
Barber's Board Meeting

Monday, March 12, 2018

A meeting of the State Board of Barbers was held on Monday, March 12, 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 10:06 AM by Mr. Phillip Mazza, Board President.

Approval of Agenda

Ms. Erica Lewis, Acting Executive Director, offered an amendment 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 Ms. Alberta Fisher. The amended agenda was approved.

Informal Conferences

Apprentice Restart—J. Drosinos



Mr. John Drosinos appeared before the Board to request a restart of his barber's apprentice permit. Mr. Drosinos originally held an apprentice permit in 2009, but failed to complete the program after completing approximately 1,200 hours of training. Mr. Drosinos explained that at the time of his apprenticeship, he had been in a bad place in his life and had failed to follow through. He said that since then he had cleaned up, and had been living in a recovery house for the past year and a half. In that time, he had also been volunteering at other facilities and sharing his experience to help others get on their feet. He had also been helping out at Nile Style Barbershop, and was hoping to reinstate his apprenticeship so that he could learn to be a barber.

Mr. Derick L. Ausby, Sr. explained to Mr. Drosinos that if the Board gave him another chance, this would be his final opportunity to complete the apprenticeship program. Mr. Drosinos said that he understood.

Mr. Ausby made a motion to allow Mr. Drosinos a final restart of his apprenticeship program, contingent upon both Mr. Drosinos and his sponsor attending the apprentice orientation. Ms. Alberta Fisher seconded the motion. The motion passed unanimously.

Mr. Drosinos thanked the Board for giving him the opportunity to obtain his license.

Examination Review—J. Sanchez

Mr. Javier Sanchez appeared before the Board to request the opportunity to retake his master barber examination. Mr. Sanchez explained that in January he had attempted to take his master barber examination, and had been caught with a camera. He said that he was informed by PSI that he would only be allowed to retake his examination with Board approval.


Mr. Sanchez explained that English was not his first language, and he had difficulty understanding many of the questions. He had taken the exam three times previously and had failed each time. He said that he knew what he had done was wrong, but he was hoping for an opportunity to take his exam in the correct way.

Mr. Phillip Mazza, Board President, said that in order for Mr. Sanchez to have obtained his barber license, he would have had to pass a similar written examination. He asked Mr. Sanchez if he had used an interpreter or gotten any help on his barber examination. Mr. Sanchez said that he had not. Mr. Mazza asked why Mr. Sanchez felt he needed to cheat on his master barber exam, when he was able to pass his barber exam on his own.

Mr. Sanchez explained that he was in the process of opening a barbershop on the eastern shore, and he was worried that he would not have time to learn everything. Mr. Mazza explained that Mr. Sanchez did not need a master barber license to open a barbershop, and that the only thing the license would permit him to do was to train apprentices.

Ms. Erica Lewis, Acting Executive Director, stated that typically PSI notified them of any issues with cheating and provided videos of all such incidents, and that she had received no information regarding Mr. Sanchez. She offered to reach out to PSI to find out more information.

Mr. Derick L. Ausby, Sr. said that he was not comfortable approving Mr. Sanchez to take his examination without reviewing PSI's information. Mr. Mazza suggested that the Board review this information once it arrived from PSI before making a determination.



Ms. Lewis reviewed Mr. Sanchez's previous examination results, and circled some of the areas where she thought he might want to work on. She explained that on his most recent examination, he only missed by six points, and that if he studied more on anatomy and chemical services, she was confident he could pass without resorting to cheating.

Mr. Phillip Mazza informed Mr. Sanchez that the Board would be reviewing the information from PSI and contact Mr. Sanchez to let him know whether they needed him to come back before the Board again or not. He added that the next meeting was scheduled for the second Monday in June, and that if they had any additional questions they would ask him to return then.

New Business

Complaint Committee Assignment

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

Old Business


Inspection Report

Ms. Erica Lewis, Acting Executive Director, informed the Board that she was continuing to act as the licensing and inspections supervisor until the position was filled. She said that they had received 126 applications for the position, but were in the process of reviewing those applications and expected to fill the position soon.

