
Barber's Board Meeting

Monday, June 12, 2017

A meeting of the State Board of Barbers was held on Monday, June 12, 2017 on the 3rd floor conference room at the Department of Labor, Licensing and Regulation building located at 500 North Calvert Street, Baltimore, Maryland 21202.

Board Member Attendees

Mr. Phillip Mazza, *Board President, Industry Member*
Mr. Derick L. Ausby, Sr., *Industry Member*
Mr. James Dickerson, *Industry Member*
Ms. Alberta H. Fisher, *Industry Member*
Mr. Derris Gray, *Consumer Member*
Mr. Marvin T. Lee, *Industry Member*

Other Attendees

Ms. Shirley Leach, *Executive Director*
Mr. Eric London, *Assistant Attorney General*
Mr. Matthew Dudzic, *Board Administrator*

Agenda

Quorum Announced and Meeting Called to Order—Chairperson

A quorum was announced and the meeting was called to order at 10:12 AM by Mr. Phillip Mazza, Board President.

Approval of Agenda

Ms. Shirley Leach and Mr. Matthew Dudzic offered amendments to the agenda. Mr. Phillip Mazza asked for a motion to approve the amended agenda. Mr. Ausby made this motion, and the motion was seconded by Mr. Lee. The amended agenda was approved.

Introduction of New Consumer Member

Mr. Phillip Mazza, Board President, welcomed Mr. Derris Gray to the Board as a consumer member. Mr. Gray stated that he had previously worked for the Office of the Commissioner of Financial Regulation for approximately eight years, and was now employed by the Department of Defense.

Introduction of Mr. Stanton Walker

Mr. Stanton Walker introduced himself to the Board. Mr. Walker stated that he was working with Ms. Tina Hupfer and Mr. Larry Avara to develop a statewide association of industry members, and thanked the Board for taking the time to allow him to speak. Mr. Walker said that his goal was to create a coalition of barbers and cosmetologists that would work together to help the industry, from development to education.

Mr. Walker asked the Board what the status was of complaints and fines for the industry. Ms. Leach said that she did not have numerical data on hand, but that recently the Board hired eight new inspectors, which has resulted in more frequent routine inspections and quicker turnaround time on complaints.

Mr. Walker expressed concern with the new limited barber-stylist license that was in development. He asked the Board how inspectors would differentiate between a limited license and a full license, and how they would verify that a practitioner with a limited license was not performing services outside the scope of their license. Mr. Phillip Mazza, Board President, stated that the new licenses would state whether they were full or limited, just as they currently specify whether the license holder is an apprentice, barber or master barber. Mr. Eric London, Assistant Attorney General, added that the law dictated what barber-stylists would be permitted to do, and that once the license was available, the inspection staff would be trained to ensure that these laws were being followed.

Ms. Tina Hupfer asked the Board why shops that received violations were no longer being posted online. Mr. Eric London stated that this information was still available through the Maryland Public Information Act, and that if she sent a request to Ms. Shirley Leach, she could get this information. Ms. Hupfer stated that it was important to have this information publically accessible, because it would be an additional deterrent to barbershops acting outside of Maryland law. Mr. London suggested adding this as an agenda item to discuss in the future.

Mr. Larry Avara then spoke. Mr. Avara stated that he formerly sat on the Board for 12 years, and that he was finding as he reached out to other licensees that they were warmly welcoming the idea of an association. He said that their goal was to work together to become a voice in places like Annapolis, and to develop group rates for health insurance. Mr. Avara said that there were a lot of barbershops out there doing things the wrong way, and that the good shops were forced to compete with unlicensed activity.

Informal Conference—Violation Review, Amado Barbershop

An informal conference was held for Mr. Amado Gonzalez, owner of Amado Barbershop. Amado Barbershop had received violations during an inspection in February, and agreed to enter into a consent order with the Board in order to resolve the issues. As a condition of the consent order, Mr. Gonzalez agreed to appear before the Board to discuss his violations.

Mr. Marvin T. Lee asked Mr. Gonzalez what kind of training he had received in barbering. Mr. Gonzalez stated that he had previously started an apprenticeship, but his master barber had left about ten years ago, and he had never completed his training. Mr. Gonzalez stated that he was out

of the country at the time of the inspection, and his employees were not running the shop properly in his absence.

Mr. Phillip Mazza, Board President, stated that he was appalled when he saw the photographs of Mr. Gonzalez's barbershop, and he did not want to reinspect the shop and ever see it looking like that again. Mr. Lee added that a barbershop was a public place, and it was very easy to spread disease or infection from an unclean comb or brush. Mr. Mazza suggested that Mr. Gonzalez review the King Research website for suggestions on proper disinfection procedure.

