

## BOARD MEMBERS

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**MINUTES**  
**BOARD MEETING**  
**MAY 5, 2003**  
*(Minutes are in Italics)*

1. Pursuant to Chapter 551 of the Government Code (Open Meetings), call to order and roll call by William H. Kuykendall, J.D., Chairman, Texas State Board of Barber Examiners (TSBBE).

*Chairman Kuykendall called the meeting to order at 1:56 p.m. Board members in attendance were Wayne Moore, Janie Garza, Ronald Brown, Janis Wiggins, Taren Hollister. Also in attendance were Joseph Pitner (Assistant Attorney General), Douglas A. Beran (Executive Director), Mary Feys (Administrative Technician II), and Glenn Parker (Chief Financial Officer).*

2. Read and possibly approve Board Minutes of March 3, 2003.

*Mr. Hollister made the motion, seconded by Mr. Brown, that the minutes be approved. The motion carried unanimously.*

3. Recognize Oscar York for more than 50 years of service to the barber profession and community:

*Chairman Kuykendall recognized Mr. York for 52 years of service and Board members signed the certificate of appreciation that will be forwarded to Mr. York.*

4. Consider the letter from Mrs. Bill Bybee and the card from the family of Lee Corso that were sent to the TSBBE's Executive Director in response to his letters of condolence upon the deaths of Mr. Bybee and Mr. Corso.

*Mr. Kuykendall introduced the item and deferred to Dr. Beran who explained that the TSBBE sends a letter of condolence to the family of a deceased barber whenever the TSBBE becomes aware of the barber's passing. The Board members reviewed the letter and card from the families that were sent to the TSBBE in appreciation to the TSBBE's letters of condolence.*

5. Public Comment.

Mr. Kuykendall noted there were no members of the public in the audience to provide public comment. He informed the Board that he spoke at the 50th annual convention of the Texas Tonsorial Artists sponsored by the Houston Chapter. He distributed his handout to the Board members and recited the contents of the handout. He discussed his letter to the Texas Workforce Commission that is representative of the Board members' combined feelings and noted the letter received positive comment from Rep. Moreno's Chief of Staff.

Dr. Beran distributed an article on HB1403 that appeared in the May 4, 2003, issue of the Austin American-Statesman and an article that appeared in The Councilor, the publication of the Council on Occupational Education that identifies Mrs. Garza as a member of the Council on Occupational Education.

6. Consider for possible action Proposals for Decision from the State Office of Administrative Hearings (January 15, February 10, March 10).

Chairman Kuykendall introduced the item and deferred to Dr. Beran who gave Board members a history of the three dockets.

Mr. Moore made the motion, seconded by Mrs. Wiggins, to accept the proposals for decision in the case of the Texas State Board of Barber Examiners vs. Patrick Morah and Terrina Bennett (January 15, 2003). The motion carried unanimously.

Mr. Moore made the motion, seconded by Mrs. Wiggins, to accept the proposals for decision in the matter of the assessment of administrative penalties against certain respondents (mass docket of January 15, 2003). The motion carried unanimously.

Mr. Moore made the motion, seconded by Mrs. Wiggins, to accept the proposals for decision in the matter of the assessment of administrative penalties against certain respondents (mass docket of February 10, 2003). The motion carried unanimously.

Mr. Moore made the motion, seconded by Mr. Brown, to accept the proposals for decision in the matter of the assessment of administrative penalties against certain respondents (mass docket of March 10, 2003). The motion carried unanimously.

Mr. Moore made the motion, seconded by Mr. Brown, to accept the proposal for decision (dismissal) in the case of the Texas State Board of Barber Examiners vs. J. P. Gipson (March 10, 2003). The motion carried unanimously.

7. Consider for possible ratification the Agreed Orders in the Matter of Assessment of an Administrative Penalty Against Certain Licensees in Cases Brought for Informal Hearings before the Executive Director (March 17).

Chairman Kuykendall introduced the item and deferred to Dr. Beran who gave the Board members an overview of the agreed orders. Mr. Moore made the motion, seconded by Mrs. Wiggins, to accept the informal conference penalties. The motion carried unanimously.

8. Review and discuss the TSBBE's administrative fine report for 09/01/02 - 04/30/03.

*Mr. Kuykendall introduced the item and deferred to Dr. Beran. He introduced Mary Feys, the Board's Director of Enforcement, who presented the report.*

9. Consider for possible action regarding the adoption of the following proposed amendments to rule §51.98 State-Mandated Fee for Occupational Licensing Transactions Using the Internet. Proposed deletions are shown in (parentheses); proposed additions are shown in [brackets]. As requested by the TexasOnline Authority, the proposed amendments provide that all manicurists shall pay a \$3.00 fee to TexasOnline; by rule, barbers already pay a \$6.00 TexasOnline fee.

