



State of North Carolina

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January 2, 2015

The Honorable Fletcher Hartsell
North Carolina Senate
300 N. Salisbury Street
Room 300-C
Raleigh, NC 27603-5925

The Honorable Julia Howard
NC House of Representatives
300 N. Salisbury Street
Room 302
Raleigh, NC 27603-5925

The Honorable Tim Moffit
NC House of Representatives
300 N. Salisbury Street
Room 302
Raleigh, NC 27603-5925

Dear Senator Hartsell, Representative Howard and Representative Moffit:

On behalf of the Board of Barber Examiners ("Board"), I wish to thank the Co-Chairs for the Joint Program Evaluation Oversight Committee and the Joint Administrative Process Oversight Committee for this opportunity to respond to the recent reports provided by the Program Evaluation Division ("PED") of the General Assembly. The Board greatly appreciates the time given by Mr. Hefren and his staff in preparing this report. We appreciate working with them to provide information and documentation to assist them in understanding the Board's strong commitment to serving the citizens of North Carolina by providing healthy, safe barber services

which protect the general welfare. With similar commitment, the Board also strives to be sure that there is a mean standard of barber service provided to all of North Carolina.

Regarding the Program Evaluation report, we respectfully suggest that creating an Occupational Licensing Commission will add an unnecessary, additional level of government that will make licensing in North Carolina more cumbersome, less responsive to the public interest, and more costly to the individual licensees. Although we appreciate that the legislature needs to determine which of the licensing agencies in the state are subject to regulation, we believe that attempting to establish model statutes or rules is as unmanageable as placing all of the licensing and regulatory board under one umbrella. We suggest that the legislature determine which one of the existing state agencies (who receive the regular reports from Boards as required by law) should be given the statutory authority to ensure that agencies are successfully meeting their statutory mandates through proper and effective execution. Selecting one existing agency for this task rather than creating a new commission would be much less costly while reducing the number of reports required and would save money by relying on existing oversight that could be empowered to take appropriate action with boards and commissions not in compliance with their legal directives.

Most of the Boards have complaint processes which are clearly identified, as does our Board, and use this process to evaluate whether a violation of law exists and take appropriate action. Boards incorporate the complainant in the investigative process as well as informing the licensees of the Board's determination.

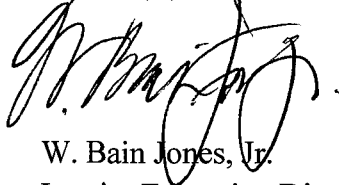
Additionally, the Board of Barber Examiners has been diligent in its attempts to work with the North Carolina Board of Cosmetic Arts when disputes have arisen. For example, the Board has requested meetings with them and attempted to execute a memorandum of agreement as to how to address and resolve disputes. When this Board's offer to enter into a memorandum of agreement was summarily rejected by the Board of Cosmetic Arts, this Board took proper action and looked to the North Carolina general courts of justice to resolve the concern. The North Carolina Court of Appeals has upheld this Board's position. We and other Boards will continue to work to avoid unnecessary involvement with the legislature or the courts. This Board has no agenda to take over or otherwise encumber any other agency from diligent and equitable enforcement of the law within respective jurisdictions. We strive to work with them to provide the best service to the citizens of this great state without causing unnecessary and costly appearances before the Legislature.

Further, most Boards have statutorily required comprehensive external audits. These audits take all aspects of the operation of the agency into consideration. Any newly created commission that requires a performance audit is redundant since existing agencies already monitor the activity of the Boards. Creating such a commission will create a cost that would have to be borne by the licensees because this Board, as well as most others, is self-receipted and receives no appropriations from the general fund to cover its operating expenses.

Again, the Board appreciates your allowing responses to this report. We respectfully request a careful evaluation of these recommendations. We believe you will find that an additional Occupational Licensing Board commission to provide oversight is not necessary or fiscally appropriate. We encourage the continued evaluation of all recommendations in the report and ask to be allowed to reserve full comments until the PED's final report is adopted and legislation drafted.

Thank you for this opportunity to respond. We look forward to working with you to best serve all of North Carolina.

Sincerely yours,



W. Bain Jones, Jr.
Interim Executive Director
Counsel to the Board

cc: file
Mr. Chuck Hefren
Program Evaluation Division
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