

Barber Advisory Board Meeting November 4, 2019

Licensed Individuals	New Licenses Issued	% New Licenses Issued Online (of those eligible to apply online)	Renewal Licenses Issued	% Renewed Online (of those eligible to renew online)	FY 2019 TOTAL POPULATION	FY 2018 TOTAL POPULATION
Barber Licensees	1384	na	7146	86.9%	18,608	17,930
Barber Instructors	114	NA	191	97.9%	597	501
Barber Student Permits	5347	95.4%	not renewable		3,681	3,135
# of Individuals	6845	74.5%	7337	87.2%	22,886	21,566

Licensed Businesses	New Licenses Issued	% New Licenses Issued Online (of those eligible to apply online)	Renewal Licenses Issued	% Renewed Online (of those eligible to renew online)	FY 2019 TOTAL POPULATION	FY 2018 TOTAL POPULATION
Barber Shops	2135	29.4%	2864	35.0%	9,835	4,191
Barber Schools	52	n/a	98	n/a	151	97
# of Businesses	2187	23.9%	2962	33.8%	9,986	4,288

	FY 2019 TOTAL POPULATION	FY 2018 TOTAL POPULATION
TOTAL INDIVIDUALS	22,886	21,566
TOTAL FACILITIES	9,986	9,667
TOTAL INDUSTRY POPULATION	32,872	31,233

Barbering Advisory Board
Enforcement Division Staff Report
November 4, 2019

Case Highlights

Victor B. Burton Jr.

(BAR20180007384) | Default Order issued June 25, 2019

On June 25, 2019, the Executive Director granted the Department's Motion for Default against former barber Victor B. Burton Jr. and assessed an administrative penalty of \$1,800 for Mr. Burton's persistent unlicensed barbering activities. Mr. Burton had his Class A Barber license revoked by operation of law as the result of a felony conviction in a prior case. On this case, the Department found that Mr. Burton was continuing to perform, offer, or attempt to perform acts of barbering. Mr. Burton has not paid the \$1,800 penalty to comply with this order.

On April 9, 2019, the Department also issued a Cease and Desist Order against Mr. Burton in connection with this case.

Randall J. Ramirez and Peter To d/b/a Dapper Barber & Co.

(BAR20180010946) | Agreed Order issued February 14, 2019

On February 14, 2019, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Dapper Barber & Co. As part of this negotiated settlement, owners Randall J. Ramirez and Peter To accepted liability for four violations of allowing unlicensed persons to perform barbering on the premises of Dapper Barber & Co. Mr. Ramirez and Mr. To agree to pay an administrative penalty of \$3,000, which has been paid in full.

Jose Balboa d/b/a Kalibur Barber College

(BAR20180009980) | Agreed Order issued January 14, 2019

On January 14, 2019, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Kalibur Barber College. As part of the negotiated settlement, owner Jose Balboa accepted liability for failing to properly calculate a student's tuition refund after a student voluntarily withdrew from Kalibur Barber College in February 2018. Mr. Balboa agreed to pay an administrative penalty of \$1,750, which has been paid in full.

Richard Miles, Jr.

(BAR20180005947) | Default Order issued July 3, 2019

On July 3, 2019, the Executive Director granted the Department's Motion for Default against Mr. Miles. Mr. Miles was assessed a penalty of \$2,500 for performing the practice of barbering without an active license and his expired Class A Barber license was revoked for failing to comply with the terms of a prior order. During an inspection on November

3, 2017, the Inspector observed Mr. Miles performing a haircut on a client even though his Class A Barber license had expired in May 2013.

The violations in this case are Mr. Miles' second violation of the Department's law and rules. Specifically, on January 4, 2012, in the matter of *Texas Department of Licensing and Regulation v. Richard Miles, Jr.*, in case number BAR20110011322, the Department issued an order of the Executive Director assessing Mr. Miles a penalty of \$2,000 for engaging in barbering while unlicensed. Mr. Miles entered into a Payment Agreement with the Department on April 25, 2016 to pay the \$2,000 penalty, then failed to abide by the terms of the agreement and still owes a balance of \$1,500 on the prior case.

