



NORTH CAROLINA BOARD OF BARBER EXAMINERS

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Minutes for Public Meeting

Held December 13, 2022, at 8:30 a.m.
Hedrick Gardner Kincheloe & Garofalo, LLP
4131 Parklake Avenue Suite 300
Raleigh, NC 27612

Board Members

Don Beal, Chair
Sherod Holloway, Vice Chair
Kristina Proctor
Michael T. Swinney
David L. Williams

Executive Director

Dennis Seavers

Counsel to the Board

M. Jackson Nichols

The meeting of the North Carolina State Board of Barber Examiners was called to order at 8:47 a.m., on December 13, 2022.

The following board members were present during the meeting in person: Don Beal, Sherod Holloway, and Michael T. Swinney. The following board members appeared by videoconference: Kristina Proctor and David L. Williams. No board members were absent.

Also in attendance by videoconference were Dennis Seavers, Executive Director, and M. Jackson Nichols and Catherine E. Lee, Counsels to the Board.

OPEN SESSION

Ethics awareness and conflict of interest

Mr. Beal read the statement required by 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 October 18 and 24, 2022 meetings

Mr. Holloway made a motion to approve the minutes and closed-session narrative from the October 18 and 24, 2022 meetings. Mr. Swinney seconded the motion, which passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Consent order

The board considered a proposed consent order for Alphonzo Hodges. The order would allow him to resolve his civil penalties and fees through a payment plan. Mr. Holloway made a motion to approve the proposed consent order. Mr. Swinney seconded the motion, which passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Final agency decisions

J’Kai Johnson had requested a hearing to appeal a staff determination that he did not qualify for reciprocity and would instead need to pass exams to get licensed. Following his October 18, 2022 hearing, the board staff developed a proposed final agency decision that captured the decision made by the board at that hearing. Mr. Holloway made a motion to approve the proposed final agency decision, and Mr. Swinney seconded. The motion passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Paris E. Whitsett (file #13437) had been issued a notice of hearing to address repeated violations of board regulations over a two-year period, as well as a failure to pay a debt owed to the board. Following her October 18, 2022 hearing, the board staff developed a proposed final agency decision that captured the decision made by the board at that hearing. Mr. Holloway made a motion to approve the proposed final agency decision, and Mr. Swinney seconded. The motion passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Administrative hearings

The board held a hearing at the request of James C. Creech. He had indirect evidence that he had completed 1,528 hours at a barber school and wanted the board to determine whether the evidence was sufficient for reciprocity. Mr. Creech was present in person. He offered testimony and answered questions from the board. Mr. Beal made a motion to find that Mr. Creech had 1,528 hours from a barber school. Mr. Holloway seconded the motion, which passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

Darwin L. Paz (file #11593) was given notice to appear at a hearing regarding his application for a registered barber license. Mr. Paz’s license and shop permit had been revoked by the board. Under the terms of the board’s Final Agency Decision, before he could be licensed, Mr. Paz would need to appear before the board to testify under oath and respond to board questions regarding compliance with the Final Agency Decision. This hearing was held for that testimony. Mr. Paz appeared in person and offered testimony. He submitted a sworn statement that he would not allow any non-licensed

individuals to practice at his barber shop. He answered questions from the board members and staff.

Justin N. Tuosto had submitted an out-of-state application and wished to be licensed through reciprocity. However, he would not meet the requirements under G.S. § 86A-12(a)(2) for licensure until the law changed in January 2023. Mr. Tuosto asked the board to allow him to get licensed. He appeared in person and answered questions from the board.

Felony petitions

The North Carolina Department of Public Safety (NCDPS) had submitted documentation regarding Bobby Manning (file #38719) receiving a registered barber license. Duane E. Cogdell of NCPDS presented information about Mr. Manning's record.

Johnathan R. Bright (file #45534) had submitted an apprentice barber exam application. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Bright appeared by phone and offered testimony about his criminal history and rehabilitation. He also answered questions from the board members.

Saquan Earl (file #11287) had submitted an apprentice barber exam application. Based on his criminal history, he was given notice to appear before the board for a hearing. Mr. Earl appeared by phone and offered testimony about his criminal history and rehabilitation. He also answered questions from the board members.

Rulemaking

Mr. Beal referred board members to Mr. Seavers's memo on rules for mobile barber shops. Mr. Seavers discussed the public comments the board had received and some of the board's options. He said that ultimately the board would recommend a set of rules to be considered and proposed by the new Board of Barber and Electrolysis Examiners. The board discussed the rules and made the following changes to the original proposal:

- The minimum length of a vehicle (other than a motor home) would be 16 feet rather than the originally proposed 24 feet;
- The vehicle could not be a towed unit or trailer;
- Licensed apprentices or holders of temporary permits would not be permitted to work on mobile barber shops;
- Mobile shops could move a short distance from the originally reported location without revising the itinerary, but not the originally proposed five miles;
- Itineraries could be revised closer to the originally reported date and time; and
- The board would investigate the possibility of allowing vehicles to have GPS devices that would eliminate the need for itinerary revisions (Mr. Seavers emphasized that this would have to be voluntary, since the board wouldn't have the authority to mandate GPS).

Recognition of staff

The board recognized the 30-year anniversary of employment for Carolyn Davis, an administrative assistant for the board. The board also recognized Deirdre Hopkins, whose 30-year anniversary had been recognized in 2020; however, due to the pandemic, there could only be a limited event to show appreciation.

CLOSED SESSION

Mr. Beal made a motion to go into closed session under G.S. § 143–318.11, and Mr. Williams seconded. The motion passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					
Abstain					
Not present					

The board entered closed session at 11:28 a.m. The board emerged from closed session at 11:50 a.m.

OPEN SESSION

Determinations

Mr. Beal made a motion for the following case determinations.

- The board would continue the hearing for Darwin L. Paz to the next board meeting to further consider evidence.
- The board determined that Justin N. Tuosto could be licensed by reciprocity.
- Bobby Manning would be offered a consent order with standard terms and conditions, including five years of probation.
- Johnathan R. Bright would be offered a consent order with standard terms and conditions, including five years of probation, as well as a requirement for him to forward updates about probation compliance from his probation officer.
- The board determined that the criminal history for Saquan Earl would not prevent him from getting a license.

Mr. Holloway seconded the motion, which passed, 5–0.

Vote	Don Beal	Sherod Holloway	Kristina Proctor	Michael T. Swinney	David Williams
Yes	X	X	X	X	X
No					

<i>Abstain</i>					
<i>Not present</i>					

Mr. Beal adjourned the meeting at 11:56 a.m.

Minutes approved on _____

Don Beal
Board Chair