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# Barber's Board Meeting

Monday, June 11, 2018

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A meeting of the State Board of Barbers was held on Monday, June 11, 2018 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. Derris Gray, *Consumer Member*  
Mr. Phillip Mazza, *Board President, Industry Member*

## Other Attendees

Ms. Erica Lewis, *Acting 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 10:11 AM by Mr. Phillip Mazza, Board President.

### Approval of Agenda

Ms. Erica Lewis, Acting Executive Director, and Mr. Eric London, Assistant Attorney general, offered amendments to the agenda. Mr. Phillip Mazza asked for a motion to approve the agenda as amended. Mr. Derick L. Ausby, Sr. made this motion, and it was seconded by Mr. James Dickerson. The amended agenda was approved.

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## Approval of March 12, 2018 Minutes

The minutes for the March 12, 2017 minutes were reviewed by the Board. Mr. Phillip Mazza offered an amendment to the minutes. Mr. Derick L. Ausby, Sr. motioned to approve the March 12, 2018 minutes as amended, and Ms. Alberta Fisher seconded this motion. The motion passed.

## New Business

### Retirement of Executive Director Shirley Leach

Ms. Erica Lewis, Acting Executive Director, informed the Board that as of May, Ms. Shirley Leach had officially retired. Ms. Lewis thanked Ms. Leach for her years of service with the state of Maryland, and said that she was an excellent mentor who had taught her much. She added that the Board of Barbers had grown significantly thanks to her oversight. Ms. Lewis stated that as of this time, she had stepped into the role of Acting Executive Director, and that any questions and concerns could go through her.

### Violation Review

Ms. Erica Lewis, Acting Executive Director, explained that after sitting in at other Boards during their meetings, she had found that many of them summarized the results of the complaint committee's review before the Board. She said that she had begun adopting this review with the Board of Cosmetologists, and wanted to begin doing so with the Board of Barbers as well.

Mr. Matthew Dudzic, Board Administrator, presented the Board with a summary of the cases reviewed by the complaint committee:

A barbershop in Baltimore County had been inspected as a result of an ongoing consent order, and was found to have unlicensed personnel employed at the shop. The committee recommended a reinspection of the barbershop and a new consent order drafted to include the more recent violations and an addition civil penalty of \$300, to be sent by both certified mail and hand delivery.

A barbershop in Baltimore City was found to have an apprentice barber with an expired permit and without a sponsor present performing barbering services. Further research revealed that the apprentice in question had completed his training, but had never taken his examinations. The committee agreed to send a letter of warning to the apprentice, instructing him that he cannot work until he passes his exams and becomes fully licensed, and to offer a consent order to the barbershop with a civil penalty of \$300.

A barbershop in Baltimore County was found to be operating with unlicensed personnel. The committee agreed to offer a consent order with a civil penalty of \$300 and a reinspection.

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A barbershop in Baltimore County was listed as open for business without a barbershop permit issued by the Board. The owner of the barbershop stated that he was in the process of applying for his permit but was still awaiting paperwork from the zoning board. The Board agreed to send a letter to the owner of the barbershop informing him that he could not open for business until he applied for his permit and received an authorization letter from the Board.

## Complaint Committee Assignment

Mr. Derick L. Ausby, Sr. volunteered to sit on the complaint committee for the June meeting with Mr. Phillip Mazza.

## Work Experience Requirement for Reciprocal Licenses

Ms. Erica Lewis, Acting Executive Director, explained to the Board that they currently required all barbers licensed from other states to provide proof of two years of work experience in order to become licensed by endorsement in Maryland. She stated that there were many applicants who were unable to qualify for licenses because of this requirement, either because they were unable to find work in their home state or because they had moved before they had held their license for two years. She said that she currently was speaking with a young woman whose husband had just recently received his license in New Jersey, but they were in the process of transitioning to Maryland. Because he did not meet the two year work experience requirement to become licensed by endorsement, he was forced to re-do his training and seek an apprenticeship program in Maryland, despite having already completed equivalent training in New Jersey. Ms. Lewis went on to say that it was important for the Board to periodically review their statutes and regulations, and to discuss whether they were creating an unnecessary barrier to licensure.