Jeffrey Allen d/b/a Jeffrey Allen d/b/a Pfinal Cut Barbershop

(BAR20180016192) | Agreed Order issued February 11, 2019

On or about February 11, 2019, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Pfinal Cut Barbershop. As part of the negotiated settlement, owner Jeffrey Allen accepted liability for employing two unlicensed barbers, storing chemicals in the restroom, not removing hair cuttings as soon as practicable, and not cleaning and disinfecting electronic hair clippers after use. As prior violations increase the penalties sought in subsequent actions, to resolve the violations alleged in this current case, Mr. Allen was assessed an administrative penalty of \$4,250. Mr. Allen is still making payments towards compliance with this order.

The violations alleged in this case are Mr. Allen's third violation of the Department's law and rules. Specifically, on June 9, 2016, *In the Matter of Jeffrey Allen d/b/a Jeffrey Allen*, case number BAR20160017750, the Executive Director signed an Agreed Order for a \$1,000 penalty against Mr. Allen for employing an unlicensed person. On February 13, 2018, *In the Matter of Jeffrey Allen d/b/a Jeffrey Allen*, case number BAR20180002596, the Executive Director signed an Agreed Order for a \$2,625 penalty against Mr. Allen for employing an unlicensed person. Mr. Allen has complied with both prior orders.

Key Statistics

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

<u>Statistic</u>	<u>BAR</u>	<u>TDLR</u>
• 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.

<u>Statistic</u>	<u>BAR</u>	<u>TDLR</u>
• 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

NOVEMBER 4, 2019

EDUCATION, EXAMINATION, & SCHOOL SERVICES

Examination Review Committee (ERC) Updates

- The Barber Examination Review Committee met various times in the past year, with the Education and Examination Staff in attendance. The Committee reviewed the updated practical exams as well as reviewed poorly performing written items and augment the item pool.

BARBER STATISTICS AND TRENDS

BARBER CURRICULUM STATISTICS

FY 2018-2019

2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CURRICULUM APPROVALS ISSUED	13	40	27	80	26	29	38	93	28	21	18	67	19	30	29	78	318

2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CURRICULUM APPROVALS ISSUED	25	17	10	52	0	38	11	49	46	26	58	130	46	217	25	288	519

BARBER EXAMINATION STATISTICS

FY 2018-2019

2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
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%

2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
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	1198	309	296	438	1043	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%

2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	168	216	204	588	190	193	196	579	237	222	211	670	208	210	192	610	2,447
FAIL	135	147	150	432	113	111	129	353	144	159	148	451	137	138	157	432	1,668
TOTAL	303	363	354	1020	303	304	325	932	381	381	359	1,121	345	348	349	1042	4,115
RATE	55.4%	59.5%	57.6%	57.6%	62.7%	63.5%	60.3%	62.1%	62.2%	58.3%	58.8%	59.8%	60.3%	60.3%	55.0%	58.5%	59.5%

EXAMINATION LICENSE TYPES STATISTICS
FY 2018–2019

SEPT – OCT – NOV					DEC – JAN - FEB				
1 ST QUARTER					2 ND QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
CLASS A WRITTEN	429	515	944	45.44%	CLASS A WRITTEN	371	423	794	46.73%
CLASS A PRACTICAL	378	31	409	92.42%	CLASS A PRACTICAL	357	43	400	89.25%
MANICURIST WRITTEN	1	0	1	100.00%	MANICURIST WRITTEN	0	0	0	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	1	1	2	50.00%
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	1	0	1	100.00%	TECH/HAIRWEAVING WRITTEN	0	0	0	0.00%
TECH/HAIRWEAVING PRACTICAL	2	0	2	100.00%	TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	21	18	39	53.85%	INSTRUCTOR WRITTEN	16	13	29	55.17%
INSTRUCTOR PRACTICAL	17	3	20	85.00%	INSTRUCTOR PRACTICAL	16	2	18	88.89%
TOTAL	850	567	1,417	59.99%	TOTAL	761	482	1,243	61.22%

