

## Barber Advisory Board Meeting February 10, 2020

### Licensing Statistics Sep. 1, 2019 - Dec. 31, 2019

	New Licenses Issued	% New Licenses Issued Online	Renewal Licenses Issued	% Renewed Online	FY 2020 TOTAL POPULATION	FY 2019 TOTAL POPULATION
<b>Licensed Individuals</b>						
Class A Barber Licensees	413	N/A	2172	90.6%	18,417	18,307
Barber Specialty Licenses	0	N/A	44		285	301
Barber Instructors	28	N/A	75	97.9%	619	597
Barber Student Permits	1661	95.4%	not renewable		3,726	3,681
<b># of Individuals</b>	<b>2102</b>	<b>74.5%</b>	<b>2291</b>	<b>87.2%</b>	<b>23,047</b>	<b>22,886</b>

	New Licenses Issued	% New Licenses Issued Online	Renewal Licenses Issued	% Renewed Online	FY 2020 TOTAL POPULATION	FY 2019 TOTAL POPULATION
<b>Licensed Businesses</b>						
Barber & Specialty Shops	567	not available	754	not available	8,741	8,623
Specialty Barber Shops	127	not available	49	not available	1,218	1,212
Barber Schools	15	not available	38	not available	162	151
<b># of Businesses</b>	<b>567</b>	<b>not available</b>	<b>2291</b>	<b>not available</b>	<b>10,121</b>	<b>9,986</b>

	FY 2020 TOTAL POPULATION	FY 2019 TOTAL POPULATION
TOTAL INDIVIDUALS	23,047	22,886
TOTAL SHOPS	9,959	9,835
TOTAL SCHOOLS	162	151
<b>TOTAL INDUSTRY POPULATION</b>	<b>33,168</b>	<b>32,872</b>



**Barbering Advisory Board**  
**Enforcement Division Staff Report**  
**February 10, 2020**

**Case Highlights**

- **Brandon Rollerson** - (BAR20180002908; 452-19-1476.BAR) - Commission Order issued October 1, 2019

In November 2017, Mr. Rollerson submitted his barber's license renewal application to the Department. This application included a question that asked if Respondent had been convicted of any felonies or misdemeanors since his last renewal, to which Mr. Rollerson answered "no." This was not accurate, because in May 2016, Mr. Rollerson was convicted of the Class A misdemeanor offense of Attempt to Commit Possession of Marijuana More Than 4 Ounces. In October 2016, Mr. Rollerson received two convictions: one for the Class B misdemeanor offense of Unlawfully Carrying a Weapon, and the other for the Class A misdemeanor offense of Possession of Marijuana. These new offenses were in addition to Mr. Rollerson's February 2010 conviction for the Class B misdemeanor of Possession of Marijuana and May 1996 conviction for the Class A misdemeanor offense of Resisting Arrest. Mr. Rollerson's convictions for possession of marijuana involved individually wrapped packages of marijuana and other circumstances that were consistent with the illegal delivery of a controlled substance.

Based on the convictions, the Department moved to revoke Mr. Rollerson's license, and Mr. Rollerson requested a hearing on the proposed revocation at the State Office of Administrative Hearings. After a contested case, the Administrative Law Judge found for the Department and issued a proposal recommending Mr. Rollerson's license be revoked, as he had failed to show he possessed the fitness, honesty, integrity, and trustworthiness to be licensed as a barber.

This proposal was subsequently adopted by the Commission, and on October 1, 2019, Respondent's license was revoked.

- **Jesus D. Soto Melendez d/b/a Looney Tunes Barbershop** - (BAR20190010644) - Agreed Order issued September 6, 2019

On September 6, 2019, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Looney Tunes Barbershop. As part of this negotiated settlement, owner Jesus D. Soto Melendez accepted liability for failing to cooperate with the inspection and for employing two unlicensed barbers. Mr. Soto Melendez agreed to pay an administrative penalty of \$2,250, which has been paid in full.

- **Joey T. Givens d/b/a Career Makers School** - (BAR20190012593) - Agreed Order issued November 20, 2019

On November 20, 2019, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Career Makers School. As part of the negotiated settlement, owner Joey T. Givens accepted liability for two instances of failing to have a barbering instructor present while students were at the school. Mr. Givens agreed to pay an administrative penalty of \$2,250 and is still making payments towards compliance with this order.

