

## BOARD MEMBERS

CHARLES WILLIAMS, CHAIRMAN  
SAN ANTONIO

WILLIAM "KIRK" KUYKENDALL  
AUSTIN

WAYNE MOORE, VICE CHAIRMAN  
GARLAND

TAREN E. HOLLISTER  
HOUSTON

JANIE C. GARZA  
MERCEDDES

JANIS E. WIGGINS  
KINGSLAND



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## STATE BOARD OF BARBER EXAMINERS

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## MINUTES

### BOARD MEETING DECEMBER 3, 2001

The meeting of the State Board of Barber Examiners was held December 3, 2001, at the William P. Hobby Office Building, Tower 2, Room 400-A, Austin, Texas. In attendance were the following board members: Chairman Charles Williams, Vice-chairman Wayne Moore, Janis Wiggins, Janie Garza, William Kuykendall. Also in attendance were the following: Dr. Douglas Beran, incoming Executive Director, Will K. Brown, the retiring Executive Director, Attorney General representative Frank Knapp, the inspectors Vernon Kirk, Jack Rogers, Luis Sanchez, Luis Ponce, Shawn O'Neal, O. D. Madison, James Tyler; office staff Yvonne Shaw, Beverly Williamson, Debra Almasov, Administrative Assistant Mary Houston.

## AGENDA

### Open Session

Chairman Charles Williams called the meeting to order at 3:45 p.m.

#### 2. Status of move to Frank Joseph Cosmetology State Office Building.

After roll call, Mr. Brown stepped out of the meeting room so Chairman Williams began the meeting with the agenda item #2.

The following information about the move was presented and discussed. (1) Ken Garthune was getting bids for adding four bowls and the mirrors and electricity for the four bowls. (2) The modular furniture that would be provided by TCI would not be available for the move which would cause two moves for the staff (one move with the old furniture to the new facility and another move to replace the old furniture with the modular furniture) at no additional cost to the Board. Mr. Kuykendall suggested that the Executive Director get confirmation in writing from Ken Garthunr that there would be no additional cost for the second move. (3) One additional barber chair—not styling chair—would be obtained to match the other 19 barber chairs already at the new site. The flyer showing the Board's new address and phone number was shown to Board members. The flyer will be distributed by inspectors as the make their inspections. The flyer already had

been mailed to December renewals so licensees would know the new address to send their renewals. Mr. Kuykendall suggested additional information for the flyer: the Board's e-mail, Web site, fax number, and effective date (December 14).

1. Acknowledge Mr. Will Brown on his retirement as Executive Director of the Texas State Board of Barber Examiners effective December 7, 2001.

Upon Mr. Brown's return to the Board meeting room, Chairman Williams returned to item #1 on the agenda.

Beginning with Chairman Williams, each Board member expressed his/her appreciation for Mr. Brown's outstanding and awesome four-year service to the Board. Janie Garza stated she did not get to work as a Board member with Mr. Brown but, as a school owner, she did get to work Mr. Brown and appreciated his efforts.

#12. Discuss revised administrative procedures proposed by new Executive Director.

Chairman Williams introduced the item. He noted a new CEO brings his own style of management and the Chair and the Board support his new administrative procedures.

Dr. Beran presented the Board's organizational chart with the Board at the top, the Executive Director (ED) in the middle, followed by the staff. His style of management is for all information to come through the ED. He requested the Board members to send all concerns, questions, issues, and problems through the ED first. Office staff and inspectors also should begin with the ED. For example, inspectors with concerns about rules, the statute, travel, licensing, examinations should begin with the ED. From this day forward, any concerns a Board member may have about staff, the law, rules, and travel should start with ED. Similarly, any concerns a staff member may have should start with ED.

Chairman Williams noted his support for the new procedures. Board members and staff should direct their questions through the ED. From this day forward, communications should go through the ED's new procedure.

3. Discuss for possible action regarding Dismissed Case with State Office of Administrative Hearings (SOAH) and Administrative Fines Referred to Informal Conferences (November 26, 2001).

Chairman Williams introduced the item.

Mr. Kuykendall recommended that Exhibit A be labeled on the attachments for Tyrone Hearne and the informal conferences.

Mr. Kuykendall made the motion that the Board order regarding Tyrone Hearne be approved and the Board order regarding administrative penalties be approved.

Janis Wiggins seconded the motion. The motion carried unanimously.

4. Discuss for possible approval for publication and public comment proposed rule 51.7 Cost of Administrative Hearings to grant the State Board of Barber Examiners the authority to assess an additional penalty (not to exceed \$200) for administrative hearings.

Chairman Williams introduced the item and Mr. Kuykendall explained the rule.

A motion was made by Mr. Kuykendall to approve the rule and seconded by Mr. Moore. The motion carried unanimously.

5. Pursuant to SB660 (77th Texas Legislature, Regular Session), discuss for possible approval for publication and public comment an amendment to rule 51.30 (3) (L) to delete "manicuring, 1 hour."

Chairman Williams introduced the item.

