
Barber's Board Meeting

Monday, December 11, 2017

A meeting of the State Board of Barbers was held on Monday, December 11, 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. Derick L. Ausby, Sr., *Industry Member*
Mr. Andrew Campbell III, *Industry Member*
Mr. James Dickerson, *Industry Member*
Ms. Alberta H. Fisher, *Industry Member*
Mr. Phillip Mazza, *Board President, Industry Member*

Other Attendees

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

Not Present

Mr. Derris Gray, *Consumer Member*

Agenda

Quorum Announced and Meeting Called to Order—Chairperson

A quorum was announced and the meeting was called to order at 10:15 AM by Mr. Phillip Mazza, Board President.

Approval of Agenda

Mr. Phillip Mazza asked for a motion to approve the agenda. Mr. James Dickerson made this motion, and it was seconded by Mr. Derick L. Ausby, Sr. The agenda was approved.

Informal Conferences

Apprentice Restart—A. Davis



Mr. Alan Davis appeared before the Board to request a restart of his barber's apprentice permit. Mr. Davis originally held an apprentice permit in 1990, but did not submit any training hours. Mr. Davis explained that when he first began the apprenticeship program, he had trouble building up his clientele and was not making enough money to support himself. He ended up accepting another full time job, which prevented him from working the 30 hours per week required.

Mr. Derick L. Ausby, Sr. asked Mr. Davis what changed that would permit him to complete his apprenticeship now. Mr. Davis explained that he had a lot of family support now, and believed that he was in a position to complete his apprenticeship moving forward. Mr. Phillip Mazza, Board President, explained that if this restart was approved, a condition of the restart would be that Mr. Davis would need to attend an orientation with his master barber, which would go over important information such as how to properly submit hours.

Mr. Ausby made a motion to offer Mr. Davis a final restart of his apprenticeship permit, contingent upon both Mr. Davis and his sponsor attending the sponsorship orientation. Ms. Alberta Fisher seconded this motion, and the motion passed unanimously.

Apprentice Restart—M. Starks

Mr. Michael Starks appeared before the Board to request a restart of his barber's apprentice permit. Mr. Starks originally held an apprentice permit in 2004, but did not submit any training hours. Mr. Starks explained that during his initial apprenticeship he was experiencing several family issues that prevented him from submitting his training documents. He renewed his permit in 2013, but he stopped his training early to take care of his mother and was unable to complete his training.

Mr. James Dickerson made a motion to offer Mr. Starks a final restart of his apprenticeship permit, contingent upon both Mr. Starks and his sponsor attending the sponsorship orientation. Ms. Alberta Fisher seconded the motion, and the motion passed unanimously.

License Review—H. Perry

Mr. Horace Perry appeared before the Board requesting approval to take his examinations and become licensed. He originally held an apprentice permit and completed his training, but did not take his examination. His permit was subsequently flagged for fraudulent activity.

Mr. Phillip Mazza, Board President, reviewed the case. He explained that the Board had been provided with a copy of a fraudulent license stating that Mr. Perry was a barber. Later, the Board received communication from Mr. Perry and his wife attempting to renew his barber's license, which did not exist.

Mr. Perry said that he wanted to accept responsibility for his actions. He explained that after completing his training he began doing IT work, and never went to take his examination. He subsequently became aware of a job opportunity as a barber at MGM National Harbor, but he did not have time to sit for his exams and become fully licensed, so he modified his apprentice permit to state that he was a barber and to have a current expiration date. Mr. Perry said that he had been hoping to have time to become licensed properly before they researched his license, but they

reported him to the Board. He had not explained to his wife what he had done. Later, thinking that his barber license had merely expired, his wife attempted to renew the license.

Mr. Perry apologized to the Board for attempting to work under fraudulent circumstances, and added that he was ready to do things the right way. Mr. Derick L. Ausby, Sr. thanked Mr. Perry for his honesty, and added that he was in favor of allowing Mr. Perry to sit for his examinations. Mr. James Dickerson agreed.

Mr. Mazza stated that creating a fraudulent license was an extremely serious offense, and that while he appreciated Mr. Perry's forthcomingness, he was ultimately only before the Board because he had been caught. While he believed in providing second chances, he was hesitant to allow Mr. Perry to obtain his license without any consequences.

Mr. Eric London, Assistant Attorney General, explained that the Board could offer a consent order to Mr. Perry that included paying a fine and abstaining from any additional fraudulent or unlicensed activity. Mr. Perry said that he understood the concern and would agree to whatever terms the Board set.