- **Danielle Jackson d/b/a Beautiful Braids & Kinks** - (BAR20190012640) - Default Order issued December 18, 2019

On December 18, 2019, the Executive Director granted the Department's Motion for Default against Danielle Jackson, owner of Beautiful Braids & Kinks. Ms. Jackson was assessed a penalty of \$3,000 for employing two unlicensed barbers. Ms. Jackson has not complied with this order.

- **David Perez d/b/a TDK Barbershop** - (BAR20190007522) - Agreed Order issued December 12, 2019

On or about December 12, 2019, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and TDK Barbershop. As part of the negotiated settlement, owner David Perez accepted liability for employing three unlicensed barbers. As prior violations increase the penalties sought in subsequent actions, to resolve the violations alleged in this current case, Mr. Perez was assessed an administrative penalty of \$5,250. Mr. Perez is still making payments towards compliance with this order.

The violations alleged in this case are Mr. Perez's third violation of the Department's law and rules. Specifically, on February 3, 2017, In the Matter of David Perez d/b/a TDK, case number BAR20160008957, the Executive Director signed a Default Order for a \$4,500 penalty against Mr. Perez for failing to cooperate with an inspection and employing two unlicensed barbers. On March 22, 2018, In the Matter of David Perez d/b/a TDK, case numbers BAR20170002697, BAR20170002709, and BAR20170018710, the Executive Director signed an Agreed Order for a \$4,750 penalty against Mr. Perez for employing five unlicensed barbers. Mr. Perez has complied with both prior orders.

## **Key Statistics**

Shown below are key statistics for the Barbering program and for all TDLR programs combined through November of Fiscal Year 2020.

<b><u>Statistic</u></b>	<b><u>BAR</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	163	2,655
• Number of cases resolved:	180	2,570
• Number of Final Orders:	43	470
• Total amount of penalties assessed:	\$58,775	\$874,531
• Total amount of penalties collected:	\$28,650	\$403,443

Shown below are key statistics for the Barbering program and for all TDLR programs combined for Fiscal Year 2019.

<b><u>Statistic</u></b>	<b><u>BAR</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	724	10,902
• Number of cases resolved:	686	10,113
• Number of Final Orders:	186	1,887
• Total amount of penalties assessed:	\$248,900	\$3,394,345
• Total amount of penalties collected:	\$95,785	\$1,731,554

Shown below are key statistics for the Barbering program and for all TDLR programs combined for Fiscal Year 2018.

<b><u>Statistic</u></b>	<b><u>BAR</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	768	10,585
• Number of cases resolved:	816	9,833
• Number of Final Orders:	277	2,037
• Total amount of penalties assessed:	\$403,075	\$3,209,055
• Total amount of penalties collected:	\$170,475	\$1,528,594



**ADVISORY BOARD ON BARBERING**  
MONDAY, FEBRUARY 10<sup>TH</sup>, 2020

**PERSONNEL UPDATES**

**BARBER STATISTICS AND TRENDS**

**BARBER CURRICULUM STATISTICS**

(AS OF DECEMBER 31<sup>ST</sup>, 2019)

<b>2020</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
TOTAL NEW CURRICULUM APPROVALS	55	46	20	121	37	-	-	37	-	-	-	0	-	-	-	0	158
<b>2019</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
TOTAL NEW CURRICULUM APPROVALS	13	40	27	80	26	29	38	93	28	21	18	67	19	30	29	78	318
<b>2018</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
TOTAL NEW CURRICULUM APPROVALS	25	17	10	52	0	38	11	49	46	26	58	130	46	217	25	288	519

## BARBER EXAMINATION STATISTICS

(AS OF DECEMBER 31<sup>ST</sup>, 2019)

