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MINUTES FOR TSBBE BOARD MEETING
January 18, 2004 (1:00 pm)
(Minutes are in Italics)

The Board may deliberate and take action regarding any item on the agenda.

The Board may go into Executive Session to consider agenda items 4, 5 or 6, for consultation with the Board's attorney under Chapter 551.071 of the Government Code, and/or for deliberation of personnel matters under 551.074 of the Texas Government Code.

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) or presiding officer.

Board Chairman William H. Kuykendall called the meeting to order at 1:04 pm. Board members in attendance were Mr. Kuykendall, Wayne Moore (Vice Chairman), Janie Garza, and Ron Brown. Board member Janis Wiggins was not in attendance. A quorum was present. Also present was Mr. Joseph Pitner (Assistant Attorney General). Staff members present were Glenn Parker (CFO), Margie Weaver (Staff Services Officer), and Luis Sanchez (Inspector). Also present was Chloe Lieberknecht (Sunset Advisory Commission staff).

2. Public Comment.

Mr. Kuykendall called for public comments. There were none.

3. Staff Update on Agency Operations.

Mr. Kuykendall asked Mr. Parker to take the board through this agenda item. Mr. Parker said he had no items that required board action, but did have a few items of information for the board. Mr. Parker told the board that the Chloe Lieberknecht had informed him that the release of the Sunset Staff Report on the Barber Board would be delayed until early February. Mr. Parker said that a draft of a section of the report had been provided to the board but that it was a draft and not for public release or discussion. Comments from board members on the draft would be solicited at a later time. An agency response to the draft will be due on February 20, 2004.

Mr. Parker informed the board that he intended to move the agency's phone service to the state's Capitol Complex system, provided by the Department of Information Resources to improve services and provide for immediate maintenance response when needed. He expects this move to solve the problems with the telephone system that the agency has had from time-to-time since moving into the Frank Joseph building, and especially over the past few months. He estimated that the change could take place no later than the end of February. Mr. Parker did inform the board that most of the phone numbers for the office will change but that the toll-free number will remain the same.

Mr. Parker also informed the board that he had posted a job opening to fill the vacant Administrative Assistant for Enforcement position. The job has been posted on a number of venues to generate as many responses as possible, including the agency's web site.

Mr. Parker also informed the board that the First Quarter Performance Report would be submitted to the Legislative Budget Board on Tuesday, January 20.

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Mr. Kuykendall asked Mr. Parker to review the agency's website and update any outdated information.

4. Pursuant to the General Appropriations Act (HB 1, 78th Legislature), consider the crossover enforcement contract between the Texas Cosmetology Commission and the TSBBE for FY 2004 and FY 2005.

Mr. Kuykendall asked Mr. Parker to update the board on the status of the crossover inspections contract with the Cosmetology Commission. Mr. Parker replied that the contract had been delivered to Antoinette Humphrey (Executive Director of the Texas Cosmetology Commission) and that he was waiting for a response from them. Mr. Parker added that the inspectors for the Barber Board would, as always, continue to inspect dual shops while waiting for the contract to be signed.

The board then took a ten minute recess. The board reconvened from the recess at 1:25 pm.

5. The Board will enter into Executive Session in order to discuss personnel matters related to the departure of the Executive Director and consider applications and candidates for the Executive Director position.

The Board went into Executive Session at 1:28 pm to consider personnel matters related to the departure of Dr. Beran as Executive Director and to consider applications and candidates for the Executive Director position.

6. If needed, the Board may reconvene in open session to consider and vote on personnel matters including the Executive Director position.

The board reconvened in open session at 4:05 pm. Mr. Kuykendall commented that the board had considered the candidates for the position of Executive Director. He thanked Mrs. Weaver, Mr. Sanchez, and Mr. Parker for their interest in the position and for their service to the agency to this point. Mr. Kuykendall stated that the board had engaged in a thorough and spirited discussion and that it was now prepared to act.

Mr. Moore made a motion that the board employ Mr. Glenn Parker as Executive Director. Ms. Garza seconded the motion. The board voted unanimously to employ Mr. Parker as Executive Director.

Mr. Moore then made a motion to pay Mr. Parker at the rate authorized for the position and to give him a one-time merit bonus to compensate him for acting as the agency executive director for the past two weeks. Ms. Garza seconded the motion. Mr. Kuykendall then clarified that the amount of the salary is \$45,816 as authorized by the Appropriation Act (HB 1). The board voted unanimously to approve the salary of \$45,816 for Mr. Parker and to provide a one-time merit bonus in an amount necessary to bring his pay for the previous two weeks up to the level of the authorize pay for the executive director's position.

Mr. Kuykendall asked Mr. Parker to brief the board on other payroll issues related to Dr. Beran's departure. Mr. Parker explained that the 78th Legislature had authorized an increase in pay for the executive director of the Barber Board from \$45,000 annually to \$45,816, effective September 1, 2003. The Barber Board, at its July, 2003 meeting, voted to increase the pay to the new level effective September 1, 2003. However, the increase was never processed by the staff. Therefore, Mr. Parker asked the board to sign a letter of authorization to allow the agency to pay Dr. Beran retroactively for the four months he was paid at the old amount. Also, Dr. Beran asked to remain on the payroll to use up his accumulated vacation and leave time (excluding sick leave) to which he is entitled. Mr. Parker stated that he had checked to make sure it is within the state's policies to allow this, which it is. Mr. Parker also explained that Dr. Beran must be reclassified to another position (e.g., Manger I) to remain on the payroll at the same pay.

Mr. Moore made a motion to allow Dr. Beran to remain on the payroll to use up his legitimate accrued vacation and other comp time (excluding sick leave) and to approve the retroactive pay requested for Dr. Beran (as discussed in the letters of authorization). Mr. Brown seconded the motion. The motion was approved by a unanimous vote.

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Mr. Kuykendall asked for any additional comments. Mr. Sanchez proposed a round of applause for Mr. Parker and expressed his support, as did Mrs. Weaver.

7. Adjourn

Mr. Kuykendall adjourned the meeting at 4:20 pm.

Meeting location: Frank Joseph Building
5717 Balcones Drive
Austin, Texas 78731