



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: October 12, 2020

SUBJECT: Complaint report

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.

Various complaints—no jurisdiction

During the pandemic, the governor has issued executive orders with requirements for barbers and barbershops, such as a requirement for workers to wear face coverings. The board received various complaints about noncompliance with these executive orders. In these cases, the shops or barbers weren’t violating any of the board’s statutes or rules. Instead, they were violating the governor’s executive orders, the penalties for which were misdemeanors and which were in the jurisdiction of local law enforcement.

The following complaints about noncompliance with executive orders were dismissed because local law enforcement, rather than the board, had jurisdiction.

- Complaint ID 273 in Raleigh
- Complaint ID 298 in Reelsboro
- Complaint ID 300 in Smithfield
- Complaint ID 321 in Raleigh
- Complaint ID 343 in Fuquay Varina
- Complaint ID 344 in Fuquay Varina
- Complaint ID 348 in Albemarle
- Complaint ID 351 in Jacksonville
- Complaint ID 356 in Greenville
- Complaint ID 360 in Asheville
- Complaint ID 362 in Hickory
- Complaint ID 364 in Raleigh
- Complaint ID 374 in Louisburg

Complaint ID 253 in Lumberton

The board received a complaint from a former student at a barber school. The complainant made multiple allegations about the proper recording of hours and unfair treatment from the instructor. An inspector for the board investigated the complaint and determined that the hours reported were accurate and that the allegations were unsubstantiated.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 255 in Fayetteville

The board received a complaint from an individual alleging that a barber was noncompliant with a child-support order and should have his license suspended. Although the board must suspend the license of a barber who isn't complying with child-support obligations, that only can happen when the Department of Health and Human Services (DHHS) issues an order. The board's executive director did not locate the barber's name on any orders from DHHS. The staff explained the process to the applicant and told her to contact the local Child Support Enforcement office to report the noncompliance.

Basis for dismissal: the board didn't have authority to act on the complaint.

Complaint ID 259 in Fayetteville

The board received a complaint from an individual who claimed his or her son was injured at a barber shop. The complainant said that the child's scalp became irritated and inflamed with bumps that were later diagnosed as a staph infection. The complainant claimed that the barber used unsanitary hair clippers. An inspector for the

board investigated the complaint and determined that the shop was clean and sanitary. The shop received a 100 sanitation score, and there was no evidence to support the allegations.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 260 in Boone

The board received an allegation of an individual practicing out of a residence without a shop permit. An inspector for the board investigated the complaint and determined that the individual in question no longer lived at the residence. There was no evidence of a barber shop at that residence when the inspector visited.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 270

The board received a complaint that alleged an individual was “potentially spreading covid-19 and not adhering to sanitation laws [or] state mandated shutdowns.” The board staff followed up to determine whether the allegation was that the individual was operating out of a barber shop and not following covid-19-related mandates (such as wearing a mask), which wouldn’t be within the board’s jurisdiction; or whether the individual was operating outside of a barber shop. The board staff never received a response from the complainant, and the complaint didn’t have enough information to determine where this individual was supposedly operating.

Basis for dismissal: the complaint either wasn’t within the board’s jurisdiction or lacked sufficient information for the staff to investigate.

Complaint ID 271 in Hudson

The board received a complaint about a barber providing services out of a residence, ostensibly without a barber shop permit. The complainant didn’t provide sufficient information about the location of the residence, and he didn’t respond to requests from the staff for more information.

Basis for dismissal: the complaint lacked sufficient information for an investigation.

Complaint ID 274

The board received a complaint about a barbershop operating in violation of law. However, the complaint lacked information, including the location of the barbershop, necessary for an investigation. The complainant didn’t respond to a request for additional information.

Basis for dismissal: the complaint lacked sufficient information for an investigation.

Complaint ID 292 in Hamlet

The board received a complaint about someone cutting hair at a residence in the backyard. However, the complaint didn't provide the address or other information that would allow the staff to investigate.

Basis for dismissal: the complaint lacked sufficient information for an investigation.

Complaint ID 293 in Rowan County

The board received a complaint about someone providing barber services without a barber shop permit at a yard sale (or flea market). The complaint also indicated that this individual was in barber school. An inspector for the board investigated the flea market but saw no evidence of a barber providing services.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 294 in Wilmington

The board received a complaint about an individual providing barber services, apparently without a license. The individual listed in the complaint wasn't in our database as a licensee or student, and the complaint didn't provide location information. The complainant didn't respond to the staff's request for additional information.

Basis for dismissal: the complaint lacked sufficient information for an investigation.

Complaint ID 297

The board received a complaint about an individual providing barber services out of his garage. However, the complaint didn't include any location information (not even a city). The complainant didn't respond to the staff's request for additional information.

Basis for dismissal: the complaint lacked sufficient information for an investigation.

Complaint ID 302 in Granite Falls

The board received a complaint about an individual providing services from a residence without a barber shop permit. An inspector for the board investigated the complaint but was unable to confirm the allegations.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 303 in Henderson

The board received a complaint about an individual providing services from a residence without a barber shop permit. An inspector for the board was unable to confirm the allegations in the complaint.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 313 in Fuquay Varina

The board received a complaint about an individual providing services from a residence without a barber shop permit. An inspector for the board was unable to confirm the allegations in the complaint.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 324 in Parkton

The board received a complaint about a barber providing services out of a garage. An inspector interviewed the barber, who claimed that he was only providing barber services to family members, which is allowed under G.S. § 86A-27. There wasn't any other evidence to suggest that the barber was providing services to people outside his family.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 340 in Charlotte

The board received a complaint about a barber providing services out of a residence. An inspector went to the residence on multiple occasions without seeing any evidence of barber services being provided.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 341 in Lincolnton

The board received a complaint claiming that a barber shop had a buildup of hair around electrical sockets and baseboards. However, the staff determined that the business was a cosmetology salon and referred the complaint to the Board of Cosmetic Arts Examiners.

Basis for dismissal: the complaint referred to a business that wasn't within the board's jurisdiction.

Complaint ID 346 in New Bern

The board received a complaint about an individual providing services without a barber license. However, the staff determined that the individual was a licensed barber.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 352 in Charlotte

The board received a complaint about an unclean barber shop. An inspector conducted an investigation and was unable to substantiate the allegations. The shop received a 97 sanitation score.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 353 in Burnsville

The board received a complaint from an individual who had visited two barber shops. In the first shop, a family member allegedly received a fungal infection. The complainant said that in the second shop, a barber reused a straight-razor blade on another client. The board's investigator inspected the shops, which were clean and received sanitation scores of 99 and 100. There was no evidence of reusing blades or poor disinfection practices.

Basis for dismissal: the allegations were unsubstantiated.

Complaint ID 357 in Wilmington

The board received a complaint about a barber shop where the barbers weren't wearing masks, practicing social distancing, and using proper disinfection procedures. Two of the allegations (regarding masks and social distancing) weren't within the board's jurisdiction; instead, they were in the jurisdiction of local law enforcement. The remaining allegation (about disinfection) was unsubstantiated, and the shop received a sanitation score of 100.

Basis for dismissal: the allegations were unsubstantiated or outside the board's jurisdiction.

Complaint ID 367 in Cherokee

The board received a complaint about an individual practicing without a license. The staff determined that the individual was practicing on a reservation, and thus the matter was outside the board's jurisdiction.

Basis for dismissal: the matter wasn't within the board's jurisdiction.