

---

# Barber's Board Meeting

Monday, March 13, 2017

---

A meeting of the State Board of Barbers was held on Monday, March 13, 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*  
Mr. Derick L. Ausby, Sr., *Industry Member*  
Mr. James Dickerson, *Industry Member*  
Ms. Alberta H. Fisher, *Industry Member*

## Other Attendees

Ms. Shirley Leach, *Executive Director*  
Ms. Erica Lewis, *Deputy Executive Director*  
Mr. Eric London, *Assistant Attorney General*  
Ms. Nicole Thompson, *Licensing and Inspections Supervisor*  
Mr. Matthew Dudzic, *Board Administrator*

## Not Present

Mr. Marvin T. Lee, *Industry Member*

## Agenda

### Quorum Announced and Meeting Called to Order—Chairperson

A quorum was announced and the meeting was called to order at 9:40 AM by Mr. Phillip Mazza, Board President.

### Approval of Agenda

Mr. Eric London, Mr. Phillip Mazza 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. Dickerson. The amended agenda was approved.

---

## Informal Conference – Apprentice Restart, Mr. Jacques Leguerre

An informal conference was held for Mr. Jacques Leguerre, who requested that he be allowed to restart his apprenticeship. Mr. Leguerre stated that he had held his apprenticeship twice before. On his original apprenticeship, he had completed his hours, but did not submit them until after the allotted time and therefore did not receive credit for those hours. Mr. Leguerre later restarted his apprenticeship under a new master barber. However, the shop where he had been working had closed down. A review of Mr. Leguerre's permit history showed that he originally became an apprentice in 2003, and then was given a new apprentice permit in 2007. There were 390 total hours on file from this most recent apprenticeship.

The Board agreed to offer Mr. Leguerre his final restart, which would mean he would have to complete his 2,250 hours within the allotted two years. Before he could begin, the Board required that Mr. Leguerre come in with his sponsor for the apprenticeship workshop. The Board reiterated that this would be Mr. Leguerre's final apprenticeship restart, and that it was his responsibility to ensure that everything was submitted properly.

Mr. Leguerre thanked the Board for being allowed to restart.

## Approval of December 12, 2016 Minutes

The minutes for the December 12, 2016 minutes were reviewed by the Board.

Mr. Phillip Mazza noted that Mr. John T. Papavasiliou, Deputy Commissioner, was in attendance, and requested that he be added to the list of attendees.


Mr. Mazza also requested that it be noted that he was the one who reported on item 1 under New Business. Mr. Mazza recommended that the second to last sentence under that item remove the reference to the combining of Boards, and that it be amended as follows: "The National Institute for Justice has been lobbying congress and other Board interest groups regarding the deregulation of the Boards." Mr. Mazza further stated that the last sentence in that item be amended as follows: "The Federation of Associations for Regulatory Boards took a stand to show that the individual Boards need to be regulated for the matter of public safety and that it was not an act of over regulating practices."

After these corrections were noted, Mr. Mazza requested a motion to approve these minutes as amended. A motion was made by Ms. Fisher to approve the minutes as amended, and seconded by Mr. Ausby. The motion was approved.

## New Business

### Inspection Report by Inspector Supervisor Nicole Thompson

Ms. Nicole Thompson, Inspection Supervisor, informed the Board that they were now operating with ten inspectors on the payroll for the Barbers and Cosmetologists. Previously they had as few as two inspectors responsible for the entire State. Initial training of these new inspectors was conducted between March 1 and March 3, 2017, and a second training was scheduled. Ms. Leach informed the



Board that of the new inspectors, two were instructors and two were former shop owners. Ms. Thompson stated that she is already seeing word spreading among shops that inspectors are out again, and that visibility of inspectors has increased.

Mr. Mazza commended Ms. Thompson for doing an excellent job with training and supervising the inspectors.

#### **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 stated that this was heard by the Economic Matters Committee, and that it appeared to be moving forward, but had not yet left the Committee.

