miscellaneous</b>	<b>\$ 6,994.00</b>	<b>\$ 4,000.00</b>	<b>\$ 2,994.00</b>	<b>174.85%</b>
<b>Total Income</b>	<b>\$ 149,134.21</b>	<b>\$ 247,283.00</b>	<b>\$ (98,148.79)</b>	<b>60.31%</b>

## Attachment A

### Budget vs. Actual

#### July through October 2015

Expense	Jul - Oct 15	Budget	\$ Over Budget	% of Budget
<b>531 - personal services</b>				
531112 - EPA regular salaries	\$ 130,776.96	\$ 130,860.72	\$ (83.76)	99.94%
531462 - longevity - receipts	\$ -	\$ -	\$ -	0.0%
531512 - Social Security	\$ 9,430.91	\$ 10,280.00	\$ (849.09)	91.74%
531522 - regular retirement	\$ 20,035.04	\$ 20,471.37	\$ (436.33)	97.87%
531562 - medical insurance	\$ 14,339.84	\$ 14,339.88	\$ (0.04)	100.0%
531576 - flexible spending acct	\$ 214.28	\$ 214.28	\$ -	100.0%
531651 - comp to board members	\$ 1,000.00	\$ 1,500.00	\$ (500.00)	66.67%
<b>Total 531 - personal services</b>	<b>\$ 175,797.03</b>	<b>\$ 177,666.25</b>	<b>\$ (1,869.22)</b>	<b>98.95%</b>
<b>532 - purchased services</b>				
532110 - legal services	\$ (12,538.00)	\$ (7,336.00)	\$ (5,202.00)	170.91%
532120 - financial/audit svcs	\$ -	\$ 8,000.00	\$ (8,000.00)	0.0%
532145 - managed server support	\$ 13,953.74	\$ 7,695.00	\$ 6,258.74	181.34%
532170001 - prof testing serv	\$ 3,654.00	\$ 3,664.00	\$ (10.00)	99.73%
532184 - janitorial services	\$ 1,050.00	\$ 1,400.00	\$ (350.00)	75.0%
532199 - misc contract services	\$ 1,855.25	\$ 832.00	\$ 1,023.25	222.99%
532210 - electrical service	\$ 2,459.35	\$ 3,300.00	\$ (840.65)	74.53%
532220 - natural gas/propane	\$ 56.19	\$ 100.00	\$ (43.81)	56.19%
532430 - maint agrmnt - equip	\$ -	\$ 268.00	\$ (268.00)	0.0%
532490 - maint agreemnt - other	\$ 608.18	\$ 1,200.00	\$ (591.82)	50.68%
532512 - rental of bldg/prop	\$ 19,234.84	\$ 19,234.84	\$ -	100.0%
532524 - general office equip	\$ 3,073.89	\$ 4,340.00	\$ (1,266.11)	70.83%
532714 - ground trans in-state	\$ 7,076.55	\$ 12,000.00	\$ (4,923.45)	58.97%
532721 - lodging in-state	\$ 6,633.11	\$ 8,832.00	\$ (2,198.89)	75.1%
532724 - meals in-state	\$ 4,383.35	\$ 5,560.00	\$ (1,176.65)	78.84%
532731 - board/non-emp transpor	\$ 507.00	\$ 667.00	\$ (160.00)	76.01%
532732 - board/non-emp subsist	\$ 442.74	\$ 700.00	\$ (257.26)	63.25%
532811 - telephone service	\$ 2,154.15	\$ 3,832.00	\$ (1,677.85)	56.22%
532815 - email and calendaring	\$ -	\$ -	\$ -	0.0%
532817 - ISP charge	\$ 471.80	\$ 471.80	\$ -	100.0%
532819 - telephone wiring srvc	\$ -	\$ 1,000.00	\$ (1,000.00)	0.0%

