

# Licensing Division

## Staff Report for the Advisory Board on Barbering – October 5, 2020

### Personnel Updates

We have two vacancies currently in our division for License Permit Specialists. Also, we have received assistance from other divisions with our workload because of the pandemic.

### Statistics

<b>Barber Instructors</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	71	114	
Renewed Licenses Issued	274	191	
Online Renewals	268	187	
% Renewed Online	97.8%	97.9%	
<b>Total Population</b>	<b>670</b>	<b>597</b>	<b>10.90%</b>

<b>Class A Barbers</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	964	1,379	
Renewed Licenses Issued	8,327	7,006	
Online Renewals	7,568	0	
% Renewed Online	90.9%	0.0%	
<b>Total Population</b>	<b>18,847</b>	<b>18,307</b>	<b>2.87%</b>

<b>Specialty Licensees</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	15	5	
Renewed Licenses Issued	145	140	
Online Renewals	119	112	
% Renewed Online	82.1%	80.0%	
<b>Total Population</b>	<b>289</b>	<b>301</b>	<b>-4.15%</b>

<b>Student Permits</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Enrollments	5,586	5,347	
New Online Enrollments	4,308	5,102	
% Online Enrollment	1	1	
<b>Total Population</b>	<b>4,291</b>	<b>3,681</b>	<b>14.22%</b>

<b>Shop Licenses</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	2,102	2,135	
Renewed Licenses Issued	3,008	2,864	
Online Renewals	1,103	1,002	
% Renewed Online	36.7%	35.0%	
<b>Total Population</b>	<b>10,287</b>	<b>9,835</b>	<b>4.39%</b>

<b>School Licenses</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	33	52	
Renewed Licenses Issued	137	98	
Online renewal not available	N/A	N/A	
<b>Total Population</b>	<b>172</b>	<b>151</b>	<b>12.21%</b>

<b>Barber Industry</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
Total Individual Population	24,097	22,886	
Total Business Population	10,459	9,986	
<b>Total Population</b>	<b>34,556</b>	<b>32,872</b>	<b>4.9%</b>

# Customer Service

Staff Report for the Advisory Board on Barbering – October 5, 2020

## Statistics



<b>CS COVID-19 Related Contacts</b>		
	<b>Phone</b>	<b>Email</b>
<b>March</b>	1331	297
<b>April</b>	1739	239
<b>May</b>	1719	387
<b>June</b>	328	34
<b>July</b>	162	32
<b>Aug</b>	58	6

## Enforcement Division

### Staff Report for the Advisory Board on Barbering – October 5, 2020

#### **Personnel Updates:**

On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.

On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.

On February 15, Jackie Revilla was promoted to Legal Assistant Supervisor. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant and Senior Legal Assistant in the Enforcement Division.

On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.

On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

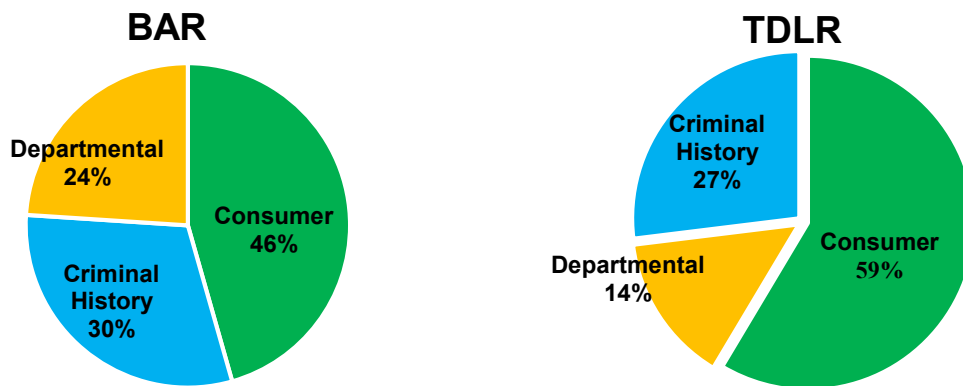
On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.

## Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Barbering program (BAR) and for all TDLR programs combined for **Fiscal Year 2020**:

Performance Measure	BAR	TDLR
Cases opened	726	10,465
Cases closed	697	9,763
Average time to close (days)	111.90	157.58
% of cases resolved within 6 months	77.76%	68.64%
% of cases resulting in disciplinary action	21.13%	13.48%
Cases Pending	303	5,850

### Source of cases opened for Fiscal Year 2020



Case Outcomes	BAR	TDLR
Commission Orders	1	28
Default Orders	46	344
Agreed Orders	88	853
Penalties Assessed	\$218,175.00	\$2,368,951.00
Penalties Collected	\$105,025.00	\$1,284,467.16
Licenses Revoked (Disciplinary)	3	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	22	240
Cease & Desist Orders	10	46
Informally Resolved	543	8,365

## Top BAR Alleged Violations at Opening for Fiscal Year 2020

Alleged Violation:	Count
Criminal Activity	210
No barber license	123
Violation of disaster ordinance/order	109
No barber shop license	66
Shop employing unlicensed operator	54
Shop license expired	28
Unlicensed operator works in shop	19
Implements not properly cleaned	16
Did not have suitable plumbing	12
Operator's license expired	10
Failed to comply with an order	10

## TOP 10 BAR Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
Shop employing unlicensed operator	65
No barber license	47
Criminal Activity	23
No barber shop license	11
Failed to cooperate with department	6
Failed to comply with an order	5
Implements not properly cleaned	5
Failed to withdraw student in 10 day	4
Improperly cleaned floor	2
No instructors on duty	2

## Case Highlights

### **State Barber School LLC d/b/a State Barber School (BAR20190008887) | Agreed Order issued February 10, 2020**

On February 10, 2020, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and State Barber School. As part of the negotiated settlement, owner State Barber School LLC accepted liability for failing to obtain a student permit for a student, failing to present the student's attendance records for inspection, and six instances of failing to submit a student's withdrawal or termination to the Department in a timely manner. State Barber School LLC agreed to pay an administrative penalty of \$2,650 and is making payments towards compliance with this order.

**Juan Martin Ramon a/k/a Martin Ramon d/b/a UGK Underground Kutz Barbershop  
(BAR20190005068 and BAR20190012999) | Default Order issued August 27, 2020**

On August 27, 2020, the Executive Director granted the Department's Motion for Default against Juan Martin Ramon a/k/a Martin Ramon, owner of UGK Underground Kutz Barbershop. Mr. Ramon was assessed a penalty of \$6,000 for two instances of having an unlicensed barbershop and two instances of hiring unlicensed barbers. Mr. Ramon has not complied with this order.

**Jose Alfredo De Anda d/b/a Gallo Fino Barbershop  
(BAR20190016734) | Agreed Order issued February 25, 2020**

On or about February 25, 2020, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and Gallo Fino Barbershop. As part of the negotiated settlement, owner Mr. De Anda accepted liability for refusing to cooperate with the inspection and four instances of employing unlicensed barbers. Mr. De Anda was assessed an administrative penalty of \$3,750 and is making payments towards compliance with this order.

**Andy Garcia  
(BAR202000001891) | Default Order issued August 28, 2020**

On or about August 28, 2020, the Executive Director granted the Department's Motion for Default against Andy Garcia. Mr. Garcia was assessed a penalty of \$1,500 for being an unlicensed barber at Gallo Fino Barbershop. Mr. Garcia has not complied with this order.

**David Perez d/b/a TDK  
(BAR20200000763) | Agreed Order issued March 3, 2020**

On or about March 3, 2020, the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and TDK, a dual barbershop and cosmetology salon. As part of the negotiated settlement, owner David Perez accepted liability for employing an unlicensed barber. As prior violations increase the penalties sought in subsequent actions, to resolve the violations alleged in this current case, Mr. Perez was assessed an administrative penalty of \$2,625. Mr. Perez is still making payments towards compliance with this order.

The violations alleged in this case are Mr. Perez's third violation of the Department's laws and rules. Specifically, on February 3, 2017, In the Matter of David Perez d/b/a TDK, case number BAR20160008957, the Executive Director signed a Default Order for a \$4,500 penalty against Mr. Perez for failing to cooperate with an inspection and employing two unlicensed barbers. On March 22, 2018, In the Matter of David Perez d/b/a TDK, case numbers BAR20170002697, BAR20170002709, and BAR20170018710, the Executive Director signed an Agreed Order for a \$4,750 penalty against Mr. Perez for employing five unlicensed barbers. Mr. Perez has complied with both prior orders.

**Enforcement Prosecution Team**

Consumer complaint cases are handled by Prosecutors Chris Funderburg, Rebecca Burkhalter, Victoria Meza, and Morgen Cuming.

Inspection cases are handled by Prosecutor Amanda Barrera, Natalie Olvera, and Aroosa Nizami.

