



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

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Telephone (919) 981-5210 • Fax (919) 981-5068

### **Minutes for Public Meeting**

Held November 15, 2017, at 6:00 p.m.  
5809 Departure Drive, Suite 102  
Raleigh, North Carolina

#### **Board Members**

Don Beal, Chair  
Jamie Norton, Vice Chair  
Gary Gardner  
Steffon Sharpless  
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 6:03 p.m., on November 15, 2017, 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, Jamie Norton, Gary Gardner, and Steffon Sharpless by telephone and Valerie Willis in person. No board members were absent.

Also in attendance were Dennis Seavers, Executive Director, and, by telephone, Palmer Sugg, 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**

Mr. Sharpless made a motion to approve the minutes from the October 24, 2017 meeting. Mr. Gardner seconded the motion, which passed, 5–0.

### **Proposed rules and review of public comments**

Mr. Beal referred board members to Mr. Seavers's November 1, 2017 memo on proposed rules and public comments (see Attachment 1). Mr. Seavers indicated that, as of the end of the day on November 14, there had been no public comments apart from the ones made at the October 4, 2017 public hearing. Mr. Beal made a motion to approve the rule amendments, and Mr. Gardner seconded. The motion passed, 5–0.

### **Request for declaratory ruling**

Rodney C. Bullock had requested a declaratory ruling, and Mr. Sugg presented information about the request. Attorney D. Cole Phelps, representing Mr. Bullock, made comments to the board. Mr. Phelps and Mr. Bullock answered questions from the board members.

## CLOSED SESSION

Mr. Beal made a motion to go into closed session under N.C.G.S. § 143–318.11, and Ms. Willis 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 6:45 p.m., and Mr. Beal adjourned the meeting at 7:30 p.m.

Minutes approved on December 11, 2017

*Not present at 12/11/2017 meeting*

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Don Beal

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Jamie Norton

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Gary Gardner

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Steffon Sharpless

*Not present for vote at 12/11/2017 meeting*

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Valerie Willis



# NORTH CAROLINA BOARD OF BARBER EXAMINERS

## Memo

TO: Board members

FROM: Dennis Seavers

DATE: November 1, 2017

**SUBJECT: Approval of proposed rules**

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At its November 15, 2016 and August 21, 2017 meetings, the board proposed three amendments to rules. On November 15, 2017, the board will hold a meeting to review any comments submitted by the public and adopt the rules. This memo offers background information and describes the steps the board will need to take.

### Background

The board proposed amendments to three existing rules, as summarized in the attachments. The rules were proposed in the September 1 and September 15, 2017 issues of the *North Carolina Register*.

Statute requires the board to have a 60-day comment period for each of the rule publications, and the board held public hearings for both publications.

- For the proposed amendment to 21 NCAC 06N .0101, the comment period ended on October 31, 2017.
- For the proposed amendments to 21 NCAC 06F .0102 (manager) and 21 NCAC 06L .0116 (barber shop managers) the comment period will end on November 14, 2017. The board cannot adopt any rules unless their comment period has ended.

### Comments

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

As a reminder, the board previously received a copy of the fiscal note prepared by the board staff and approved by the Office of State Budget and Management. If you need

to review the fiscal note, it's available on the board website at <https://www.ncbarbers.com/news-2017-09-01-proposed-rules.html>.

As of the October 31 deadline, the board had not received any comments from the public on the amendment or fiscal note. The staff recommends that you approve the amendment as originally proposed.

*21 NCAC 06F .0102 and 06L .0116*

As of October 31, 2017, the board had received no written comments on the two amendments. However, the board did receive oral comments at the October 4, 2017 public hearing (see attached minutes). In addition, the deadline for comments on these two amendments is November 14, 2017. The board cannot adopt these rules until the 60-day comment period has elapsed, and the board is required by G.S. § 150B-21.2(f) to “consider fully all written and oral comments received” by the deadline, including the oral comments at the public hearing and any comments received by the November 14 deadline.

If the board staff receives any additional comments by the deadline, it will forward them to the board members.

### **Upcoming steps**

- After fully considering all comments submitted by November 14, the board must decide whether to approve the proposed amendments and whether to make any changes.
- I will then file the proposed amendments with the Rules Review Commission after the board meeting.
- The Rules Review Commission will consider the proposals at the December 14 meeting.
- If approved, the amendments will become effective on January 1, 2018.



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

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**Minutes for Public Hearing**  
Held October 4, 2017, at 10:00 a.m.  
5809 Departure Drive, Suite 102  
Raleigh, North Carolina

### **Board Members**

Don Beal, Chair  
Jamie Norton, Vice Chair  
Gary Gardner  
Steffon Sharpless  
Valerie Willis

### **Executive Director**

Dennis Seavers

### **Counsel to the Board**

Palmer Sugg

A public hearing of the North Carolina State Board of Barber Examiners, held under N.C.G.S. § 150B–21.2(e), was called to order at 10:00 a.m. on October 4, 2017, at the board's office at 5809 Departure Drive, Suite 102, Raleigh, North Carolina.