Mr. Derick L. Ausby, Sr. asked if there were any exceptions allowed to this requirement. Mr. Eric London, Assistant Attorney General, stated that Maryland had an exemption for military personnel or their spouses, but that was it. Ms. Lewis clarified that the military exemption did not remove the two year work experience requirement, but merely expedited the process of transferring a license. She went on to say that individuals who attended school in another state could provide their transcripts and sit for their examinations here, but in most cases they already would have taken similar exams in their home state.

Mr. London said that because this requirement existed in statutes rather than regulations, it was not something that the Board could change directly. He said that if it was something they were interested in changing, they would need to bring a proposal to the Commissioner's office.

Mr. Ausby said that he would be interested in seeing the Board hold some flexibility and potentially treat these issues on a case by case basis. He added that if a barber had to move to Maryland because of family reasons, it did not seem fair to make them wait to receive their license. Mr. Phillip Mazza, Board President, said that because this was a part of Maryland's statutes, the Board absolutely had no flexibility in hearing these cases, and that they had to work within the confines of Maryland's laws.



Ms. Alberta Fisher asked why we were putting up roadblocks and making it harder for individuals to obtain their licenses. She said that as long as someone attended school for an equivalent number of hours and passed similar exams, she did not understand why we shouldn't approve their license. She added that most states based their curriculum off of the Milady's books just like Maryland, so she did not expect any significant variation in training. Mr. Mazza agreed, and said that the consortium that Ms. Lewis had mentioned was aiming to remove those very roadblocks.

Mr. Derris Gray asked if other states had similar legislation, and if it was possible for the Board to adopt statutes from other states. Mr. London said that while the Board could recommend sponsored legislation, only a legislator could bring such legislation forward. He said that this particular legislation was more than 19 years old, and it was entirely reasonable for the Board to shift their position on the issue, but that if this was the case they needed to instruct Ms. Lewis to inform the Commissioner's office that the Board recommended removing this language from Business Occupations and Professions Code 4-306.

Mr. Mazza said that the removal of barriers to licensing was an important ongoing national conversation, and that it was good to be proactive in cases like this. He said that many of the laws on the books seemed designed to make things harder for potential licensees, not easier. Mr. Mazza asked for a motion to instruct the Acting Executive Director to communicate to Commissioner Wilkins that the Board was in favor of amending the Maryland Business Occupations and Professions Code 4-306(B)(3) to remove the work experience requirement. Ms. Fisher made this motion, and Mr. Ausby seconded it. The motion passed unanimously.

## Sunset Review

Ms. Erica Lewis, Acting Executive Director, informed the Board that the Board of Barbers and Board of Cosmetologists had been selected for a sunset review. She said that this was her first time experiencing such a review, and while she was confident that the Board would be fine, she might be reaching out to the Board President and various Board members during the process. She said that at the moment she was reviewing the website to ensure that it was up to date, and setting up manuals to streamline procedures. She said that she would keep the Board abreast of any developments.

Mr. Phillip Mazza, Board President, said that he had been present for several such reviews. He said that during the last review, one of the biggest issues was the apprenticeship program and its low rate of success. One of the results of that review was the development of the apprentice and sponsor orientation. He said that he was sure they would be looking closely at apprenticeship to see if the orientation produced the desired changes.

Mr. Mazza thanked Ms. Lewis for informing the Board about this review, and offered his assistance with of the process.

## Old Business

### Inspection Report



Ms. Erica Lewis, Acting Executive Director, said that she was pleased to announce that the Board had hired a licensing supervisor, who was set to begin on June 20. She said that the new supervisor, Ms. Michelle Macer, had over 15 years of inspection experience, including some previous time working as an inspector for the Board. Ms. Lewis said that in the meantime inspections were still continuing on a daily basis, with new shops as the first priority, and complaints as the second priority. She also added that the Board would be specially funded as of July, so they would possibly be looking into hiring new inspectors then.

Mr. Phillip Mazza, Board President, asked how many inspectors Ms. Lewis envisioned hiring. Ms. Lewis said that she would discuss that with the new licensing supervisor, but that at the moment her goal was to increase staff to ten active inspectors, including the licensing supervisor.

Mr. Derick L. Ausby, Sr. asked if the Board would be looking into hiring more inspectors from the more distant parts of Maryland such as the eastern shore. He said that in his ten years on the Board, it seemed that the majority of violations he reviewed were from either the Baltimore area or the Prince George's County area, and he questioned whether that might be due to a lack of inspectors in other areas. Ms. Lewis said that they were looking to hire inspectors in areas like southern Maryland and the eastern shore, but that there was also a much greater concentration of barbershops in the areas Mr. Ausby had referenced.