## Education and Examination Division

### Staff Report for the Advisory Board on Barbering— October 5, 2020

#### Statistics

#### BARBER CURRICULUM STATISTICS (As Of August 31<sup>ST</sup>, 2020)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
TOTAL NEW CURRICULUM APPROVALS	55	46	20	121	37	43	16	96	22	165	199	386	18	34	10	62	665
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
TOTAL NEW CURRICULUM APPROVALS	13	40	27	80	26	29	38	93	28	21	18	67	19	30	29	78	318

#### BARBER EXAMINATION STATISTICS (As Of August 31<sup>ST</sup>, 2020)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	237	258	222	717	189	194	245	628	167	0	7	174	168	221	266	655	1,908
FAIL	213	238	173	624	179	206	221	606	122	0	12	134	119	179	233	531	1,662
TOTAL	450	496	395	1,341	368	400	466	1234	289	0	19	308	287	400	499	1186	3,570
RATE	52.7%	52.0%	56.2%	53.5%	51.4%	48.5%	52.6%	50.9%	57.8%	0.0%	36.8%	56.5%	58.5%	55.3%	53.3%	55.2%	53.4%
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	3,335
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%



EXAMINATION LICENSE TYPES STATISTICS  
(AS OF AUGUST 31<sup>ST</sup>, 2020)

SEPT – OCT – NOV					DEC – JAN - FEB				
1 <sup>ST</sup> QUARTER					2 <sup>ND</sup> QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
CLASS A WRITTEN	352	479	831	42.36%	CLASS A WRITTEN	104	151	255	40.78%
CLASS A PRACTICAL	332	105	437	75.97%	CLASS A PRACTICAL	78	20	98	79.59%
MANICURIST WRITTEN	0	0	0	0.00%	MANICURIST WRITTEN	0	1	1	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	0	0	0	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	0	0	0.00%
TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%	TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	17	35	55	30.91%	INSTRUCTOR WRITTEN	5	7	12	41.67%
INSTRUCTOR PRACTICAL	15	2	17	88.24%	INSTRUCTOR PRACTICAL	2	0	2	100.00%
<b>TOTAL</b>	<b>717</b>	<b>624</b>	<b>1,341</b>	<b>53.47%</b>	<b>TOTAL</b>	<b>189</b>	<b>179</b>	<b>368</b>	<b>51.36%</b>
MAR – APR – MAY					JUN – JUL – AUG				
3 <sup>RD</sup> QUARTER					4 <sup>TH</sup> QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
CLASS A WRITTEN	102	114	216	47.22%	CLASS A WRITTEN	398	444	842	47.27%
CLASS A PRACTICAL	60	14	74	81.08%	CLASS A PRACTICAL	227	68	295	76.95%
MANICURIST WRITTEN	1	1	2	50.00%	MANICURIST WRITTEN	1	0	1	100.00%
MANICURIST PRACTICAL	0	0	0	0.00%	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	0	0	0	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	0	0	0.00%
TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%	TECH/HAIRWEAVING PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	6	4	10	60.00%	INSTRUCTOR WRITTEN	17	18	35	48.57%
INSTRUCTOR PRACTICAL	5	1	6	83.33%	INSTRUCTOR PRACTICAL	12	1	13	92.31%
<b>TOTAL</b>	<b>174</b>	<b>134</b>	<b>308</b>	<b>56.49%</b>	<b>TOTAL</b>	<b>655</b>	<b>531</b>	<b>1,186</b>	<b>55.23%</b>

## Rule Change Implementation

Reduction of the Barber 1500-Hour course to a 1000-Hour course change in Rule

The Department conditionally approved all schools operating a licensed 1500-Hour Class A Barber Course to enroll students in a 1000-hour Class A Barber Course beginning on May 1, 2020. This conditional approval was valid from May 1, 2020 to August 31, 2020.

To continue offering a 1000-Hour Class A Barber Course after August 31, 2020, licensed Barber schools were required to submit the New 1000-Hour Class A Barber Course Application for approval; once approved a New Green Course Certificate of Approval was issued. All courses must meet the updated industry standards adopted under [16 Texas Administrative Code §82.120](#).

### Notice Timeline for The Implementation in Reduction of Barber Hours

- Collection of required applications began in May.
- 1<sup>st</sup> Notice of the final communication plan requesting the required applications began going out on July 20, 2020.
- 2<sup>nd</sup> Notice of the final communication plan started going out July 29<sup>th</sup>.
- 3<sup>rd</sup> Notice of the final communication plan started going out August 12<sup>th</sup>.

Those schools who did not comply or respond were then contacted by phone starting August 20<sup>th</sup>.