<b>2020</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
PASS	237	258	222	717	189	-	-	189	-	-	-	0	-	-	-	0	906
FAIL	213	238	173	624	179	-	-	179	-	-	-	0	-	-	-	0	803
TOTAL	450	496	395	1,341	368	-	-	368	-	-	-	0	-	-	-	0	1,709
RATE	52.7%	52.0%	56.2%	53.5%	51.4%	0.0%	0.0%	51.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	53.0%
<b>2019</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
PASS	285	298	267	850	251	260	250	761	258	267	197	722	285	345	391	1,021	3,3354
FAIL	158	233	176	567	160	158	164	482	181	170	147	498	188	189	245	622	2,169
TOTAL	443	531	443	1,417	411	418	414	1,243	439	437	344	1,220	473	534	636	1,643	5,523
RATE	64.3%	56.1%	60.3%	60.0%	61.1%	62.2%	60.4%	61.2%	58.8%	61.1%	57.3%	59.2%	60.3%	64.6%	61.5%	62.1%	60.7%
<b>2018</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>Q1</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>Q2</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>Q3</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>Q4</b>	<b>TOT</b>
PASS	200	247	233	680	195	177	272	644	274	279	227	780	246	269	249	764	2,868
FAIL	160	195	163	518	144	119	166	399	193	170	172	535	170	140	184	494	1,946
TOTAL	360	442	396	1,198	309	296	438	1,043	467	449	399	1,315	416	409	433	1,258	4,814
RATE	55.6%	55.9%	58.8%	56.8%	63.1%	59.8%	62.1%	61.7%	58.7%	62.1%	56.9%	59.3%	59.1%	65.8%	57.5%	60.7%	59.6%



**EXAMINATION LICENSE TYPES STATISTICS  
(AS OF DECEMBER 31<sup>ST</sup>, 2019)**

SEPT – OCT – NOV					DEC – JAN – FEB				
1 <sup>ST</sup> QUARTER					2 <sup>ND</sup> QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
CLASS A WRITTEN	352	479	831	42.36%	CLASS A WRITTEN	104	151	255	40.78%
CLASS A PRACTICAL	332	105	437	75.97%	CLASS A PRACTICAL	78	20	98	79.59%
MANICURIST WRITTEN	0	0	0	0.00%	MANICURIST WRITTEN	0	1	1	0.00%
MANICURIST PRACTICAL	1	0	1	100.00%	MANICURIST PRACTICAL	0	0	0	0.00%
TECHNICIAN WRITTEN	0	0	0	0.00%	TECHNICIAN WRITTEN	0	0	0	0.00%
TECHNICIAN PRACTICAL	0	0	0	0.00%	TECHNICIAN PRACTICAL	0	0	0	0.00%
HAIRWEAVING WRITTEN	0	0	0	0.00%	HAIRWEAVING WRITTEN	0	0	0	0.00%
HAIRWEAVING PRACTICAL	0	0	0	0.00%	HAIRWEAVING PRACTICAL	0	0	0	0.00%
TECH/MANI WRITTEN	0	0	0	0.00%	TECH/MANI WRITTEN	0	0	0	0.00%
TECH/MANI PRACTICAL	0	0	0	0.00%	TECH/MANI PRACTICAL	0	0	0	0.00%
TECH/HAIRWEAVING WRITTEN	0	0	0	0.00%	TECH/HAIRWEAVING WRITTEN	0	0	0	0.00%
TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%	TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	17	35	55	30.91%	INSTRUCTOR WRITTEN	5	7	12	41.67%
INSTRUCTOR PRACTICAL	15	2	17	88.24%	INSTRUCTOR PRACTICAL	2	0	2	100.00%
<b>TOTAL</b>	<b>717</b>	<b>624</b>	<b>1,341</b>	<b>53.47%</b>	<b>TOTAL</b>	<b>189</b>	<b>179</b>	<b>368</b>	<b>51.36%</b>
MAR – APR – MAY					JUN – JUL – AUG				
3 <sup>RD</sup> QUARTER					4 <sup>TH</sup> QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
CLASS A WRITTEN	-	-	-	0.00%	CLASS A WRITTEN	-	-	-	0.00%
CLASS A PRACTICAL	-	-	-	0.00%	CLASS A PRACTICAL	-	-	-	0.00%
MANICURIST WRITTEN	-	-	-	0.00%	MANICURIST WRITTEN	-	-	-	0.00%
MANICURIST PRACTICAL	-	-	-	0.00%	MANICURIST PRACTICAL	-	-	-	0.00%
TECHNICIAN WRITTEN	-	-	-	0.00%	TECHNICIAN WRITTEN	-	-	-	0.00%
TECHNICIAN PRACTICAL	-	-	-	0.00%	TECHNICIAN PRACTICAL	-	-	-	0.00%
HAIRWEAVING WRITTEN	-	-	-	0.00%	HAIRWEAVING WRITTEN	-	-	-	0.00%
HAIRWEAVING PRACTICAL	-	-	-	0.00%	HAIRWEAVING PRACTICAL	-	-	-	0.00%
TECH/MANI WRITTEN	-	-	-	0.00%	TECH/MANI WRITTEN	-	-	-	0.00%
TECH/MANI PRACTICAL	-	-	-	0.00%	TECH/MANI PRACTICAL	-	-	-	0.00%
TECH/HAIRWEAVING WRITTEN	-	-	-	0.00%	TECH/HAIRWEAVING WRITTEN	-	-	-	0.00%
TECH/HAIRWEAVING PRACTICAL	-	-	-	0.00%	TECH/HAIRWEAVING PRACTICAL	-	-	-	0.00%
INSTRUCTOR WRITTEN	-	-	-	0.00%	INSTRUCTOR WRITTEN	-	-	-	0.00%
INSTRUCTOR PRACTICAL	-	-	-	0.00%	INSTRUCTOR PRACTICAL	-	-	-	0.00%
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>