Mobile Barbershop Regulations

Ms. Erica Lewis, Acting Executive Director, reviewed the current state of mobile barbershop regulations. She explained that legislation for mobile barbershops had been passed in back in 2016, but that although this was now law, regulations for these shops still had not been established. She said that in the interim they had looked at several other states for examples of their regulations, and had discussed this on several occasions with the Board of Cosmetologists, who had been tasked with creating similar regulations on their Board. Mr. Phillip Mazza, Board President, added that during previous discussions, the Board had agreed to review the regulations developed by the Board of Cosmetologists and make any changes from there.

Mr. Eric London, Board Counsel, said that because the law had been passed so long ago, there was a lot of pressure to get this implemented immediately. Mr. London said that the Board of Cosmetologists was in the final stages of developing their regulations, and that they would be voted on at their April 2, 2018 meeting. Mr. London recommended that the approved regulations be distributed to the Board members electronically, so that they could review this information and determine whether they wanted to adopt similar regulations.



Ms. Alberta Fisher asked how inspections of mobile barbershops would be conducted. Ms. Lewis explained that the Board of Cosmetologists had discussed requiring itineraries listing locations where services were being provided, which could be used to schedule inspections. Mr. Derick L. Ausby, Sr. asked if an apprentice would be permitted to be trained in a mobile shop. Mr. London said that in most instances a mobile barbershop would be treated as any other barbershop, and so he saw no reason why an apprentice couldn't be trained in one as long as a master barber was present.

Mr. Mazza noted for the record that the Board would be individually reviewing the proposed regulations for mobile barbershops, to be voted on telephonically.

Adoption of Special Funding Regulations

Mr. Eric London, Board Counsel, said that after many years of battling, the Barber and Cosmetologist Boards would become special funded as of July. Mr. London said that the fees section of their regulations needed to be amended to reflect this change. He explained that the fees themselves would remain the same at this time, but language would be added to state that fees would be based upon special funding and could potentially be changed down the road.

Ms. Alberta Fisher asked for clarification on this new language. Mr. London explained that historically the fees remained static, but that as of July 1, the funds collected by the Board would be going into a special fund. He said that in the future, those fees may need to be modified based on that. He said that the fees may be lowered if they were in a surplus, or raised if they needed to accommodate more inspectors. He added that several other Boards had adopted similar language upon becoming special funded, and that this new language would allow for such changes.

Mr. Phillip Mazza, Board President, asked for a motion to amend COMAR 09.16.01.08 to reflect special funding. Mr. Derick L. Ausby, Sr. made this motion, and it was seconded by Mr. Derris Gray. The motion passed unanimously.

Consent Order Review

Mr. Matthew Dudzic, Board Administrator, reviewed the status of consent orders issued in 2017. He explained that the Board had offered 35 consent orders over the course of 2017, and that 22 of the barbershops in question had met all the terms of the consent order and come into compliance. Mr. Dudzic said that the Board had collected a total of \$5,950 in fines via consent order. He added that those figures were up from 2016, when the average fine per consent order was higher but a lower percentage of barbershops had come into compliance.

Mr. Phillip Mazza, Board President, asked if becoming special funded would allow the Board to take a firmer stance with some of these violations, especially those that had been offered a consent order and had failed to come into compliance. Ms. Erica Lewis, Acting Executive Director, said that she had been informed that the lack of formal hearings was not due to a lack of funds. Mr. Eric London, Board Counsel, said that it was not a financial restriction as much as a time restriction, and

that it would be possible to schedule informal hearings but that they would need to be reasonably scheduled. Mr. Mazza said that he looked forward to this, and to increasing inspections.

Ms. Lewis added that effective January of 2018, barbershops that had entered into a consent order with the Board would have that information published online, giving shops even more incentive to avoid getting to that stage. Mr. Mazza said that he liked the consent order process, because it gave barbershops an opportunity to get their house in order, but that if they did not take that chance he wanted to be sure the Board was moving forward to further action.