Ms. Leach stated that the Department introduced and took a position in support of this legislation. She also suggested that they would potentially add two new positions if this legislation were to go into effect.

Mr. Mazza stated that under statute 4-204(C)(1), stipends may be paid to Board members in addition to their expense reimbursements, and asked if that would be addressed if we received more funding. Mr. London stated that to his knowledge, the only current Board that gets paid beyond expenses is the Athletic Commission. Mr. London recommended tabling the question of Board member stipends for the time being, to re-address if the legislation passes.

#### **Legislative Update—House Bill 501**

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 501, which would require that upon renewal of their license, each licensee partake in a domestic violence and sexual assault course. It was clarified that this course would only be required upon renewals, not on the initial licensing, and the training would be required every four years. The same training would be in effect for both barbers and cosmetologists. Ms. Leach noted that the Department took no position on this bill. Ms. Leach also noted that if this legislation passed, while the training was required, the bill did not state that a barber or cosmetologist would be held liable for choosing not to act. Mr. Eric London reiterated that this was just being relayed to the Board for informational purposes, as the Department took no position on this legislation.

#### **Legislative Update—House Bill 179**

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 179, which would allow barbershops in Frederick County to serve up to five ounces of beer or wine in barbershops. Ms. Leach reiterated that this legislation only affected Frederick County, and that similar legislation passed for beauty salons in Frederick County in 2016.

#### **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 and Mr. London

said that this appeared to be a continuation of a previous proposal. Mr. London stated that there would need to be very unusual circumstances in order to prosecute a shop or individual under the criminal code.

### Website Updates

Mr. Phillip Mazza requested that the Board be walked through the new website for the State Board of Barbers. Ms. Erica Lewis, Deputy Executive Director, navigated the Board through the new website. She stated that visually the website had changed, but all of the functionality of the previous website was retained. Ms. Lewis showed the Board how to navigate through licensing applications, requirements, apprenticeship applications, examination questions and laws and regulations. Ms. Lewis mentioned that some aspects were still under development.

### Complimentary Alcohol in Barbershops

Mr. Matthew Dudzic, Board Administrator, explained to the Board that a recently contested violation regarding the serving of complimentary wine in a beauty salon prompted a review of procedures for when inspectors observe this practice in a barbershop or salon. Mr. Dudzic explained that the regulations for barbershops did not address this issue.

Mr. Dudzic explained that only two counties, Montgomery and Frederick, had legislation specifically addressing this issue. Mr. Dudzic contacted the liquor boards in several other counties for insight into the legality of this practice. Mr. Dudzic was informed by the Liquor Boards in Baltimore City and Baltimore County that no liquor license was required as long as no fees were being charged for the alcohol, and no alcohol was being stored in the shop overnight. The Liquor Boards in Prince George's County and Howard County stated that a liquor license should be required for this practice, as they believed that providing beer or wine to customers constituted indirect sales. The Liquor Board in Anne Arundel County stated that this practice should be prohibited and would absolutely constitute serving alcohol without a license.

Because of the variety of responses from local Liquor Boards and the lack of regulations regarding this matter, a question was posed to the Board as to how they would like inspectors to respond if they go into a barbershop and observe the shop offering complimentary alcoholic beverages.

Mr. Mazza and Mr. Ausby suggested that this is a practice that has occurred for some time "under the radar" without being an issue. Mr. Mazza stated that there was somewhat of a precedent now in that Montgomery and Frederick Counties had specific liquor licenses for barbershops and salons, and that it would probably be a matter of time before other counties followed suit.

### Complaint Committee Assignment for June Meeting & Complaint Committee Review

Mr. Phillip Mazza stated that Mr. James Dickerson would be reviewing complaints following this meeting, and that the Board should establish a volunteer for June's complaint committee at this time.

