



NORTH CAROLINA BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: May 12, 2026

SUBJECT: License discipline policy

At its February 17, 2026 meeting, the board asked staff members to develop a license disciplinary policy to take a more aggressive posture toward repeat violators of the board's barber-related regulations. The board chairman formed an ad-hoc committee to develop the policy, consisting of the following members:

- Sherod Holloway
- Don Beal
- Michael T. Swinney

The committee received support and input from the inspectors, board counsel, and executive director.

Following multiple discussions, the committee recommends that the board adopt the attached policy. As indicated in the document, the policy focuses on license accountability, a fair and consistent process, and protection of the public. The policy also recognizes the civil penalties alone have been insufficient to deter unlawful conduct.

If the board agrees with the policy, the board should adopt it. The board staff would then begin taking steps to implement it, since not all provisions are immediately enforceable (e.g., some provisions may require rulemaking changes). The board is also free to make changes it deems appropriate to the committee's recommended policy.

N.C. BOARD OF BARBER & ELECTROLYSIS EXAMINERS

LICENSE DISCIPLINE POLICY

Effective Date: _____

Approved By: North Carolina Board of Barber and Electrolysis Examiners

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I. PURPOSE AND SCOPE

This License Discipline Policy establishes the standards and procedures used by the North Carolina Board of Barber and Electrolysis Examiners (“the Board”) to investigate and discipline violations of the Barber and Electrolysis Practice Act and Board rules.

This policy applies to the following individuals and entities:

- Barber students
- Apprentice barbers
- Licensed barbers
- Barber instructors
- Barber schools and school owners
- Barber shops and shop permit holders
- Unlicensed individuals and businesses engaged in activity covered by the Barber and Electrolysis Practice Act

The primary purpose of this policy is to protect the public and ensure compliance with licensing laws. Experience has shown that monetary fines alone are often insufficient to

deter unlawful conduct; therefore, this policy emphasizes meaningful enforcement tools such as suspensions, revocations, and restrictions on future licensure.

The Board is dedicated to continuous improvement in its regulatory approach. By enforcing the rules consistently and reasonably, the Board aims to promote a culture of compliance in the barbering profession—not through fear, but through understanding, respect for the law, and prudent consequences that discourage misconduct.

Focus on License Accountability

Fines alone aren't enough – this policy emphasizes license suspensions, revocations, and other impactful actions to truly deter illegal barbering.

Fair and Consistent Process

The Board will treat all cases with fairness and consistency, using clear procedures and giving permit holders the chance to be heard before major penalties.

Protecting Students and Public Safety

By cracking down on unlicensed practice, especially among students and shops, the policy helps safeguard consumers and ensures aspiring barbers follow the proper path to licensure.

II. GUIDING PRINCIPLES

The Board applies discipline in accordance with the following principles:

1. **Public Protection**

The Board's foremost responsibility is safeguarding public health, safety, and trust by ensuring barbering services are performed lawfully and safely.

2. **Deterrence of Illegal Practice**

Disciplinary actions must discourage unlicensed, unauthorized, or fraudulent barbering activities and prevent repeat violations.

3. **Accountability**

Responsibility extends not only to individuals who commit violations, but also to licensed persons or entities who allow or facilitate unlawful activity.

4. **Consistent and Proportional Judgment**

Similar violations should result in similar outcomes, while still allowing case-by-case evaluation based on facts and circumstances. Sanctions should reflect the seriousness, frequency, and impact of the violation.

5. **Due Process**

Disciplinary actions may require notice and an opportunity for a Board hearing.

III. DISCIPLINARY PROCESS OVERVIEW

1. **Identification of Violations**

Violations may be identified through inspections, complaints, audits, or referrals.

2. **Investigation**

The Board will investigate all credible allegations. Investigators will make reasonable efforts to identify the responsible individual or entity, including use of business records, landlord inquiries, and public registrations.

3. **Notice of Alleged Violation**

Written notice of hearings will describe the alleged conduct, applicable rules, and potential consequences. Notice must also comply with the requirements of the Administrative Procedures Act.

4. **Response and Hearing**

Respondents may submit a written response or request a Board hearing. Emergency suspensions may occur when necessary to protect the public, followed by a prompt hearing.

5. **Decision and Order**

The Board will issue a written order setting forth findings, conclusions, sanctions, and compliance requirements.

6. **Enforcement and Compliance**

Failure to comply with a disciplinary order may result in additional sanctions, denial of renewal, tax refund intercepts, or court enforcement.

IV. GROUNDS FOR DISCIPLINARY ACTION

Disciplinary action may be in response to the following activities, though any violation of the Barber and Electrolysis Practice Act may be the groups for disciplinary action:

- Practicing barbering without a valid license or permit
- Practicing with an expired, suspended, revoked, or fraudulent credential
- Allowing or facilitating unlicensed barbering
- Barber students practicing outside authorized settings
- Violations of sanitation and safety standards
- Fraud, misrepresentation, or falsification of records
- Failure to comply with Board orders
- Repeated or habitual non-compliance

V. RANGE OF DISCIPLINARY ACTIONS

The Board may impose one or more of the following:

- Written warning
- Corrective action, such as plumbing repairs or renewing a license
- Civil penalties up to \$500 per violation (the schedule of civil penalties appears in 21 NCAC 06O)
- Probation with conditions
- Suspension of license or permit
- Revocation of license or permit
- Denial of application or renewal
- Referral for court injunction or prosecution

The Board may also require that disciplinary actions be communicated to the public, such as through the Board's website.