Mr. Moore recommended that the word "manicuring" be retained and substitute "optional" for 1 hour." After discussion, Mr. Kuykendall made the motion that "1 hour" should be deleted from "(L)" and moved "(Z)" First Aid and Safety Precautions" and that "Optional" should appear after "Manicuring."

Mr. Moore seconded the motion and the motion carried unanimously.

6. Pursuant to SB660 (77th Texas Legislature, Regular Session), discuss for possible approval for publication and public comment an amendment to rule 51.31 Manicurist Course to implement a new manicurist license training course consisting of 600 rather than 300 hours of instruction for not less than 16 weeks rather than eight weeks; if adopted, this rule would comply with the requirements enacted by the 77th Texas Legislature.

Chairman Williams introduced the item.

After discussion, Mr. Moore made the motion that the current course be increased to 600 hours in a course of not less than 16 weeks to include the current 255 hours under (3) be increased by 300 hours and broken out such that each of those parts of the course A-L will be increased even distribution of additional 300 hours and that any odd hours shall be added to "3F Trimming Cuticle and Buffing Nails."

The motion was seconded by Mr. Kuykendall and the motion carried unanimously.

7. Pursuant to SB660 (77<sup>th</sup> Texas Legislature, Regular Session), repeal rule 51.32 Wig Specialist Course and rule 51.33 Wig Instructor Course.

Chairman Williams introduced the agenda item and Dr. Beran explained the proposed action before the Board.

A motion was made by Wayne Moore and seconded by Janis Wiggins to accept the proposal to repeal rules 51.32 and 51.33. The motion carried unanimously.

8. Pursuant to SB660 (77<sup>th</sup> Texas Legislature, Regular Session), discuss for possible approval for publication and public comment a new rule 51.77 Barber Shop Permit which would require the following: (1) that an applicant for a barber shop permit has been licensed for 12 months; (2) that the applicant's shop has met the Barber Board's minimum health standards for barber shops; (3) that the applicant has complied with all other rules of the Board

Chairman Williams introduced the item and Dr. Beran explained the proposed action before the Board.

A motion was made by Wayne Moore and seconded by Janis Wiggins to approve the new rule. The motion carried unanimously.

9. Discuss for possible approval for publication and public comment an amendment to rule 51.5 Good Standing Required for License Renewal such that no license or permit may be issued or renewed unless the licensee is in good standing with the Barber Board.

Chairman Williams introduced the item.

Mr. Wayne Moore discussed the background that brought the rule forward for amendment. Mr. Moore made the motion that the proposed amendment be approved. The motion was seconded by Janis Wiggins. Mr. Kuykendall then called for discussion. The Board discussed rule 51.83 Licensing of Felons. After discussion, the Board agreed that rule 51.83 should be re-visited to consider deleting the language, "... which directly relates to the duties and responsibilities of barbering." Chairman Williams then called for a vote on the original motion and the motion passed unanimously.

10. Discuss for possible approval for publication and public comment an amendment to rule 51.141 (5) Out of Scope. (A) The use of any blade, drill or cutting tool (power or manual) designed for the purpose of removing corns and calluses or violating the nail bed in any manner is prohibited.

Chairman Williams introduced the agenda item. Mr. Moore gave the background that brought the rule forward for amendment and introduced the language proposed by Nancy King, Director, Association of Electric File Manufacturers. Discussion then followed regarding (1) Ms. King's language, (2) the concerns brought to Board members regarding the intended and unintended prohibitions of the current rule, (3) proper and improper tools, (4) how inspectors are enforcing the rule, and (5) how schools will be impacted by the increase of the curriculum to 600 hours to include additional manicuring and pedicuring instruction .

Following discussion, a motion was made by Mr. Kuykendall and seconded by Mr. Moore to publish the language proposed by Mr. Kuykendall as a proposed amendment to rule 51.141(5) Out of Scope:

"The use of any blade, drill, or cutting tool (power or manual) not professionally designed for use by a manicurist or pedicurist."

The motion carried unanimously.

11. Discuss vacant inspector position for Region 4; consider creating a Chief Inspector position.

Chairman Williams introduced the item. Dr. Beran questioned if the Board wants to fill the vacant position with a new inspector, create a chief inspector for that position, or have a chief inspector housed where he is now and travel to other regions as a trouble shooter, to help, and to train other inspectors. Essentially, the questions before the Board are whether to hire an inspector for Austin and expand his geographical responsibilities, or, if the Board hires a chief inspector, should he be brought to Austin or kept in the region where he is now and do additional work for additional pay and either retain the geography of his current region or reduce his geography.

After discussion between Board members, the inspectors, and the Executive Director, Mr. Williams deferred to the Executive Director regarding the time of the future decision on the vacant position but that an inspector should be hired for the Austin area.

ADJOURN: Chairman Charles Williams adjourned the meeting on December 3, 2001 at 6:55 p.m.

I certify that all statements made are to the best of my knowledge true and correct.

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Mary K. Houston  
Administrative Technician

December 3, 2001 Board Meeting