Mr. Ausby made a motion to allow Mr. Perry to sit for his examination, contingent upon Mr. Perry entering into a consent order with the Board where he agrees to pay a fine and abstain from all unlicensed activity. Ms. Alberta Fisher seconded the motion, and the motion passed.

Mr. Perry thanked the Board for offering him a second chance.

New Business

Complaint Committee Assignment

Ms. Alberta Fisher volunteered to sit on the complaint committee for the March meeting.

Private School Outreach

Mr. Phillip Mazza, Board President, explained that he recently had the opportunity to visit several barbering schools with Ms. Erica Lewis. At these visits, they discussed general industry changes, the new barber-stylist license and changes to the apprenticeship program. Ms. Lewis said that it was a great opportunity, and she was able to speak with several school owners regarding concerns they had with student pass rates.

Barber-Stylist License Bridge Curriculum

Mr. Phillip Mazza, Board President, explained that Mr. Andrew Campbell was working on a bridge curriculum, but he was arriving late and was not present to discuss it. The Board discussed how to properly accommodate licensees who wished to switch from a barber program to a barber-stylist program mid-training.

Ms. Shirley Leach, Executive Director, recommended adding the bridge curriculum to the March meeting agenda so that it could be discussed in full when Mr. Campbell was present.

Occupational Licensing Consortium Update

Ms. Shirley Leach, Executive Director, explained that Maryland was recently invited to participate in an occupational licensing consortium aimed at removing barriers to licensing. The consortium consisted of 11 states, and they discussed how to make licensing easier for immigrants, military families and individuals returning from the prison system. Some of the discussion involved standardizing licensing requirements so that military families who moved from state to state could easily obtain a license.

She added that the first meeting, which took place in Arizona, was mostly about gathering information, discussing available resources and talking about the next steps. She said that next there would be individual state meetings to determine the best way to move forward.

Mr. Phillip Mazza, Board President, thanked Ms. Leach for the information. He said that this was not specific to barbers and cosmetologists, but was part of a nationwide movement involving a large number of regulatory boards. He added that he had referenced this movement following the National Association of Barber Boards of America meeting he attended in 2016. He said that the goal was generally not to deregulate the industry (though there were some organizations such as the Institute of Justice who did want to do so), but rather to make licensing more consistent and to remove barriers. He added that the inconsistencies in licensing requirements between states were a major concern, and that they prevented trained and talented individuals from working when they moved from one state to another.

Ms. Leach said that she would provide the Board with further updates as the discussions progressed. Mr. Mazza thanked Ms. Leach for the information.

Old Business

Inspection Report

Ms. Erica Lewis, Deputy Executive Director, informed the Board that she was continuing to act as the licensing and inspections supervisor until the position was filled. She explained that the Board still employed a full-time inspector who performed approximately 21 inspections per week, as well as four other inspectors. She added that as this was a slow time of year with fewer new shops, the inspectors were focusing on complaints and routine inspections.

Ms. Alberta Fisher asked if there was any way the Board could get access to the funding necessary to increase the number of inspectors. Ms. Lewis explained that in the future the Board would be special funded, which would provide them with more control over their budget, but that did not go into effect until July of 2018. Mr. Phillip Mazza, Board President, added that special funding was a huge boon for the Board and was something they had been fighting for for quite some time.

Mobile Barbershop Regulations



Ms. Shirley Leach, Executive Director, informed the Board that the Board of Cosmetologists was in the process of working on mobile salon regulations. She suggested that rather than draft mobile barbershop regulations independently, the Board consider porting the mobile salon regulations over and making tweaks as needed. She said that if the Board did not have anything soon, she would write something up and present it to the Board at their next meeting. Mr. Andrew Campbell offered his assistance with this endeavor.

Public Comment

Shannon Rice

Ms. Shannon Rice said that she was working with someone who was interested in becoming a barber-stylist, but who also wanted to become a master barber down the road. She wanted to know if this would be possible. Mr. Phillip Mazza explained that only full barbers would qualify for the master barber license.

Ms. Rice also asked the Board whether an individual who owed taxes to the state of Maryland would be allowed to receive their barber license. Mr. Mazza said that the Comptroller's office had the ability to place a flag on occupational licenses, which would prevent the license from being released. He suggested that Ms. Rice reach out to their office.