Mr. Lee added that in addition to the sanitation issues at the barbershop, there were people there who were cutting hair without a license. Mr. Gonzalez stated that the barbers were from El Salvador, and that they were good barbers, and he was willing to work with the Board to get them licensed properly. Mr. Mazza stated that the Board always wanted good barbers in the industry, but that it had to be in the correct way. Ms. Shirley Leach, Executive Director, added that Maryland had provisions for licensing individuals who held licenses in other countries, and that in many instances they simply had to take a test in Maryland.

Mr. Eric London, Assistant Attorney General, thanked Mr. Gonzalez for appearing before the Board, and added that a follow-up inspection would be conducted to ensure that the shop remained in compliance.

Informal Conference—Waiver of Examination, S. Pruden

An informal conference was held for Ms. S. Pruden, who was requesting a waiver of the examination required to reinstate her master barber's license. Ms. Pruden stated that her license had been suspended due to a tax liability issue, and she was unable to get it renewed in time. She had received a renewal notice in the mail, which made her think that she was still within the five year grace period, but when she attempted to renew she was told she would have to retake her exams.

Mr. Eric London, Assistant Attorney General, reviewed the law and stated that the law was very clear that after five years, examinations were required to reinstate a license. A review of Ms. Pruden's license history showed that her license was last renewed in 2007, and expired in 2009, making it well outside of the five year period.

Ms. Pruden stated that she had been working for more than 40 years, and that she was retired and disabled, and asked if the Board could make an exception. Mr. London explained that the Board had flexibility in some areas, but that the testing requirement for the reinstatement of a barber's license was written into Maryland's statutes, and the Board was not permitted to grant any exceptions in this case. Mr. Phillip Mazza, Board President, expressed his sympathy with Ms. Pruden's situation, but said that the Board had no room to act in this case.

Informal Conferences—Conduct Review, J. Dowell and T. Bessie

Mr. Phillip Mazza, Board President, asked for a motion to enter into executive session per §3-305(b)(2). Mr. Marvin T. Lee made this motion, and Mr. Ausby seconded it. The motion was

approved, and the Board entered into executive session at 11:07 AM. The Board came out of executive session at 11:32 AM.

Mr. Mazza summarized what took place during the executive session. He stated that the Board heard testimony from two individuals, Mr. J. Dowell and Mr. T. Bessie, who were applying for their licenses. Due to the nature of their answer to some of the questions on their application, the Board wanted to interview them personally. After interviewing each applicant, the Board voted unanimously to approve both licenses.

New Business

Inspection Report

Ms. Shirley Leach, Executive Director, informed the Board that the new inspectors were all performing regular inspections, and that turnaround time on complaints and routine inspections had gone down considerably. She added that there had already been two training sessions with the new inspectors, and that a staff meeting was coming up in late June.

Mr. Phillip Mazza, Board President, stated that it was evident from the violation reviews that the inspectors had really stepped up their game and were doing a fantastic job.

Legislative Update—House Bill 250

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 250, which dealt with special funding for the State Board. Ms. Leach informed the Board that the bill passed, and as of October 2018, they would officially be specially funded. She said that this would mean the Board would have the ability to hire more inspectors and pay for things that the Board had been missing.

Mr. Marvin T. Lee inquired about potential stipends for Board members. He added that in the law, if the budget permitted, Board members could receive a stipend. Ms. Leach said that she had no information on potential stipends, but that starting in October of 2018 the Board would be able to better assess this issue.

Mr. Phillip Mazza, Board President, congratulated the Board on House Bill 250 and added that he was pleased that the Administration was willing to support the Board.

Legislative Update—House Bill 1261

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 1261, which would remove criminal penalties for licensing violations in barbershops. Ms. Leach advised the Board that the bill passed, and every instance where criminal penalties were referenced were being removed. Mr. Eric London, Assistant Attorney General, added that the Board would have to review its regulations and amend them accordingly.

Complaint Committee Assignment for September Meeting & Complaint Committee Review



Mr. Phillip Mazza, Board President, reminded the Board that during the March meeting, it was decided that there would be a two-person committee to review complaints and violations involving one permanent member and one rotating member. Mr. Mazza explained that he reviewed these violations with Mr. Derick L Ausby, Sr. this meeting, and that the rotating member for the September meeting would be Mr. Derris Gray.

Ms. Shirley Leach, Executive Director, proposed setting up an electronic portal so that the complaint committee could review these violations in between meetings. She said that a Google Drive could be set up with access given to the members of the complaint committee and the board's counsel, allowing them to review violations as they occurred rather than waiting three months for the next meeting.