Limited Barber-Stylist License Bridge Curriculum

Mr. Andrew Campbell III gave a summary of the proposed bridge curriculum from the limited barber-stylist license to the full barber license. He explained that he went over what portions of the barber curriculum had been removed when developing the barber-stylist curriculum, and created a draft of a curriculum that would bring barber-stylists up to their barber license. He said that he would have a draft of the 300 hour curriculum completed by the end of the week, and would send that draft to Ms. Lewis to disseminate to the other Board members.

Mr. Phillip Mazza, Board President, thanked Mr. Campbell for his work on the curriculum.

Public Comment

Ronny Santana

Mr. Ronny Santana introduced himself as a barber and the owner of Real Wild Cuts in Laurel. He said that he had recently combined shops with Mr. Brian White, who had appeared before the Board previously, and that they were planning on doing great things with their new space in Laurel.

Mr. Santana said that this was his first time seeing an apprentice request a restart, and asked why they were not permitted to simply take their exam. Mr. Phillip Mazza explained that these were individuals who had not completed their apprenticeship in the allotted time, and therefore did not qualify to take their exams. He said that Maryland's regulations only permitted one renewal of an apprentice permit, and that if they were unable to complete their training within the four years that those two issuances covered, they had to formally request a restart and begin again from ground zero.

Mr. Santana said that he had been having a lot of trouble with PSI Exams, including a lot of miscommunication, and felt they were doing a horrible job. He said that this was especially true in the Latino community. He said that there was lots of confusion among staff at PSI regarding whether interpreters were permitted for the barber examination, and that they were frequently rejecting applications for this reason despite Maryland's regulations allowing it. He said that it often took several instances of going back and forth with PSI before the exam could be scheduled properly, and in the process a license might be delayed by months.

Mr. Santana also asked for clarification on whether a master barber could train multiple apprentices, and whether he would need three master barbers in his shop if he wanted to take on three apprentices. Mr. Mazza said that there must be a one to one ratio, so he would in that case need

three master barbers. Mr. Santana asked why schools were allowed to have a ten to one ratio when apprentices were only permitted to have a one to one ratio. Mr. Mazza said that barber schools were handled by an entirely different regulatory body, the Maryland Higher Education Commission, and that teaching in a classroom setting was very different from apprenticing.

Ms. Erica Lewis, Acting Executive Director, added that the Board of Cosmetologists had been discussing potentially starting registered apprenticeship programs with the Maryland Apprenticeship and Training Program. She said that if this program went through, it might have different standards including possibly allowing multiple apprentices per sponsor.

Mr. Santana said that most people thought you had to be a master barber or senior cosmetologist to open a barbershop or hair salon, but that the Board had told Mr. Sanchez earlier in the meeting that he did not need his master barber license. Ms. Lewis confirmed that you did not need to be a master barber or a senior cosmetologist to open a barbershop or salon in Maryland. Mr. Santana said that many people seemed misinformed on this issue.

Mr. Santana added that schools were telling students that they could not get a license if they had a felony conviction, and asked how this could be changed. Mr. Mazza explained that this was not correct, and that they could still receive their license, but that all felony convictions needed to be reviewed by Mr. Mazza and Ms. Alberta Fisher before the license would be released.

Mr. Santana thanked the Board. He said that the Board was perceived as scary among the barber community, but that this meeting was not what he had expected and that he had found it very informative. He asked how to break that perception. Mr. Mazza suggested that Mr. Santana encourage others to come to meetings and to inform them that there was nothing to be afraid of. He added that it was always the Board's goal to help people, not to punish them.


Martinez Ward

Mr. Martinez Ward thanked the Board for allowing him to speak. He said that he was a master barber in Maryland and the District of Columbia, and he was very interested in mobile barbershops.

Mr. Ward asked the Board if it was true that barbershops were not permitted within a certain radius of an existing shop, and whether opening as a salon could bypass this requirement. The Board informed him that there was no such restriction.