Mr. Mazza asked if the Board had been provided with a new budget for inspections now that they were less than a month away from becoming specially funded. Ms. Lewis explained that she did not yet have a budget, but that she was scheduled to have a meeting regarding this question on June 25, and would possibly have more information after that. Mr. Mazza said that he would be interested in knowing both what their budget was from the current fiscal year and what their budget became after special funding went active, so that the Board could see how much was changing.

## Review of Limited Practice Barber-Stylist Bridge Curriculum

Mr. Andrew Campbell III summarized the 300 hour bridge curriculum he had developed to allow limited practice barber-stylists to transition to full barbers. Mr. Campbell stated that it was mostly a straightforward replacement of hours, with only a couple of small adjustments in the chemistry and microbiology portions of the curriculum required.

Ms. Alberta Fisher asked if individuals who were licensed as barber-stylists would need to re-take their examinations after completing bridge curriculum to become full barbers. Mr. Phillip Mazza, Board President, said that they would still need to complete the standard barbering examinations.

Ms. Erica Lewis, Acting Executive Director, requested that Mr. Campbell email her with the curriculum so that she could distribute it to the Board via email. Mr. Campbell said that he would send it to her that afternoon.

Mr. Mazza thanked Mr. Campbell for his work on the curriculum.

## Mobile Barbershop Regulations



Ms. Erica Lewis, Acting Executive Director, reminded the Board that at their last meeting, they had discussed reviewing the regulations developed by the Board of Cosmetologists regarding mobile salons and vote on adopting similar regulations for mobile barbershops. She said that she had sent these regulations out in April, and wanted to ratify the email vote and get the regulations into the Maryland Register in time to vote on this by September.

Mr. Derris Gray expressed concern that the emailed regulations were not the same as the regulations they were currently looking at. He said that he had voted no during the email vote, but would need more time to review the proposed regulations in order to properly vote on these regulations. Ms. Lewis said that she would pull her email to ensure that the language was the same, but that he could read the proposed regulations now if he wanted to bring up any concerns.

Mr. Phillip Mazza, Board President, asked for a motion to approve the addition of COMAR 09.16.02.04(E). Mr. Andrew Campbell III made this motion, and Mr. James Dickerson seconded it. Mr. Derick L. Ausby, Sr., Mr. Andrew Campbell and Mr. James Dickerson voted in favor of the motion, while Ms. Alberta Fisher and Mr. Derris Gray opposed. The motion passed.

Mr. Mazza added that these regulations were a joint effort between their board and the Board of Cosmetologists, as well as administrative staff and counsel. He said that effort had been made to make the regulations as universal as possible, and that while the Board of Cosmetologists and the Board of Barbers were separate, they served many of the same customers. He felt that it could be a disservice to the consumers and licensees to have drastically different regulations.

Mr. Gray said that he understood these concerns, and had no issue with universal language, but that he felt that the development of the regulations was rushed and did not give sufficient time for input from their Board, which is why he opposed this. Ms. Lewis said that she understood his concerns, and would strive for better communication in the future, but that after nine months without any communication from the Board, she took the lead on developing language in an effort to move the process forward. She said that unfortunately much of this process took place during Ms. Shirley Leach's leave of absence and retirement, but that as Acting Executive Director she would make an effort to make these processes smoother in the future.

Mr. Ausby asked if any water would be required in mobile barbershops other than the restrooms. Mr. Eric London, Board Counsel, stated that they would be required to meet the sanitation requirements of barbershops, the very first of which was hot and cold running water.

### Amended Language for COMAR 09.16.01.08

Mr. Eric London, Board Counsel, explained that at their previous meeting, they had voted on amendments to COMAR 09.16.01.08 to incorporate language that reflected that the Board was now special funded. After submitting those amendments to legal review, there were concerns that there was not enough specificity in the approved language, and Mr. London has subsequently prepared new proposed amendments that were streamlined and made more clear for consumers and licensees.

Mr. Phillip Mazza, Board President, clarified that none of the fees were changing, and that the only difference between these amendments and the ones that had been approved in March was that some of the language had been cleaned up.

Mr. James Dickerson made a motion to approve the amendments to COMAR 09.16.01.08, and Mr. Derick L. Ausby, Sr. seconded this motion. The motion passed unanimously.