Mr. Marvin T. Lee said that this sounded like an excellent proposal, and would streamline the review process while also keeping a record of everything. The Board agreed to begin having the complaint committee review complaints electronically.

Review of Barber School

Ms. Shirley Leach, Executive Director, advised the Board that the Paul Mitchell School was adding a barber curriculum. However, they did not provide the curriculum to the Board in time for the meeting. Ms. Leach asked how the Board wanted to handle this review. The Board stated that they all wished to review this curriculum.

Mr. Eric London, Assistant Attorney General, expressed concern that discussing this curriculum outside of a meeting could constitute conducting business outside of the public sphere. He recommended that Ms. Leach send out the curriculum to each Board member electronically, with instructions to not communicate with each other but only to respond individually with a yes or no. If Ms. Leach received four yes responses, the curriculum would be approved; otherwise, it would go to the September Board meeting for further review. Mr. Phillip Mazza, Board President, added that he would like to designate a maximum time frame of one week to review the curriculum and respond.

September Meeting Date

Ms. Shirley Leach, Executive Director, informed the Board that they were scheduled to meet next on Monday, September 11. Mr. Eric London, Assistant Attorney General, added for the record that during the September meeting, they would be voting on the final approval of the barber-stylist apprentice regulations that they discussed at their last meeting.

Old Business

Report on King Research Training

Mr. Phillip Mazza, Board President, informed the Board that Ms. Leslie Roste, RN, came in on behalf of King Research in April to perform a presentation on sanitation and disinfection procedures. Mr. Mazza said that the training was very informative, and wanted to discuss how it would benefit them from a regulatory standpoint.

Ms. Shirley Leach, Executive Director, added that Ms. Roste gave a fantastic presentation on proper sterilization practices, and that the inspectors were also present for the meeting. She said that Ms. Roste also looked at Maryland's rules and regulations, and provided some insight as to where our rules were unclear or could be improved. Ms. Leach said that Ms. Roste was planning to appear at a Board of Cosmetologists meeting to assist them in tightening up their existing regulations, and offered an invitation to the Board to attend this meeting as well.

Mr. Mazza said that one of the biggest discrepancies across the nation in barbershops and hair salons was in regard to what procedures were used. He added that Ms. Roste was a Registered Nurse with a background in infection control, and that she has traveled across the country and worked with many different State Boards. He said that regulatory review was not an easy process, and that he believed it would be a great boon to the Board to have her assist with this. He encouraged members of the Board to attend this meeting.

Ms. Alberta Fisher asked if, between all the new information we were receiving and the new inspectors we had hired, the Board ever intended to begin inspecting schools in addition to barbershops. Ms. Leach explained that inspectors went to wherever they received a complaint, including schools, although they could only look into sanitation issues at schools. However, she said that the schools were not currently receiving routine inspections. Mr. Mazza added that when there was a lack of inspectors, schools were not a priority and were therefore removed from the rotation for routine inspections. He said that as our compliment of inspectors increased, we could consider reintroducing routine sanitation inspections for schools.

Mobile Barbershop Regulations

Ms. Shirley Leach, Executive Director, informed the Board that at their last meeting, the Board of Cosmetologists established a small committee to develop the regulations for mobile salons. She said that the Board of Barbers would also need to develop a committee, and recommended that the Board's committee work alongside the committee established by the Board of Cosmetologists. Mr. Eric London, Assistant Attorney General, added that it would be ideal to work alongside the Cosmetologist's committee, which consisted of Mr. Charles Riser and Mr. Bob Zupko, the latter of whom was in attendance.

Mr. Bob Zupko addressed the Board, stating that he was the owner of Robert Andrews Salon and a member of the Board of Cosmetologists. He expressed an eagerness to work with the Board to develop the regulations for mobile salons and barbershops, saying that he believed this could be accomplished quickly and thoroughly by working together. Mr. Zupko added that the law approving mobile salons had passed some time ago, but with no regulations in place, they had no way to enforce it.

Mr. Derick L. Ausby, Sr., Mr. Derris Gray and Mr. Marvin T. Lee volunteered to be on the mobile barbershop committee.

Public Comment

Dave Martin

Mr. Dave Martin explained to the Board that he had previously been an apprentice in 2007, but his master barber's license had been expired midway through his training, and he was unable to complete his apprenticeship. He asked the Board for information regarding a restart of his apprenticeship. Mr. James Dickerson explained to Mr. Martin that if he had never previously renewed his apprentice permit, he was allowed one renewal without needing to restart.