Notice of the hearing appeared at 32:06 NCR 606. The purpose of the public hearing was to consider comments on the proposed amendments to the rules cited as 21 NCAC 06F .0102 and 21 NCAC 06L .0116. The proposed amendments appeared in 32:06 NCR 606-607.

Dennis Seavers, Executive Director, was appointed by Don Beal, Chair, on September 1, 2017, to preside at the public hearing. Documentation of this appointment appears in the rulemaking record.

Jeff Broadie of Just for You Barber Styling Academy in Charlotte was present and spoke in support of the amendments. He said that the current rules create difficulty when an individual owns multiple businesses (schools or shops) and there is a temporary vacancy for the position of manager. In these cases, either the business needs to appoint someone quickly who may not be the person the business wants on a long-term basis, or the business has to close temporarily. The proposed amendments would allow existing managers to manage other businesses, even temporarily, while the business looks for a long-term replacement, and there would be no need to close the business.

Mr. Seavers adjourned the hearing at 11:03 a.m.

Minutes submitted on October 4, 2017, and included with the rulemaking record.

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Dennis Seavers

**21 NCAC 06F .0102—Manager**  
**Proposed amendment to existing rule**

The following rule was proposed to be amended. The proposed amendment would allow a barber school manager to manage a barbershop or another barber school.

I have not recommended any changes to the rule as it was originally proposed. However, the board should keep in mind that the public can submit comments until November 14, 2017.

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

2

3 **21 NCAC 06F .0102 MANAGER**

4 (a) Each barber school shall designate one of the instructors required by G.S. 86A-22(2) as the school manager.

5 (b) The barber school manager is responsible for the school's compliance with G.S. 86A-15 and the rules in this  
6 Subchapter, whether present on the school premises or not.

7 ~~(c) A barber school manager shall not manage a barber shop or another barber school.~~

8

9 *Authority G.S. 86A-15; 86A-22*

**21 NCAC 06L .0116—Barber shop managers  
Proposed amendment to existing rule**

The following rule was proposed to be amended. The proposed amendment would allow a barbershop manager to manage a barber school or another barbershop.

I have not recommended any changes to the rule as it was originally proposed. However, the board should keep in mind that the public can submit comments until November 14, 2017.

1 21 NCAC 06L .0116 is proposed for amendment as follows:

2

3 **21 NCAC 06L .0116 BARBER SHOP MANAGERS**

4 (a) All barber shop managers shall verify that any licensee employed in the barber shop is the person whose name  
5 appears on the license or permit prior to allowing the licensee to perform barbering services in the shop. This  
6 verification shall be based on government issued identification.

7 ~~(b) A barber shop manager shall not manage another barber shop or a barber school.~~

8 ~~(b)~~ The shop manager is responsible for the sanitary condition, as defined in 21 NCAC 06P .0103(10), of the entire  
9 shop.

10 ~~(c)~~ The barber shop manager is accountable for activities at the shop whether present on the premises or not.

11

12 *Authority G.S. 86A-15; 86A-22*

**21 NCAC 06N .0101—Fees, access to forms, and renewals**  
**Proposed amendment to existing rule**

The following rule was proposed to be amended. The proposed amendment would require the renewals of most licenses and permits to occur online. Barber schools would be exempt from the online requirement, as would licensees who receive a waiver.

I have not recommended any changes to the rule as it was originally proposed.

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 years after expiration	\$70.00
12			
13	(8)	Late fee for restoration of an expired apprentice certificate within the first year after expiration	\$35.00
14			
15	(9)	Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate	\$45.00
16			
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 expiration	\$45.00
25			
26	(18)	Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration	\$85.00
27			
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 any subsequent amendments and editions of the Rule	
33			
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 a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-up order issued to an inspector.	\$70.00
36			
37			

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

4 (c) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A  
5 .0102.

6 (d) All timely renewals of licenses, permits, or certificates of registration shall be submitted online at the website  
7 listed in 21 NCAC 06A .0102, along with any fees required by this Rule.

8 (e) Barber school permits are exempt from the online renewal requirement in Paragraph (d) of this Rule.

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

13 (1) For registered barbers, apprentice barbers, or barber instructors, a notarized statement from the  
14 holder of the license, permit, or certificate of registration that the barber is not able to renew online;

15 or

16 (2) For barber shops, a notarized statement from the manager or owner that neither the manager nor  
17 owner are able to renew online.

18  
19 *Authority G.S. 86A-5; 86A-13; 86A-17; 86A-23; 86A-24; 86A-25; 86A-27(d); 93B-2; 150B-19.1*