**Regulatory Program Management Division Staff Report and Briefing**  
**Texas Department of Licensing and Regulation**  
**Advisory Board on Barbering Meeting**  
**February 10, 2020**

**Barber Program Activities and Projects**

- Staff are currently engaged in the Sunset Commission review process. RPM has met with Sunset staff and provided program statistics, history and subject matter expertise.
- Staff assists other Divisions with Regulatory Program Management-related emails and questions that require subject matter expertise review and input.
- Staff have been working with Bill Implementation Teams to incorporate recent legislation into program rules – specifically HB 2847.

**Public and Industry Outreach**

- Jerry Gonzalez attended and staffed a booth at the TIVA Conference in Dallas, Texas January 21-23, 2020.
- Staff will be attending the Image Expo in Houston, Texas May 3-4, 2020.

**Personnel Updates**

- Charlotte Melder is the new Director of RPM. Charlotte was previously the RPM Business and Consumer Safety Section Manager and just prior to that role, she was an Enforcement Prosecutor.
- Amanda Smith has joined the MHP RPM Group as an Executive Assistant. Amanda has many years of regulatory experience and we are happy to have her on our team.

**Medical and Health Professions Section Activities and Projects**

- MHP staff were busy during the last legislative session. Staff reviewed over 50 bills, analyzed the impact of the proposed legislation and served on cost estimate teams for bills that relate to the medical and health profession programs. Staff are currently leading Bill Implementation Teams to implement the requirements of the new laws that were passed.
- Staff have been involved in training sessions with the new Anti-Human Trafficking Team.
- Staff will begin helping licensing process applications in February 2020.

**Barber Advisory Board Meeting  
Field Inspections Division Report**



February 10, 2020

**MOST COMMON VIOLATIONS FOUND DURING INSPECTIONS**

**Barber Establishment Most Common Violations Found During Inspections**

1<sup>st</sup> Quarter, Fiscal Year 2020

1. **Failed to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled.** – 16 Tex. Admin. Code Ch. 82.101(a)(3)
2. **Furniture, equipment, and/or fixtures are unclean or are not in good repair.** – 16 Tex. Admin. Code Ch. 82.114(a)
3. **Failed to store clean tools and materials in a clean, dry, debris-free environment or failure to separate clean tools from soiled tools or non-barber related supplies.** – 16 Tex. Admin. Code Ch. 82.102(f)
4. **Failed to have restroom on or near premises without stored chemicals.** – 16 Tex. Admin. Code Ch. 82.114(e)
5. **Failed to post individual licenses with a current photograph at the licensee's work station.** – 14 Tex. Occ. Code Ch. 1601.451
6. **Failed to display Notification of Public Interest Information and Participation.** – 14 Tex. Occ. Code Ch. 1603.151(2)
7. **Failure to display prominent sign at entrance/exit indicating no Barber or Cosmetologist is available when a dual shop does not have a Barber or a Cosmetologist employed or contracted.** – 16 TX Admin. Code Ch. 82.71(s)(3)
8. **Failure to post sanitation rules (or current rulebook).** – 14 Tex. Occ. Code Ch. 1601.452
9. **Failure to keep all products used in the conduct of business properly labeled in compliance with OSHA requirements.** – 16 Tex. Admin. Code Ch. 82.102(n)
10. **Failed to post the most recent inspection report issued by the department in a place clearly visible to the public** – 16 TX Admin. Code Ch. 82.71(m)