### Examination Review of Mr. J. Sanchez

Ms. Erica Lewis, Acting Executive Director, explained that Mr. Javier Sanchez had previously appeared before the Board to request another chance to take his master barber examination following an alleged cheating incident. At the last Board meeting, the Board agreed to table the issue until they could review the information provided by PSI Exams. She explained that since the last meeting, she had been provided with this information. She said that according to the video she reviewed, Mr. Sanchez took out a USB pen with a camera attachment midway through his exam. Within seconds of him bringing out the device, the exam was stopped by the proctor and the video ended.

Mr. Derris Gray asked why Mr. Sanchez came to us prior to us receiving the information from PSI. Ms. Lewis explained that PSI had emailed the information to Ms. Leach, but as she was on her leave of absence at the time, it never made it to her. Mr. Sanchez came before the Board after being told by PSI that they would not allow him to retake his master barber examination until he received approval from the Board. Mr. Gray said that from what he recalled at the last meeting, Mr. Sanchez did acknowledge that his intent was to cheat. Mr. Phillip Mazza, Board President, confirmed that Mr. Sanchez had stated that his intent was to cheat on the exam after failing it multiple times due to language barriers.

Mr. Eric London, Assistant Attorney General, said that while his intent was clearly to cheat, he was honest and came before the Board. He asked the Board if they were interested in allowing him a second chance. Mr. Andrew Campbell III said that he was concerned about being too light, because the only reason he came before the Board was because he had been caught and blocked from taking the examination. If he had succeeded or been allowed to retake the test, the Board would never have known about it.

Mr. Derick L. Ausby, Sr. said that he thought the Board should take into consideration Mr. Sanchez's language barrier, and that he was able to pass his barber examination with an interpreter, but that there was no interpreter permitted for master barber examinations by their regulations. He said that the records indicated that Mr. Sanchez had tried and failed to pass the examination three times before resorting to cheating. Ms. Lewis added that, based on his testimony at his previous meeting, he was a barbershop owner on the eastern shore and was hoping to obtain his master barber license so he could begin training apprentices, because there was a lack of trained barbers in the area.

Mr. Campbell said that when PSI became the new testing company, one of their biggest selling points was their excellent security and their ability to catch attempted cheating incidents. He said that he did not want to take these incidents lightly. Mr. James Dickerson expressed his agreement with Mr. Campbell, and said that he felt there absolutely needed to be some sort of penalty for Mr.



Sanchez. He recommended requiring that Mr. Sanchez wait one year before retaking the examination. Mr. Ausby agreed with this penalty, and said that he felt it captured the right balance of both punishing him for the incident and allowing him to come forward and do things the right way.

Ms. Alberta Fisher asked if it was possible to require Mr. Sanchez to take additional courses or training prior to retaking the examination, as the primary reason for his cheating was a difficulty with reading English. Mr. London said that he did not believe the Board could reasonably require Mr. Sanchez to take continuing education.

Mr. Mazza asked for a motion to restrict Mr. Sanchez from retaking his master barber examination for one year, dating from January 22, 2018, the date of his alleged cheating incident. Mr. Ausby made this motion, and it was seconded by Mr. Dickerson. The motion passed. Mr. Mazza instructed Ms. Lewis to inform Mr. Sanchez of the Board's decision.

## Public Comment

### Justin Perry

Mr. Justin Perry asked for more information regarding the mobile barbershop regulations. Mr. Matthew Dudzic, Board Administrator, read the regulations that had been voted on. Mr. Perry asked if this meant that mobile barbershops would be required to have a restroom. Ms. Erica Lewis, Acting Executive Director, said that they would need to meet all sanitation and safety requirements of non-mobile barbershops, which included the presence of a sanitary restroom.

### Jess Canter

Mr. Jess Canter stated that he was very interested in mobile barbershops, and wanted to introduce himself to the Board and find out how this would look. He asked the Board if they had a proposed timeline for this permit. Ms. Erica Lewis, Acting Executive Director, said that the next step was to have the regulations posted to the Maryland Register for public comment, and then voted on for final approval. Once they were approved, they would need to create an application. She said that her goal was to have things in place by some time in October.