Junior Hogg

Mr. Junior Hogg said that he was licensed both as a senior cosmetologist and as a barber. He had recently received his senior cosmetologist license and was interested in becoming a master barber as well, but wanted to know if he still needed to wait a year and take another exam or if his senior cosmetologist test qualified him. Mr. Phillip Mazza, Board President, said that Mr. Hogg would still need to hold his barber's license for a minimum of 15 months and pass an additional examination in order to receive his master barber license.

Mr. Hogg also asked how he might become an inspector, and how inspectors were compensated. Ms. Shirley Leach explained that inspectors were compensated on a per diem basis plus mileage, and that currently they had an opening in southern Maryland and the Eastern Shore. She added that Mr. Hogg would have to shelve his licenses if he became an inspector.

Rodney Bates

Mr. Rodney Bates introduced himself. He said that he was a master barber and was working with a nonprofit called the Helping Up Mission, which was a live-in recovery program with approximately 500 individuals focusing on issues of poverty, addiction and homelessness. Mr. Bates said that they had a space where they performed haircuts in the building, and he wanted to know what was necessary to use that space to train individuals to become licensed.



Mr. Phillip Mazza, Board President, explained that if the shop was licensed through the Board, then a master barber working out of there could take on apprentices. He added that he assumed the shop was not currently licensed as a barbershop, as they were a nonprofit and were not charging for services, but that they would have to become licensed in order to qualify to have apprentices. He said that if they were interested in becoming a full school, they would have to go through the Maryland Higher Education Commission.

Mr. Mazza thanked Mr. Bates for the important work he was doing.

Eric Matthews

Mr. Eric Matthews said that he was concerned with the state of the industry, and that many barbers and cosmetologists needed to take on second jobs to make ends meet. He said that he has been a barber since 1989, but he had to take on seasonal jobs at UPS just to make ends meet. He said that it was especially difficult when competing with unlicensed workers. He said that at his previous barbershop there were fourteen chairs, and only two other barbers there were licensed, and yet no inspector ever came to shut them down.

Ms. Alberta Fisher asked Mr. Matthews if he had ever filed a complaint with the Board. She added that individuals like Mr. Matthews were the eyes and ears for the Board, and that if the public and the licensed barbers did not report unlicensed activity, they would not be able to properly address it. Mr. Matthews said that he was not aware that he could report unlicensed activity, but that competing with individuals like the gentleman who appeared earlier in the meeting who had attempted to work under a fraudulent license was not fair for licensed barbers.

Mr. Phillip Mazza, Board President, added that employers had to hold some responsibility as well. He said that in the case of Mr. Perry, the Board became aware of the issue and was able to penalize Mr. Perry because his potential employer reported him. He said that if more barbershop owners reported unlicensed workers and refused to hire them, there would be far less of an issue. Mr. Mazza also explained that historically the Board was underfunded, which prevented them from hiring enough inspectors to cover the state of Maryland, and so they had to focus their efforts on new barbershops and complaints. He said that while this would change once the Board became special funded, this was why it was so vital that individuals such as Mr. Matthews report any unlicensed activity that they observe.

Ms. Erica Lewis, Deputy Executive Director, added that the Board had to operate within the confines of Maryland's laws and regulations. She recommended that Mr. Matthews reach out to his local delegate if he wanted to see the Board receive more authority in enforcement. Mr. Matthews said that he had already approached his delegate, but nothing had happened. Ms. Lewis suggested that Mr. Matthews keep copies of any correspondence, and if no changes were implemented that he bring other barbers and go to Annapolis with his concerns.

Mr. Derick L. Ausby, Sr. added that while it was important to penalize individuals when they violated Maryland's regulations, the priority of the Board was to see them become licensed the correct way. He said that people were not going to stop cutting hair even if the Board revoked their licenses altogether, and that becoming too harsh with enforcement would just drive barbers underground and encourage more basement barbershops. He said that proper enforcement was a delicate



balancing act, and that their goal was not to run anyone out of business, but instead to bring more people on.

Mr. Matthews asked why so many of the public high schools had eliminated their barbering programs. Ms. Shirley Leach, Executive Director, said that the Board did not have any say in what schools offered barbering programs, and that this was determined by the State Department of Education and the local county school boards.

Mr. Mazza thanked Mr. Matthews for stepping in and voicing his concerns.

Approval of September 11, 2017 Minutes

The minutes for the September 11, 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. James Dickerson to approve the minutes, and was seconded by Mr. Andrew Campbell. The motion passed.

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. James Dickerson made this motion, and it was seconded by Mr. Andrew Campbell. The motion passed, and the meeting was adjourned at 11:52 AM.

APPROVED BY: _____ ON MARCH 12, 2018.