

BOARD MEMBERS

WILLIAM H. KUYKENDALL, J.D.
CHAIRMAN
AUSTIN

RONALD L. BROWN
DRIPPING SPRINGS

MARY LOU DAUGHTREY
TYLER

JAMES H. DICKERSON, J.D.
LAKE JACKSON

SAN JUANA C. GARZA
WESLACO

TERISSA JOHNSON
SANGER

JANIS E. WIGGINS
KINGSLAND



GLENN D. PARKER
EXECUTIVE DIRECTOR
glenn.parker@tsbbe.state.tx.us
STATE BOARD OF BARBER EXAMINERS
http://www.tsbbe.state.tx.us

STATE BOARD OF BARBER EXAMINERS
5717 Balcones Dr., Ste 217
Austin, Texas 78731
(512) 936-6333 (888) 870-8755 FAX (512) 458-4901

Summary of Minutes for TSBBE Board Meeting
Held June 7, 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 1:55 pm. Members present were Chairman William Kuykendall, Ron Brown, Mary Lou Daughtrey, James Dickerson, San Juana (Janie) Garza, and Terissa Johnson. Board member Janis Wiggins was not present. A quorum was present. Also present was Frank Knapp, Assistant Attorney General.

Staff present included: Glenn Parker, Executive Director; Jerry Daniels, Chief Financial Officer; Gloria Torres, Administrative Assistant for Enforcement; Luis Ponce, Inspector, and Jack Rogers, Inspector. Also present in the audience were Chloe Liberknecht, Sunset Commission Staff, Ms. Linda Connor, and Mr. Wayne Johnson.

Mr. Kuykendall moved to Agenda Item #2, Review and Approval of Minutes from Board Meeting of May 3, 2004. Mr. Brown made a motion to approve the minutes. Ms. Johnson seconded the motion. Discussion ensued in which Mr. Kuykendall made a motion to amend Mr. Brown's motion so that some corrections to the record would be made to reflect grammatical changes, to record that public opposition was expressed to the proposed adoption of new Texas Online fees, to record that the Executive Director was asked to send letters of appreciation to witnesses in the *Townsend vs. State Board of Barber Examiners* trial in November, 2003, to recommend an appropriate gesture of appreciation for the previous Executive Director, and to add to the minutes the dates and docket numbers of the Final Orders approved by the Board. Mr. Kuykendall also proposed that the record be corrected to clarify that the Board's vote on May 3, 2004 was to express an opinion on possible organizational issues if asked by the Sunset Commission, and not by the Legislature. Mr. Brown commented that the correction reflected his intent when he had made the original motion at the May 3 meeting. Mr. Kuykendall's amendment to the motion was accepted and the motion to accept the minutes, as corrected, passed by a vote of 4 in favor and 2 opposed. Board members Daughtrey and Dickerson voted "No" on the motion to accept the corrected minutes.

Mr. Kuykendall moved to Agenda Item # 4, Public Comment, with the intent to return to Agenda Item #3 (Recognition of Individuals) as time allowed. Ms. Linda Connor, who is a non-barber but who inherited and operates a barber shop, addressed the Board concerning the statutes and rules regarding the requirement to have a barber's name on each barber shop permit. Ms. Connor asked the Board to consider supporting a change to the statute to allow non-barbers to obtain a shop permit in their own name without requiring a barber's name to be on the shop permit in addition to the owner's name.

Mr. Kuykendall moved to Agenda Item #6, Executive Director's Report. Mr. Parker gave an oral report on agency operations. Mr. Parker updated the Board concerning the proposed rule changes concerning Texas Online Fees and the proposed expansion of the Texas Online Licensing process to include shop

permits and original licenses and permits. Mr. Parker also updated the Board on the progress made in implementing the recommendations from the State Auditor. Good progress has been made on updating the shop files and creating a new quarterly shop report. Mr. Parker reported that Margie Weaver has eliminated the most of the backlog in entering shop inspections reports and that the agency expects to be current in entering shop reports by the end of June. Mr. Parker informed the Board that the Barber Board and the Cosmetology Commission are exploring the possibility of developing a plan that would lead to a unified inspection process under which inspectors from both agencies would be empowered to inspect all licensees of both agencies (excluding schools and students).

In addition, Mr. Parker reported that no decision has been reached by the Attorney General's office regarding the Board's request to clarify the requirements of the agency to participate in the Texas Online Licensing project in light of the fact that agency licensees must present a health certificate before a license can be issued or renewed. Finally, Mr. Parker reported that a new examination for teachers has been developed and implemented, both in English and in Spanish. The new examination is from the Professional Testing Corporation, which also developed the examination for barber students that is currently used. No Board action was taken on Mr. Parker's report.