MAR – APR – MAY					JUN – JUL – AUG				
3 RD QUARTER					4 TH QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
CLASS A WRITTEN	391	430	821	47.62%	CLASS A WRITTEN	518	554	1,072	48.32%
CLASS A PRACTICAL	302	44	346	87.28%	CLASS A PRACTICAL	453	33	486	93.21%
MANICURIST WRITTEN	0	0	0	0.00%	MANICURIST WRITTEN	1	1	2	50.00%
MANICURIST PRACTICAL	0	0	0	0.00%	MANICURIST PRACTICAL	0	0	0	0.00%
TECHNICIAN WRITTEN	1	0	1	100.00%	TECHNICIAN WRITTEN	0	0	0	0.00%
TECHNICIAN PRACTICAL	0	0	0	0.00%	TECHNICIAN PRACTICAL	0	0	0	0.00%
HAIRWEAVING WRITTEN	0	1	1	0.00%	HAIRWEAVING WRITTEN	0	5	5	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	1	1	0.00%
TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%	TECH/HAIRWEAVING PRACTICAL	1	0	1	100.00%
INSTRUCTOR WRITTEN	16	19	35	45.71%	INSTRUCTOR WRITTEN	26	25	51	50.98%
INSTRUCTOR PRACTICAL	12	4	16	75.00%	INSTRUCTOR PRACTICAL	22	3	25	88.00%
TOTAL	722	498	1,220	59.18%	TOTAL	1,021	622	1,643	62.14%

REGULATORY PROGRAM MANAGEMENT DIVISION REPORT
Barber Advisory Board Meeting
November 4, 2019

Outreach and Projects

Elizabeth Perez and Marinela La Fleur attend the following:

- 74th Texas State Association & Beauty Culturist's League Convention and Trade Show: October 7 – 9, 2018 in Beaumont, Texas.
- Texas Industrial Vocational Association (TIVA) Conference: January 22-23, 2019 in Corpus Christi.
- The Foundation for Advancement of Careers & Technical Education (FACTED) Conference: July 7th – 9th, 2019 in San Antonio
- The Texas Industrial Vocational Association (TIVA) Conference: July 14th – July 16th, 2019 in Corpus Christi.
- 75th Texas State Association & Beauty Culturist's League Convention and Trade Show: October 13– 14, in Beaumont, Texas.

Marinela Lafleur, Elizabeth Perez and Jerry Gonzalez attended the following:

- The Image Expo May 5-6, 2019 in Houston.
- The Armstrong McCall World's Fair: September 8-9, 2019 in San Antonio, Texas

During the trade shows we answered questions and provided information to industry attendees. Information such as license renewals, the agency's Human Trafficking initiative, continuing education requirements and law and rule questions.

- Elizabeth Perez and Marinela LaFleur participated in the PSI Barber Examination Review Committee meetings that were held in January and September 2019.
- Elizabeth and Marinela continue to assist Enforcement Division staff with questions that arise during investigations. We also support Field Inspections, Licensing, and Customer Service with specific program questions.

Upcoming Trade Shows

- Foundation for Advancement of Careers & Technical Education (FACTED) Conference: November 1st-3rd in Dallas.

Barber Advisory Board Meeting

Field Inspections Division Report



November 4, 2019

MOST COMMON VIOLATIONS FOUND DURING INSPECTIONS

Barber Establishment Most Common Violations Found During Inspections

3rd Quarter, Fiscal Year 2019

1. **Failed to post individual licenses with a current photograph at the licensee's work station.** – Tex. Occupations Code Section 1601.451. Failure to display original license or certificate and attached photograph of the holder in a conspicuous place near the holder's work chair in shop where holder is working.
2. **Establishment furniture, equipment, and/or fixtures are unclean or are not in good repair.** – 16 Tex. Admin. Code Ch. 82.114(a). Fail to keep floors, walls, ceilings, shelves, furniture, furnishings, & fixtures clean & in good repair.
3. **Failed to have restroom on or near premises without stored chemicals.** – 16 Tex. Admin. Code Ch. 82.114(e).
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-cosmetology supplies.** – 16 Tex. Admin Code Ch. 82.102(f).
5. **Shop failed to maintain a list of all employees and independent contractors.** – 16 Tex. Admin Code Ch. 82.71(c, d).
6. **Failed to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled.** – 16 Tex. Admin. Code Ch. 82.101(a)(3).
7. **Failed to display Notification of Public Interest Information and Participation.** - Tex. Occupations Code Section 1603.151(2).
8. **Failure to display a copy of the sanitation rules.** – Tex. Occupations Code Section 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 Tex. Admin. Code Ch. 82.71(m).