§51.98. As required by Senate Bill 187 and Senate Bill 645, 77th Texas Legislature, Regular Session, each licensee, upon renewal, shall pay (a \$6.00) [the following] State-Mandated Fee for Occupational Licensing Transactions Using the Internet [: \$6.00 for a barber; \$3.00 for a manicurist]. This fee is in addition to the renewal fee.

*Chairman Kuykendall introduced the item and deferred to Dr. Beran who explained the history of the proposed amendments. Mr. Moore made the motion to adopt the proposed amendments, seconded by Mr. Hollister. The motion carried unanimously.*

10. Consider extending the suspension of rule §51.12 Inspection of New Barber School or College. The rule was suspended at the March 3rd meeting and reads as follows:

§51.12. Two board members or one board member and the board's executive director shall inspect a proposed new barber school or college to determine that it fulfills all requirements of the board and of the Texas Barber Law, §9.

*Chairman Kuykendall gave a history of the suspension. Mr. Hollister made the motion that the suspension stand until the next called meeting, seconded by Mr. Moore. The motion carried unanimously.*

11. Consider the TSBBE's draft appropriations bill and financial report (09/01/02 - 04/30/03).

*Chairman Kuykendall introduced the item and deferred to Dr. Beran who, in turn, introduced Glenn Parker, the TSBBE's Chief Financial Officer. Mr. Parker briefed the Board and responded to questions on the following documents he had prepared for this agenda item: (1) TSBBE Analysis of Appropriations, (2) HB1 - Appropriations and SB - 1 Appropriations [including the performance measures for (a) percent of licensees who renew online and (b) percent of new individual licenses issued online], (3) Financial Statements for Appropriation Year 2003 for the Period Ended April 30, 2003.*

*Dr. Beran reported that the Student Tuition Protection Account rider requested by the agency was excluded from the TSBBE's appropriations.*

*At Mr. Kuykendall's request. Mr. Parker said he would provide the following at the next Board meeting: (1) a one-sheet breakout of year-to-date indirect cost expenditures; (2) the estimated amount that will be contributed to General Revenue (the difference between income and direct/indirect expenditures) at the end of the fiscal year.*

*Mr. Kuykendall commended Mr. Parker on his financial report and requested a similar report at the end of the 3rd quarter of the next fiscal year so the Board would know if any adjustment would be needed.*

12 Briefing on the interactions by the TSBBE's Chairman, Executive Director, and Chief Fiscal Officer with the Texas Legislature and the status of various bills that could impact the TSBBE.

*Chairman Kuykendall introduced the item and deferred to Dr. Beran. He briefed the Board on two documents in the Board's package that Mr. Kuykendall and the Executive Director shared with staff of Texas Legislators: (1) "Bills that Impact the Texas State Board of Barber Examiners" and (2) "Synopsis of SB1193." He also briefed the Board on the status of the various bills that could impact the TSBBE.*

*Mr. Kuykendall observed for the record that, having participated with the Executive Director in the many of the meetings, what is done is attempt to express the positive impacts these proposed pieces of legislation have on the agency as well as the negative impacts they will have on the agency so that the policymakers will be informed with objective data, pro and con. When the Executive Director says he wants to have legislation heard, encouraging legislation to be heard, what we are saying is it will have a positive impact on the agency and if the policymakers are interested in improving the operation of this agency, then they will make a decision in support of the agency. If not, then they make their own decision. Mr. Kuykendall stated he is laying that out to make it perfectly clear on the record that they are not lobbying for or against legislation. Absolutely not. We are providing resource information because we believe that part of the data that the policymakers are receiving is deficient in terms of the impact, positive or negative, that these bills have on the agency.*

13. Briefing on the Chairman's letter to the Texas Workforce Commission.

*Mr. Kuykendall introduced the item and asked if the Board members had any questions regarding the genesis of the letter or the content of the letter or otherwise. There were none.*

14. If needed and pursuant to §551.071 and §551.074 of the Texas Government Code, the Board may enter into Executive Session.

*At 3:55pm, Chairman Kuykendall moved the TSBBE into executive session to discuss pending litigation and any personnel matters.*

*Chairman Kuykendall brought the TSBBE out of executive session at 4:02pm.*

15. Adjourn

*Chairman Kuykendall adjourned the meeting at 4:03pm.*