Mr. Kuykendall moved to Agenda Item #7, Agency Reports. Mr. Parker and Mr. Daniels gave reports on the agency's financial operations, fines, schools, and enrollments. Revenues for the year are very close to expectations. Board expenditures are running very close to the budget. The expenditure budget is very tight and some action may need to be taken by the Executive Director to reduce expenses in July and August to ensure that the agency's expenditures stay within the appropriated amounts. The Second Quarter Performance Report was presented by Mr. Jerry Daniels. No significant deviations from the targets are expected at year-end except for percentages of licensees participating in Texas Online. The Board accepted the agency reports.

Mr. Kuykendall moved to Agenda Item #9, the Sunset Commission. Mr. Parker gave a brief oral review of where the agency is in the Sunset process. Ms. Chloe Lieberknecht spoke briefly about the Legislative Council's role in drafting a bill to implement the recommendations of the Sunset Commission. No Board action was taken.

Mr. Kuykendall moved to Agenda Item #17, Board Organizational Issues, and announced that the Board would go into Executive Session to take up Agenda Items #17-C & D. Ms. Daughtrey made a motion to table Agenda Item #17 and was seconded by Mr. Dickerson. Discussion ensued. The Board voted 4-2 against the motion to table, with Board members Daughtrey and Dickerson voting to table and Board members Kuykendall, Brown, Garza, and Johnson voting "No".

The Board went into Executive Session in accordance with section 551.071 and 551.074 of the Texas Open Meetings Act at 3:57 pm to consider Agenda Items #17-C (Process for Board self evaluation) and 17-D (Process for six-month evaluation of Executive Director). Chairman Kuykendall submitted a written certified agenda of the Executive Session in place of a tape recording of the Session.

The Board emerged from Executive Session at 4:45 pm and resumed its public meeting. Ms. Garza left the meeting. A quorum still being present, the meeting continued in open session.

Mr. Kuykendall moved to Agenda Item #5, Consideration of Final Orders from SOAH and Consideration of Agreed Orders from the Executive Director. Mr. Parker presented the Proposal for Decisions from the Administrative Law Judges for cases heard on April 26, 2004. Mr. Dickerson moved, seconded by Ms. Daughtrey, to accept the Final Orders. The Board voted unanimously in favor of the motion. SOAH Docket Numbers included in the motion were: 502-04-4254.W, 502-04-4255.W, 502-04-4256.W, 502-04-4257.W, 502-04-4258.W, 502-04-4259.W, 502-04-4262.W, 502-04-4264.W, 502-04-4265.W, 502-04-4266.W, 502-04-4267.W, 502-04-4268.W, 502-04-4269.W, 502-04-4271.W, and 502-04-4273.

Mr. Parker then presented the six Agreed Orders from Informal Conferences conducted by the Executive Director on May 10, May 17, and May 24, 2004. The Agreed Orders were for the following individuals: (1) Susan Kinson; (2) Kelvin McGee; (3) Frances Dean; (4) Ok Hui Roberson; (5) Lasco Sparks; and (6) Lucinda D. Womack. Board member Johnson moved to accept the Agreed Orders, seconded by Mr. Brown. Discussion ensued. The Board voted 4-1 to accept the Agreed Orders, with Mr. Dickerson voting "No".

Mr. Kuykendall then moved to Agenda Item # 8, Report from Board Member Dickerson. Mr. Dickerson then gave the Board an oral report of his day spent observing shop inspections with agency Inspectors Briscoe and O'Neal in the greater Houston area. No Board action was taken.

Mr. Kuykendall then moved to Agenda Item #3, Recognition of Individuals. The Board recognized Mr. Salomon Ramos (deceased) for 73 years of service to the barber profession, and Mr. Delfino Isaac (deceased) for 10 years of service to the barber profession. Certificates of appreciation were signed by the Board members and will be mailed to the families of the individuals recognized.

Mr. Kuykendall then moved to Agenda Item #11, Agency Inspection Policy for Schools, Shops, and Licensees. Mr. Parker presented to the Board a revised policy for frequency of inspections for barber schools, shops, and licensees. The proposed revised policy would require that all schools be inspected at least one each six months or more frequently as needed and that all shops without previous violations or complaints be inspected at least once every twelve months or more frequently as needed. Mr. Dickerson made a motion to approve the revised policy, with Mr. Brown seconding the motion. Discussion ensued and the motion was passed unanimously.

Mr. Kuykendall then moved to Agenda Item #12, Elimination of Required Warning for Some Violations. Mr. Parker presented the item to the Board with the explanation that the Board had previously instructed him to identify areas in which agency inspectors are now required to give warnings for first offences instead of fines. The Board decided to defer any decisions to a future meeting and requested that the Executive Director identify any current violations (if any) that are health related that require a warning for the first offence.

Mr. Dickerson and Ms. Daughtrey left the meeting at 5:40 pm. A quorum no longer being present, Mr. Kuykendall adjourned the meeting.