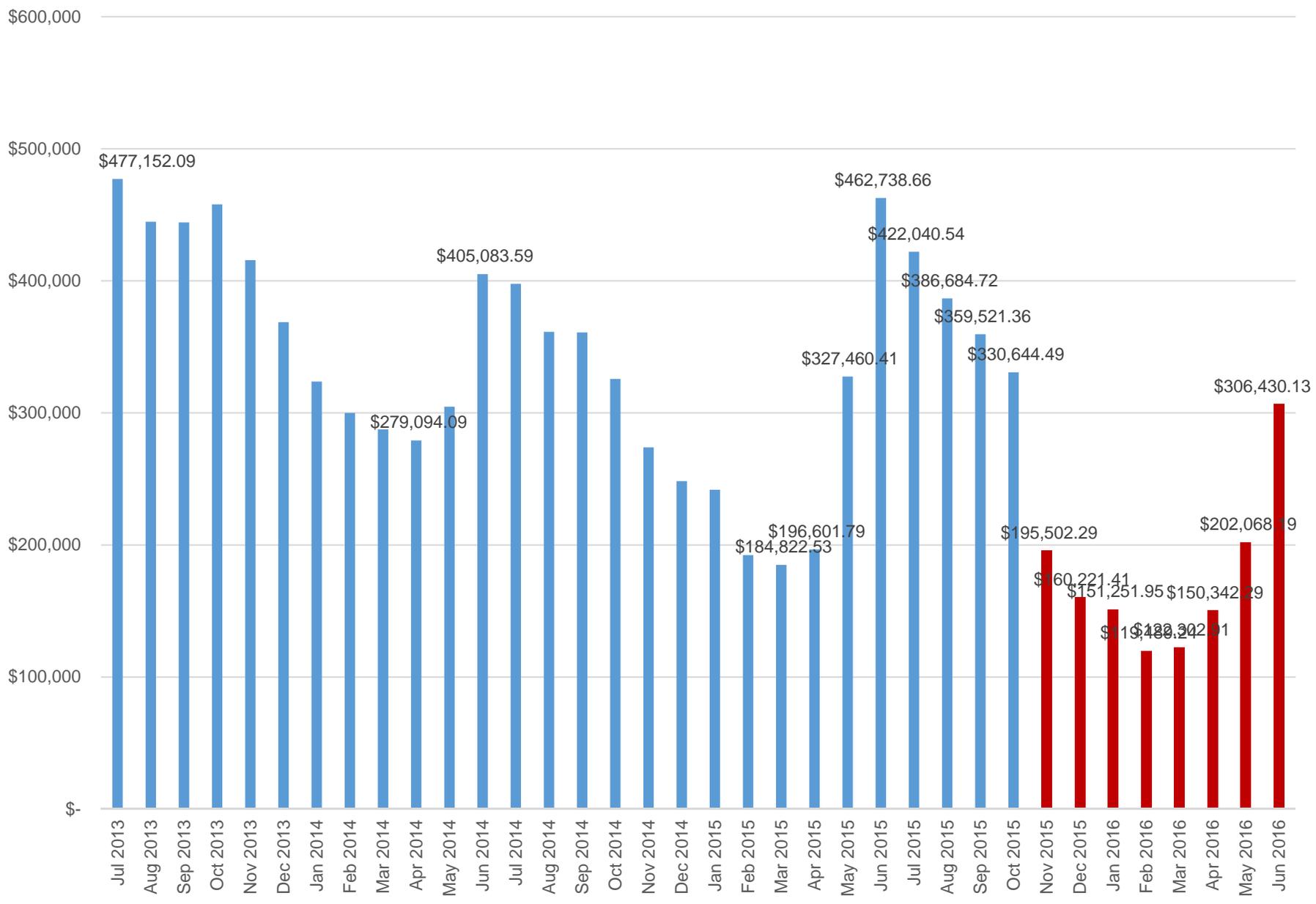
## Attachment A

### Budget vs. Actual

#### July through October 2015

	Jul - Oct 15	Budget	\$ Over Budget	% of Budget
532840 - postage & delivery	\$ 4,269.82	\$ 5,932.00	\$ (1,662.18)	71.98%
532850 - printing, binding, dup	\$ -	\$ 2,332.00	\$ (2,332.00)	0.0%
532911 - insurance - property	\$ 8,893.00	\$ 9,000.00	\$ (107.00)	98.81%
532942 - other emp trng expense	\$ -	\$ 600.00	\$ (600.00)	0.0%
<b>Total 532 - purchased services</b>	<b>\$ 68,238.96</b>	<b>\$ 93,624.64</b>	<b>\$ (25,385.68)</b>	<b>72.89%</b>
<b>533 - Supplies</b>				
533110 - general office supply	\$ 1,281.06	\$ 2,332.00	\$ (1,050.94)	54.93%
533120 - data process supplies	\$ 1,500.00	\$ 4,000.00	\$ (2,500.00)	37.5%
533150 - security & safety supp	\$ 1,480.00	\$ 3,156.00	\$ (1,676.00)	46.9%
533190 - other admin supplies	\$ -	\$ 100.00	\$ (100.00)	0.0%
<b>Total 533 - Supplies</b>	<b>\$ 4,261.06</b>	<b>\$ 9,588.00</b>	<b>\$ (5,326.94)</b>	<b>44.44%</b>
<b>534 - property, plant, &amp; equip</b>				
534511 - office equipment	\$ 400.00	\$ -	\$ 400.00	100.0%
534521 - PC software	\$ -	\$ 400.00	\$ (400.00)	0.0%
534535 - server purchases	\$ -	\$ -	\$ -	0.0%
<b>Total 534 - property, plant, &amp; equip</b>	<b>\$ 400.00</b>	<b>\$ 400.00</b>	<b>\$ -</b>	<b>100.0%</b>
<b>535 - other expenses and adjust</b>				
535830 - member dues & subcript	\$ -	\$ 700.00	\$ (700.00)	0.0%
535900 - other expenses	\$ 6,051.36	\$ -	\$ 6,051.36	100.0%
<b>Total 535 - other expenses and adjust</b>	<b>\$ 6,051.36</b>	<b>\$ 700.00</b>	<b>\$ 5,351.36</b>	<b>864.48%</b>
<b>538 - intragovernmental transac</b>				
538030 - fine/penalty transfer	\$ 2,704.00	\$ 6,664.00	\$ (3,960.00)	40.58%
<b>Total 538 - intragovernmental transac</b>	<b>\$ 2,704.00</b>	<b>\$ 6,664.00</b>	<b>\$ (3,960.00)</b>	<b>40.58%</b>
<b>Total Expense</b>	<b>\$ 257,452.41</b>	<b>\$ 288,642.89</b>	<b>\$ (31,190.48)</b>	<b>89.19%</b>