Ms. Erica Lewis stated that, going forward, Assistant Attorney General Susan Cherry, head of litigation for DLLR, would be present at all complaint reviews. Ms. Lewis would remain at this

meeting as an observer, but stated that any questions should be presented to Ms. Cherry. The Board agreed to change their start time for meetings to 10 AM in the future, and to have the complaint committee meet prior to the meeting at 9 AM.

Mr. Eric London suggested that the Board could rotate who attended the complaint committees, but recommended that at least one member remain consistently on the committee for purposes of institutional knowledge. Mr. Mazza volunteered to be the institutional member of the complaint committee. Mr. Ausby volunteered to be the rotating member of the complaint committee for the June meeting.

## Old Business

### Testing—Limited Practice License

Ms. Shirley Leach, Executive Director, informed the Board that they were on the final leg of getting the test for the Barber-Stylist License. Ms. Leach stated that the next step was to have Board members attend a virtual meeting with the testing vendor, PSI, to review test questions. This would involve primarily looking at the difficulty level of the questions and making suggestions.

Ms. Leach recommended that two people attend this virtual meeting, and it was agreed that Mr. Ausby and Ms. Fisher would sit in and report back to the rest of the Board.

The Board discussed the number of questions for the barber-stylist examination, and agreed that 50 questions was sufficient.

### Vote for Final Approval on 09.16.01.06 through 09.16.01.10

Mr. Eric London, Assistant Attorney General, noted that there was a slight adjustment, and that there would be a vote on .06, .07, .08 and .10. There was no amendment to 09.16.01.09.

Mr. London reviewed the current status of the regulations. He stated that during the December meeting, the Board looked at language to see what could be streamlined. The Board took a vote in December to change the apprentice registration requirements. In particular, the Board agreed to remove the English and reading comprehension classes required for individuals with special needs, non-English speaking individuals and those with hearing impairment. The Board also added the content of the barber-stylist examination. They also changed the reference to testing fees to state that the fee will be set by the vendor, rather than listing a specific amount. The Board added the category barber-stylist, with a licensing fee of \$50. Finally, the Board voted to remove the term "examiners."

Mr. London suggested that the Board now take a vote for final approval of these regulations. Mr. Phillip Mazza asked for a motion to collectively approve the regulations 09.01.16.06, 09.01.16.07, 09.01.16.08 and 09.01.16.10. Mr. Ausby made this motion, and Mr. Dickerson seconded it. The motion passed.

### Proposed Regulations for 09.16.01.04 and 09.16.01.05

Mr. Eric London, Assistant Attorney General, advised the commission that Mr. Mazza had requested amendments to 09.16.01.04 and 09.16.01.05, which would allow for an apprenticeship for the new barber-stylist license.

Mr. London clarified that a master barber would still only be permitted to sponsor one apprentice at a time; they would not be permitted to have both a barber apprentice and a barber-stylist apprentice.

Mr. Mazza asked for a motion to have 09.16.01.04 be inclusive of the barber-stylist apprentice. Mr. Ausby made this motion, and Mr. Dickerson seconded. The motion passed.

Mr. Mazza asked for a motion to amend 09.16.01.05 to include supervision of a barber-stylist apprentice. Mr. Dickerson made this motion, and Mr. Ausby seconded. The motion passed.

### Disease and Infection Training—Scheduling

Ms. Shirley Leach, Executive Director, stated that in the December meeting, Mr. Mazza presented information regarding the King Research Disease and Infection Training to the Board, and requested that this training be offered to inspectors as well. Ms. Leach stated that this training was scheduled for Tuesday, April 11, 2017 from 12 to 4 PM. She stated that the training would take place in the same room as the Board meetings, and that the inspectors would be invited to attend. Board members were also welcome to attend.

Mr. Mazza encouraged the other Board members to attend. Mr. Eric London stated that anyone who attended would be coming solely in their individual capacity.

### Public Comment

There were no public comments.

### 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 11:32 AM.