Mr. Ward asked the Board whether restrooms would be required in a mobile barbershop. Mr. Phillip Mazza, Board President, said that this was a very good question, as not all RVs and mobile homes were fitted with restrooms. Mr. Eric London, Board Counsel, added that the regulations had not been developed yet, and that these were the types of questions they needed to consider when drafting them. Mr. Ward said that from his research, states such as California did not require restrooms in mobile shops. Mr. Mazza said that brick and mortar barbershops required a restroom facility, and that there was a good chance the mobile regulations would largely mirror the regulations for non-mobile barbershops.

Mr. Ward asked if the three apprentice per barbershop limit would apply to mobile barbershops as well. Mr. London said that while he saw no reason why it wouldn't, there would need to be six chairs to train three apprentices simultaneously, and he could not imagine that many chairs in a mobile shop. Mr. Ward said that he was considering outfitting a motor coach or bus as a mobile unit. He



said that his vision was to go to metropolitan centers such as Bethesda and target business workers during their lunch breaks, providing quick trims and shape-ups.

Mr. Ward asked the Board what different services could be performed in a barbershop versus a salon. Mr. Mazza said that the services provided depending upon the individual licensee, not the shop permit. He said that barbershops specifically allowed cosmetology services to be provided, but they had to be provided by a licensed cosmetologist, not a barber.

Cory McDaniel

Mr. Cory McDaniel stated that he was a master barber and the owner of Conscious Heads on 25th Street, where he had worked for more than 17 years. Mr. McDaniel asked the Board why a shop might be required to go through a second inspection shortly after the first. Ms. Erica Lewis, Acting Executive Director, explained that if a barbershop received a violation, the Board reviewed that violation and often asked for a reinspection to ensure that all violations were corrected.


Mr. McDaniel added that he had seen many barbers visiting places like youth detention centers, nursing homes and other facilities, and wanted to know how they were permitted to perform these services outside of a barbershop. Mr. Phillip Mazza, Board President, explained that there were specific regulations permitting these services in detention centers. Ms. Alberta Fisher added that services could be performed at facilities such as nursing homes as long as the barbers were associated with a brick and mortar shop and the services were scheduled through the shop. Mr. McDaniel also asked if a license was required to perform haircuts for the homeless. Mr. Eric London, Board Counsel, stated that free haircuts were not regulated, and that the regulations regarding barbering services only referenced services being performed for compensation.

Mr. McDaniel asked for clarification on the bridge curriculum that was discussed during the meeting. Mr. Mazza explained that the Board had recently begun offering a new license, called a limited barber-stylist license, which licensed individuals to perform cuts and shaves but did not including chemical services and coloring. He said that it was a 900 hour curriculum in a barbering school. He explained that the bridge curriculum was being established for individuals who had received a limited barber-stylist license, and later decided that they wanted to become a full barber. Mr. McDaniel asked if, as a master barber, he was permitted to train a limited barber-stylist. Mr. Mazza informed him that this was absolutely permitted.

Mr. McDaniel thanked the Board for all their information, and for answering all of his questions.

James Green

Mr. James Green thanked the Board for what they did. He said that he owned a barbershop in Charles County, and he had some concerns about Business Occupations and Professions Code 4-508, which stipulated that a barbershop may not be integrated with another business unless there was a permanent wall or partition. He asked if this meant that he was unable to sell hair care products. Mr. Phillip Mazza, Board President, said that this would not be a problem. Mr. Eric London, Board Counsel, added that as long as he was selling products that were related to the service of barbering, there shouldn't be any issues. He said that years ago, someone had come before the



Board because he had wanted to sell fish bait in his barbershop, which required a partition because it was not related to barbering and was therefore considered a separate business. He said that there should be no issue with selling products such as shampoo or hair gel.

Approval of December 11, 2017 Minutes

The minutes for the December 11, 2017 minutes were reviewed by the Board. Mr. Phillip Mazza offered an amendment to the minutes. Mr. Andrew Campbell III motioned to approve the December 11, 2017 minutes as amended, and Mr. Derick L. Ausby, Sr. seconded this motion. 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. Derick L. Ausby, Sr. made this motion, and it was seconded by Mr. James Dickerson. The motion passed, and the meeting was adjourned at 12:15 PM.

APPROVED BY: _____ ON MARCH 12, 2018.