<b>Net Income</b>	<b>\$ (108,318.20)</b>	<b>\$ (41,359.89)</b>	<b>\$ (66,958.31)</b>	<b>261.89%</b>

### Attachment B. Fund balance





To: The North Carolina Board of Barber Examiners

From: Bain Jones, Counsel to the Board

Date: December 3, 2015

Re: Legislative Report

There has been continued discussion within the Programs Evaluation Division, legislative members and legislative staff as to the Legislative study for an Oversight Commission for Licensing and Regulatory Boards. This is has been enhanced by the Federal Trade Commission v. North Carolina Board of Dentistry Case in which the United States Supreme Court indicated that oversight of licensing boards and regulatory boards is necessary. The Court has not indicated the manner in which oversight should occur.

In North Carolina, we presently have oversight by the Office of Administrative Hearings, the North Carolina Court System, the Governor, Executive agencies and the Legislature through the Administrative Procedure Oversight Committees and other committees in the Legislature. The recommendation for study of an Oversight Committee does not appear to support the existing system. If approved in present form, the Committee will be funded by 1% of each Licensing Regulatory Board's budget. While this has not been a focus in Committee meetings since the adjournment on October 1, 2015, one of the focuses of the short session is Regulatory Boards and administrative process. Committee meetings should begin to review the development of the study. The Board will continue to need to participate in discussions concerning these issues as well as others concerning licensing regulatory boards, attend committee meetings and prepare to respond to issues concerning these matters.

The Short Session begins on April 25, 2015. The Board will continue to need to prepare and advance efforts to obtain approval in the Senate of House Bill 191. We will also need to be sure the Governor will not veto the bill.