Ms. Shirley Leach, Executive Director, offered to look Mr. Martin up and walk him through the renewal process. Mr. Eric London, Assistant Attorney General, recommended that Mr. Martin attend an apprentice orientation class with his new master barber. Mr. London added that it was not Mr. Martin's fault that his master barber was suspended, but that it was important to choose a reliable master barber and to understand the process involved with being an apprentice.

Mr. Phillip Mazza, Board President, reminded Mr. Martin that he must not work in a barbershop until he receives his renewed apprentice permit.

Shannon Rice

Ms. Shannon Rice introduced herself to the Board and stated that she was excited to learn how the Board operated. Ms. Rice explained that she was licensed both as a senior cosmetologist and a master barber, and that she currently worked to help people prepare to take their State Board examinations. Prior to this job, she worked as a teacher's aide at the Bladensburg Barber School, and before that, at Empire Beauty School.

Ms. Rice discussed the failure rate among students of barbering and cosmetology schools. Mr. Bob Zupko added that he had hired several shampoo technicians who had gone through schooling and were unable to pass their exams, and that some had even considered becoming licensed in Virginia, where the examinations were supposedly easier, and becoming licensed in Maryland through reciprocity. Mr. Phillip Mazza, Board President, explained that they periodically received statistics from their testing vendor, PSI. He said that the Board would monitor the failure rates and address that issue if it came up.

Brian White, International Barber's Association

Mr. Brian White thanked the Board for allowing him to speak. Mr. White explained that he was working with the International Barber's Association, and he received a tremendous amount of concern in the community regarding unlicensed practitioners. Mr. White had been advising individuals to file complaints about unlicensed activity, but had been informed that in most cases, either nothing happened or unlicensed barbers would receive a slap on the wrist. Mr. White expressed concern because, as licensed professionals who were interested in upholding a standard, he felt that their organization had no leg to stand on when the law was not being enforced.

Mr. Derick L. Ausby, Sr. explained that while it may seem like little is happening, the Board was responding to every single violation. Mr. Ausby went on to say that just this morning, he sat on the complaint committee and reviewed a whole stack of violations, and levied fines over almost every single one of them. He also added that the majority of these were routine inspections, because routine inspections were occurring with far greater frequency than they did in the past, and the Board was responding as well as they could while working within Maryland's laws and regulations.



Mr. Phillip Mazza, Board President, also assured Mr. White that the Board was moving in the proper direction. Mr. Mazza explained that they were now up to ten inspectors, who were covering as many shops as they could. He explained that under the guidelines of fines that the Board was able to give, almost every single violation resulted in a fine, and that in the next fiscal year they would have even more money for inspectors, so this would only continue to improve. He said that these changes did not happen overnight, but that he was happy to have people with Mr. White's integrity to help the Board move in the correct direction.

Mr. White also stated that he had people who had taken the exam several times, and simply were unable to pass. He said that the chemical, bacteriology and biology portions on the examination in particular gave people trouble. Mr. White said that he ran a weekly State Board Review, where he read through the Milady's textbook live on Facebook with explanations as to how it pertained to the examination, but that many people he spoke with had reading comprehension or anxiety issues that prevented them from passing the examination. Mr. Mazza suggested that, when the limited barber-stylist license was available, it might be a better alternative for those applicants who were not planning on offering chemical services, as the testing curriculum for this license did not have a chemical portion. Ms. Alberta Fisher thanked Mr. White for taking the time to work with these people, and that it was very important for these individuals to know that there was someone who cared about them.

Ms. Leach asked for more information regarding Mr. White's organization. Mr. White explained that the International Barber's Association identified barbers who were operating at a high standard, and provided a spotlight so that people could see what it looked like to be a barber at the height of their field. They would trumpet their accolades on social media, go to conventions and expos and more. Mr. White added that they were not looking at celebrity barbers, but rather at a core group of barbers that were ardent professionals.

Mr. Mazza thanked Mr. White for all that his organization did.

Approval of March 13, 2017 Minutes

The minutes for the March 13, 2017 minutes were reviewed by the Board. Mr. Phillip Mazza, Board President, requested a motion to approve these minutes. A motion was made by Mr. Lee to approve the minutes, and seconded by Mr. Ausby. The motion was approved.

Adjournment

There being no further business to discuss or to present before the Board, Mr. Phillip Mazza asked for a motion to adjourn the meeting. Mr. Ausby made this motion, and it was seconded by Mr. Dickerson. The motion passed, and the meeting was adjourned at 12:50 PM.