## Barber Schools Most Common Violations Found During Inspections

1<sup>st</sup> Quarter, Fiscal Year 2020

1. **Failure to keep all products used in the conduct of business properly labeled in compliance with OSHA requirements.** – 16 Tex. Admin. Code Ch. 82.102(n)
2. **Failure to keep floors, walls, ceilings, shelves, furniture, furnishings, & fixtures clean & in good repair.** – 16 Tex. Admin. Code Ch. 82.114(a)
3. **Failure to maintain one album displaying the school's portion of student permits, including affixed picture, of all enrolled students.** – 16 Tex. Admin. Code Ch. 82.72(l)
4. **Failed to store clean tools and materials in a clean, dry, debris-free environment or failure to separate clean tools from soiled tools or non-barber related supplies.** – 16 Tex. Admin Code Ch. 82.102(f)
5. **Student permits not displayed at or near work-stations.** – 16 Tex. Admin Code Ch. 82.73(b)
6. **Failure to post barber instructor's license in a conspicuous place with a photograph attached.** – Tex. Occupations Code Section 1601.451
7. **Failure to empty all trash containers daily and kept clean by washing or using plastic liners.** – 16 Tex. Admin. Code Ch. 82.102(j)
8. **Failed to have restroom on or near premises without stored chemicals.** – 16 Tex. Admin. Code Ch. 82.114(e)

## **DIVISION PROJECTS**

CamTu Tran, East Region Manager, continues working with Vietnamese TV in Houston and Dallas. Decembers' episodes covered the most common violations found during Barber and Cosmetology inspections and the cleaning records cited in 16 Texas Administrative Code Ch. 83.108.

## **PERSONNEL UPDATES**

Congratulations to Juliane Crocker, who accepted a position as a Management Analyst with the Office of Innovation and Project Management, effective November 15<sup>th</sup>. And we welcome Colleen Cloudy as the new Lead Facilitator on February 3.

## STATISTICS

	Barber Establishments		Dual Establishments		Barber Mini-Shops		Dual Mini-Shops		Barber Program Totals	
	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019
SEPT	181	135	214	279	37	29	31	20	463	463
OCT	205	225	265	306	21	23	18	18	509	572
NOV	133	177	151	322	7	14	10	16	301	529
QTR 1	519	537	630	907	65	66	59	54	1273	1564
DEC	79	118	99	193	16	6	30	2	224	319
JAN		183		275		21		19		498
FEB		164		293		17		38		512
QTR 2	79	465	99	761	16	44	30	59	224	1329
MAR		181		294		16		16		507
APR		123		241		24		35		423
MAY		157		239		94		55		545
QTR 3		461		774		134		106		1475
JUNE		161		243		52		52		508
JUL		159		241		46		47		493
AUG		145		205		31		25		406
QTR 4		465		689		129		124		1407
Year to Date/ Year End	598	1928	729	3131	81	373	89	343	1497	5775

	<b>Barber Schools</b>	
	<b>FY 2020</b>	<b>FY 2019</b>
SEPT	24	10
OCT	31	21
NOV	18	21
<b>QTR 1</b>	<b>73</b>	<b>52</b>
DEC	16	9
JAN		28
FEB		30
<b>QTR 2</b>	<b>16</b>	<b>67</b>
MAR		20
APR		28
MAY		17
<b>QTR 3</b>		<b>65</b>
JUNE		21
JUL		24
AUG		24
<b>QTR 4</b>		<b>69</b>
<b>Year to Date/ Year End</b>	<b>89</b>	<b>253</b>