Barber Schools Most Common Violations Found During Inspections

3rd Quarter, Fiscal Year 2019

1. **Failed to display school portion of student permits.** - 16 Tex. Admin. Code Ch. 82.72(l). A barber school shall maintain one album displaying the school's portion of student permits, including affixed picture, of all enrolled students. The permits shall be in alphabetical order. No student may accrue hours for practical work or theory unless the student's permit is displayed in accordance with this subsection.
2. **Shampoo bowls and manicure tables shall be disinfected prior to use for each client.** - 16 Tex. Admin Code Ch. 82.102(h).
3. **A barber school may not increase, decrease, or withhold for any reason the number of credit hours earned by a student.** - Tex. Occupations Code Section 1601.558(d).
4. **Failed to have restroom on or near premises without stored chemicals.** - 16 Tex. Admin. Code Ch. 82.114(e).
5. **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-cosmetology supplies.** - 16 Tex. Admin Code Ch. 82.102(f).

Personnel Updates

North Region Manager, Joe Carrasco, resigned, effective May 2019. Ronald Gericke accepted a promotion from Inspector to the North Region Manager in June 2019. Thank you to Joe for all the hard work and congratulations to Ron!

Since the last meeting, we welcomed five Field Inspectors to our division. Don Morefield, Thuy Kepner and Sandy Luker are located in the Dallas/Fort Worth area, Jorge Vega is located in the San Antonio area and Donna Johnson is located in Houston.

As part of the new organizational chart, Field Inspections expanded from three to four regions, adding a Central Region Manager and Liaison. We also added a new designation of Inspector VI. We interviewed for eight Field Inspector VI positions located across the four regions in mid-September. The Field Inspector VI selections will be announced soon.

Congratulations to Juan Muñoz, who accepted the position of manager for the newly created Field Inspections Central Region. His began his new role on September 16.

Congratulations to Field Inspector Angela Sanders, who accepted the position of Field Inspections Liaison. Angela was a Field Inspector in the Corpus Christi area. Her start date as a Liaison was September 16.

FIELD INSPECTIONS STATISTICS

Barber Establishments

	Barber Establishments		Dual Establishments		Barber Mini-Shops		Dual Mini-Shops		Barber Program Totals	
	FY 2019	FY 2018	FY 2019	FY 2018	FY 2019	FY 2018	FY 2019	FY 2018	FY 2019	FY 2018
SEPT	135	123	279	149	29	23	20	12	463	307
OCT	225	182	306	171	23	12	18	9	572	374
NOV	177	179	322	165	14	11	16	18	529	373
QTR 1	537	484	907	485	66	46	54	39	1,564	1054
DEC	118	95	193	108	6	1	2	4	319	208
JAN	183	173	275	215	21	19	19	12	498	419
FEB	164	209	293	202	17	21	38	13	512	445
QTR 2	465	477	761	525	44	41	59	29	1329	1072
MAR	181	284	294	296	16	47	16	55	507	682
APR	123	250	241	259	24	18	35	18	423	545
MAY	157	234	239	290	94	21	55	45	545	590
QTR 3	461	768	774	845	134	86	106	118	1,475	1817
JUNE	161	264	243	318	52	11	52	11	508	604
JUL	159	193	241	257	46	12	47	7	493	469
AUG	145	267	205	363	31	59	25	77	406	766
QTR 4	465	724	689	938	129	82	124	95	1407	1839
Year to Date/ Year End	1928	2453	3131	2793	373	255	343	281	5775	5782
Barber Schools were transferred back to Field Inspections on March 1, 2018										

Barber Schools

Barber Schools

	FY 2019	FY 2018
SEPT	10	6
OCT	21	14
NOV	21	9
QTR 1	52	29
DEC	9	5
JAN	28	19
FEB	30	17
QTR 2	67	41
MAR	20	19
APR	28	24
MAY	17	11
QTR 3	65	54
JUNE	21	16
JUL	24	14
AUG	24	12
QTR 4	69	42
Year to Date/ Year End	253	166

FY2018 Q1 and Q2 numbers were completed by the E&E division.