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Summary of Minutes for TSBBE Board Meeting
Held May 3, 2004
at
5717 Balcones Drive, Suite 217
Austin, Texas

Chairman William Kuykendall called the board meeting of the Texas State Board of Barber Examiners to order at 2:10 pm. Members present were Chairman William Kuykendall, Ron Brown, Mary Lou Daughtrey, James Dickerson, San Juana (Janie) Garza, Terissa Johnson, and Janis Wiggins. A quorum was present.

Staff present included: Glenn Parker, Executive Director; Jerry Daniels, Chief Financial Officer; Gloria Torres, Administrative Assistant for Enforcement; Luis Ponce, Inspector, and Luis Sanchez, Inspector.

Chairman Kuykendall moved to agenda item #2, Review and Approval of Minutes from March 1, 2004. Vice-Chairman Ron Brown moved and Janie Garza seconded that the minutes be approved. The motion was approved by unanimous vote.

Chairman Kuykendall moved to agenda item #3, Recognition of Individuals. Chairman Kuykendall, on behalf of the Board, recognized Mr. Stanley Cunningham (Deceased) for 45 years of service as a barber, Mr. Demetrio Gutierrez for 50 years of service as a barber, and Mr. Frankie W. Pavlicek (Deceased) for 49 years of service as a barber. The Board also recognized Ms. Linda Halpern, Assistant Attorney General, for her legal services to the Board. Certificates were signed by board members and will be sent to the individuals or their families. Chairman Kuykendall requested that Mr. Parker send "thank you" letters to those who had appeared at the last board meeting from the Texas Department of Licensing and Regulation and the Texas Workforce Commission. Mr. Parker was also requested to suggest an appropriate gesture of appreciation for Dr. Douglas Beran, the former agency Executive Director.

Chairman Kuykendall moved to agenda item #4, Public Comment. There was none at that time, but public comment was allowed during consideration of Agenda Item #10, Sunset Staff recommendations.

Chairman Kuykendall moved to agenda item #5, Presentation by Assistant Attorney General Joseph Pitner. Mr. Pitner gave an oral presentation covering the duties of the Office of the Attorney General as they relate to the Barber Board, Mr. Pitner's specific responsibilities as they relate to the Board, the responsibilities of individual board members, public meetings requirements, avoiding the appearance of lobbying, and the responsibility of board members not to become involved in cases before they come before the Board for a hearing. Mr. Pitner also discussed current statutes regarding issuing a permit for a barber shop. There were no proposed actions or decisions related to this agenda item before the Board and no motions were made.

Chairman Kuykendall moved to agenda item #10, Consideration of and possibly take action on Sunset Advisory Commission staff recommendations and alternatives, and status of Sunset process. Chairman

Kuykendall invited Mr. William Kuntz, Executive Director of the Texas Department of Licenses and Regulation (TDLR) to make a presentation on TDLR operations as they relate to Sunset staff recommendations to move the Barber Board's licensing, inspection, and enforcement functions to TDLR. Mr. Kuntz was joined by Mr. Brian Francis, Deputy Executive Director of TDLR. Mr. Kuntz and Mr. Francis then reviewed their history as an operating team at the Texas Real Estate Commission and at TDLR. They discussed TDLR's approach to licensing occupations, its enforcement powers, staffing, and administrative and technical resources. Mr. Kuntz and Mr. Francis then answered questions from Board members and Barber Board staff.

Chairman Kuykendall then invited Ms. Connie Jacksits and Mr. Michael De Long of the Texas Workforce Commission (TWC) to make a presentation on the Career Schools Department of the TWC. Ms. Jacksits is the Program Manager for Career Schools and Veterans Education, while Mr. De Long is the Program Administrator. Ms. Jacksits then presented an overview of the Career Schools program and how barber schools might fit in if oversight of the schools were to be transferred to TWC. Mr. De Long and Ms. Jacksits then answered questions from Board members and Barber Board staff. The Board then recessed at approximately 4:20 pm.

The Board reconvened at 4:35 pm. Chairman Kuykendall asked Glenn Parker, Executive Director, to review for the Board the Sunset Commission Staff Report's key recommendations concerning the Barber Board and to review for the Board different possible outcomes of the Sunset process. The Board then spent considerable time in discussing the pros and cons of the Sunset Commission Staff Report recommendations and other possible alternatives to the Sunset recommendations.

Mr. James Dickerson made a motion, seconded by Ms. Mary Lou Daughtrey, that the Board take affirmative action to identify and explore areas in which the Texas State Board of Barber Examiners and the Texas Cosmetology Commission may share inspectors and administrative support. The motion passed unanimously.

Vice-Chairman Ronald Brown moved, with a second by Ms. Janie Garza, that, if asked to express an opinion by the Sunset Advisory Commission, the Board would prefer the following outcomes, ranked in order from most preferable to least preferable: (1) Two separate boards with two executive directors, but with consolidated administrative functions and inspectors; (2) Two separate boards with one executive director, and one staff; (3) One board with equal representation for barbers, cosmetology, and the public, with one executive director and one staff. The motion passed with a vote of 4 in favor, 2 opposed, and 1 abstaining. Members Brown, Garza, Johnson, and Wiggins were in favor. Members Dickerson and Daughtrey were opposed. Chairman Kuykendall abstained.

Board member Terissa Johnson moved, with a second by Ms. Janis Wiggins, to authorize Chairman Kuykendall, Vice-Chairman Brown, and Executive Director Parker to take action based on the Board's preferences as expressed in the previous motion. The motion carried with 5 in favor, none opposed, and 2 abstaining. Those abstaining were Chairman Kuykendall and Ms. Mary Lou Daughtrey.

Board member Janis Wiggins left the meeting at that point. A quorum still being present, the meeting continued.

Chairman Kuykendall moved to Agenda Item #9, New Fees for Texas Online. Mr. Parker laid out a proposed rule to adopt new, additional fees required by the Texas Online Authority to be implemented by September 1, 2004. Public opposition was expressed. Vice-Chairman Brown moved, and Mr. Dickerson seconded, to propose the new fees for adoption. The motion passed unanimously.

Chairman Kuykendall moved to agenda item #17, Proposed Amendment to Rule 51.12 to require payment for school inspection to be received before the inspection is scheduled. Vice-Chairman Brown moved, and Ms. Garza seconded, to propose the rule change for adoption. The motion passed unanimously.

Chairman Kuykendall then left the meeting and Vice-Chairman Brown took over as presiding officer. A quorum still being present, the meeting continued.

Vice-Chairman Brown moved to Agenda Item #6, Consideration of Final Orders from the SOAH hearings held February 9, 2004 and of Agreed Orders from Informal Conferences conducted by the Executive Director conducted on April 12, 2004. Mr. James Dickerson moved, seconded by Ms. Mary Lou Daughtrey, that the Orders be approved. The motion carried unanimously.

Vice-Chairman Brown asked for a motion to postpone consideration of remaining agenda items to future board meetings. Mr. Dickerson moved, seconded by Ms. Garza, to postpone the remaining agenda items. The motion passed unanimously.

Vice-Chairman Brown moved to Agenda Item #19, Adjourn. The Board meeting was adjourned at 8:38 pm.