VI. SPECIAL GUIDELINES BY LICENSE OR PERMIT TYPE

A. BARBER STUDENTS

First offense

- Immediate referral for a board hearing to consider whether the student permit should be suspended
- Lesser actions could be considered by the board commensurate to the circumstances and mitigating factors. Examples of less actions include civil penalties, probation, or remedial education

Second offense

- Immediate referral for a board hearing to consider whether the student permit should be revoked and the student banned from barber licensure in North Carolina
- For the student to be re-enrolled in a school in the future, they would need a separate hearing to determine whether the student is rehabilitated
- As with the first offense, the board could consider lesser actions commensurate to the circumstances

B. BARBER SCHOOLS

First offense

Immediate referral for a board hearing to consider whether the school should face:

- Probation or operational restrictions
- Suspension of school permit or instructor license
- Civil penalties

Second offense

Immediate referral for a board hearing to consider whether the school should face:

- Probation or operational restrictions
- Revocation of school permit or instructor license
- Civil penalties

Referrals to the board will include instances where there is evidence that schools or instructors have facilitated or encouraged student violations.

When considering suspension or revocation, the Board should try to minimize harm to enrolled students, while still accounting for the issues raised by the violation.

C. BARBER SHOPS

First offense

- Presumptive civil penalties of \$500 (note that rulemaking may be required to increase the levels of civil penalties)
- Written warning (in the form of a standard flyer), notifying the business that additional violations may result in a board hearing to suspend or revoke the license

Second offense

- Immediate referral for a board hearing to consider whether the barber shop should be suspended
- Lesser actions could be considered by the board commensurate to the circumstances and mitigating factors. Examples of less actions include civil penalties or probation
- Possible discipline against individual license holders

Third offense

- Immediate referral for a board hearing to consider whether the barber shop permit should be revoked and whether the owner or manager should be barred from operating a barber shop in North Carolina
- Immediate referral for a board hearing to consider revocation of any barber license held by the owner or manager
- Lesser actions could be considered by the board commensurate to the circumstances and mitigating factors. Examples of less actions include civil penalties, probation, or suspension

At all times, the Board may choose to refer the matter for court injunction. Factors for the board to consider when deciding this approach include:

- Whether the business is likely to comply with board discipline and regulations
- Past violations (the business, previous businesses, or the individuals involved)
- Level of threat to public health and safety
- Board budgetary restrictions

D. LICENSED BARBERS, APPRENTICE BARBERS, AND BARBER INSTRUCTORS

First offense

- Presumptive civil penalties of \$500 (note that rulemaking may be required to increase the levels of civil penalties)
- Written warning (in the form of a standard flyer), notifying the individual that additional violations may result in a board hearing to suspend or revoke the license

Second offense

- Immediate referral for a board hearing to consider whether the license should be suspended
- Lesser actions could be considered by the board commensurate to the circumstances and mitigating factors. Examples of less actions include civil penalties or probation

Third offense

- Immediate referral for a board hearing to consider whether the individual's license should be revoked

- Lesser actions could be considered by the board commensurate to the circumstances and mitigating factors. Examples of less actions include civil penalties, probation, extension of an apprenticeship, or suspension

E. UNLICENSED PRACTICE

For instances where it appears the unlicensed practitioner intends to get a license, such as an applicant who has not yet received a license, violations may include civil penalties, denial of pending applications, or probation on possible licenses.

For instances where the individual does not appear likely to pursue a license, such as an individual who never went to barber school, violations may result in civil penalties or court injunctions.

There can be confusion on the distinction between “expired license” and “unlicensed practice.”

- “Expired license” applies when an individual simply needs to pay license and late fees and file a form to get a current license
- “Unlicensed practice” applies when an individual never held a license for the board, or the former license has been expired for so long that the person must reinstate it or retest.

When an individual’s or business’s identity is unclear, such as when individuals refuse to provide identification, investigators should take steps to determine the identity. For example, the investigators might interview landlords or check business records. Although the Board can use private investigators to further determine identity, this approach should be a last resort and calibrated to the severity of the circumstances, given the procurement and budgetary challenges of hiring an outside investigator.

F. JURISDICTION AND LICENSE-VERIFICATION LIMITATIONS

The Board only regulates activity covered by the Barber and Electrolysis Practice Act.

- The Board does not discipline licenses issued by the Board of Cosmetic Arts Examiners
- Individuals lawfully practicing under valid licenses issued by the Board of Cosmetic Arts Examiners are outside the Board’s jurisdiction

However, the Board has authority over instances where individuals are unlicensed and engaged in practice covered by the Barber and Electrolysis Practice Act, but they claim to be cosmetologists.

Referrals should be made to the appropriate agency when that other agency may have jurisdiction or there is cross-jurisdictional authority.

Further policy development may be pursued in coordination with legal counsel and other regulatory bodies.

VII. FACTORS IN DETERMINING SANCTIONS

The Board considers:

- Severity and impact of the violation
- Intent versus mistake
- Prior disciplinary history
- Corrective actions taken
- Aggravating and mitigating circumstances
- Budgetary constraints

VIII. IMPLEMENTATION AND REVIEW

This policy becomes effective upon Board approval, but additional implementation steps, such as rulemaking, may be necessary. Additionally, revisions may be necessary to improve clarity and effectiveness and to comply with law.