Mr. Canter said that he did not yet have a brick and mortar barbershop, and wanted to know what the process was for obtaining such a permit. Ms. Lewis said that the first step would be to set up his location and get a use and occupancy permit from the local zoning authority. Once he had that, he could either come into their office or apply for his barbershop permit online and email us the occupancy permit. She said that the turnaround time to obtain a barbershop permit was typically two weeks or less if all relevant paperwork was in order. She recommended that Mr. Canter not begin the process until he was just about ready to open.

Mr. Canter thanked the Board for being so informative, and said that he would try to attend future meetings.

## Angelo Kourdoglou

Mr. Angelo Kourdoglou thanked the Board for allowing him to sit in on their meeting, and to speak to them. He said that regarding the situation with Mr. Sanchez, he felt that the one year penalty the Board administered was very generous. He said that if Mr. Sanchez was willing to cut corners with his examination, he worried that he might do the same with regard to training his apprentices.

Mr. Phillip Mazza, Board President, said that he felt Mr. Kourdoglou's point was well taken. He said that as was probably clear from the discussion, there were many differing opinions. He added that as Board President, he personally tries to take every board member's perspective into consideration, and ultimately the majority decision was what they had to go with. Mr. Mazza said that he was sure each member of the Board appreciated Mr. Kourdoglou's comments.

## Orville Haye

Mr. Orville Haye stated that he was also here regarding mobile barbershops, along with Mr. Perry and Mr. Canter. He said that he already had a brick and mortar barbershop in Gaithersburg, and wanted to know if there were any specifics regarding vehicle types. Mr. Phillip Mazza, Board President, said that an RV or camper would be appropriate. Ms. Erica Lewis, Acting Executive Director, added that the mobile barbershop would be required to meet all the same sanitation requirements of a regular barbershop, which would mean hot and cold running water, a restroom, proper disinfectant and so on.

Mr. Haye asked if this was something he should start preparing immediately in preparation for the license being available in the fall. Ms. Lewis clarified that while her goal was to have the license available in October, it is not set in stone. She said that right now the first priority was formulating regulations that would pass muster and make it through the public comment period.

Mr. James Dickerson asked if there was anything preventing a mobile barbershop from pulling in front of a brick and mortar location to cut hair. Ms. Lewis said that the approved regulations stated that they would have to adhere all local laws and ordinances wherever they operate. She said that in some neighborhoods, for example, businesses and food trucks could not operate within 400 feet of a residence. Mr. Phillip Mazza, Board President, added that while all local laws and regulations would have to be met, it would really be up to the zoning board, just as it was up to the zoning board to approve another barbershop being placed next door to an existing barbershop.

Mr. Jess Canter said that he had done research on other states and countries that allowed mobile barbershops, and determined that building out a mobile unit would cost between \$40,000 and \$50,000. He said that the inclusion of a restroom was a major expense, and was not necessary in most jurisdictions. He said that in most instances, the mobile shop would be offering services in public areas where restrooms were nearby, so it seemed unnecessary to require one in the unit. Mr. Mazza said that regulations could be amended, and if it seemed that requiring a restroom was an unreasonable burden and didn't unduly compromise the sanitation of the mobile barbershops, the Board would certainly consider making such an amendment.

Ms. Alberta Fisher asked about the itinerary requirements for mobile barbershops. Mr. Eric London, Assistant Attorney General, stated that all permit holders were required to submit itineraries stating



where their unit would be located upon request. Mr. Mazza added that this requirement was essential to allow for proper inspection of mobile barbershops.

Mr. Derris Gray said that he understood Mr. Canter's concerns regarding the restroom requirement, and if the goal was to make their regulations industry friendly and create ease of access, this requirement did not appear to cater to small businesses. Mr. Dickerson and Mr. Derick L. Ausby, Sr. both expressed concern at mobile barbershops operating without restrooms. Mr. Andrew Campbell III said that he agreed, and that it was not just a question of the customers but also of the barbers. He said that to require barbers to leave the mobile unit and find a public restroom, which may not be kept in a sanitary condition and which the Board would have no jurisdiction over, seemed like it could present a health risk to the public.

Mr. Mazza recommended that Mr. Canter and his associates do some research on how best to deal with this issue, and to perhaps consider submitting something to be placed on the agenda for the September meeting to continue this discussion.

## 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 III. The motion passed, and the meeting was adjourned at 12:10 PM.

APPROVED BY: \_\_\_\_\_ ON SEPTEMBER 10, 2018.