- September 1, 2020 SHEARS access was terminated for those schools who had not complied.
- September 2, 2020 the DOE and accrediting agencies were provided a list of schools that had not responded and were no longer approved to offer the 1000-hour courses.
- September 14, 2020 schools which had not complied, were notified of possible enforcement action. 8 schools did not comply, and enforcement has been notified. 3 barber schools complied after receiving the notification of possible enforcement action.

Exam eligibilities have been issued for students who have completed 1000-Hours and who have met all other requirements.

Notice will be going out to schools explaining the 1000-hour exam eligibilities.

## COVID Update

### Barber Schools

- A Temporary Emergency Distance Education Provision was put in place March 2020. This allow the Barber Schools to offer virtual learning.
- 1 Barber school have closed permanently due to COVID.

### Examination Impact

- Exam sites were closed in March and re-opened in May with limited capacity. We worked with PSI to open additional written available at their 3<sup>rd</sup> party sites. That gave us additional 14 sites bringing a total of 37 exam sites where the written exam is administered.
- We are currently working with PSI to provide additional capacity while still following State guidelines.

## **Outreach**

Information was sent to the DOE and all accrediting agencies.

Cosmetology schools now have the option to request a virtual school visit.

## Regulatory Program Management

### Staff Report for the Advisory Board on Barbering— October 5, 2020

#### **Personnel Updates**

Elizabeth “Bebe” Perez retired on August 31, 2020. She began working for TDLR when the regulation of barbering transferred. She worked for the State of Texas for over 43 years. Her knowledge and devotion to the program was admirable and she will be deeply missed.

#### **Current Projects**

Staff recently participated in a bill team that implemented the provisions of House Bill 2847 that provides for the regulation of remote service businesses and digitally prearranged remote services.

A remote service business is any business that enables a client to schedule digitally prearranged remote services with a person who holds a Texas barber license. The allowable services that may be offered to customers are limited. Digitally prearranged remote services are scheduled via an app or website that is operated by the remote service business, although the scheduling may happen through any “online enabled” system. TDLR does not license remote service businesses and any person or business, whether licensed by TDLR or not, may operate a remote service business. We have developed dedicated webpages for consumers and businesses that can be found on the right-hand menu of the barbering webpage.

Marinela La Fleur and Jerry Gonzalez are maintaining a list of the businesses that notify TDLR of their intent to provide digitally prearranged remote services. The data will be used for internal monitoring and regulatory purposes.

Staff have been involved in the development of the new Texas Licensing System and have also been assisting Licensing with processing applications.

#### **Outreach**

During the COVID-19 pandemic, RPM staff have been unable to attend several conferences and hair shows due to cancellations, including Image Expo in May, Texas Industrial Vocational Association (TIVA) in July, and Armstrong McCall Hair Show in September.

Staff have been assisting the Education and Examination Division with school outreach and updates.

If you are aware of any upcoming outreach opportunities that we may be able to attend virtually, please contact Marinela La Fleur.



# FIELD INSPECTIONS DIVISION

## Staff Report for the Advisory Board on Barbering – October 5, 2020

### Statistics

	Barber Shops		Dual Establishments		Barber Mini-Shops		Dual Mini-Shops		Total	
	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019
SEPT	181	135	214	279	37	29	31	20	463	463
OCT	205	225	265	306	21	23	18	18	509	572
NOV	133	177	151	322	7	14	10	16	301	529
<b>QTR 1</b>	<b>519</b>	<b>537</b>	<b>630</b>	<b>907</b>	<b>65</b>	<b>66</b>	<b>59</b>	<b>54</b>	<b>1,273</b>	<b>1,564</b>
DEC	79	118	99	193	16	6	30	2	224	319
JAN	176	183	211	275	19	21	17	19	423	498
FEB	135	164	183	293	22	17	18	38	358	512
<b>QTR 2</b>	<b>390</b>	<b>465</b>	<b>493</b>	<b>761</b>	<b>57</b>	<b>44</b>	<b>65</b>	<b>59</b>	<b>1,005</b>	<b>1,329</b>
MAR	106	181	135	294	29	16	21	16	291	507
APR	10	123	20	241	10	24	10	35	50	423
MAY	0	157	1	239	0	94	7	55	8	545
<b>QTR 3</b>	<b>116</b>	<b>461</b>	<b>156</b>	<b>774</b>	<b>39</b>	<b>134</b>	<b>38</b>	<b>106</b>	<b>349</b>	<b>1,475</b>
JUNE	82	161	145	243	2	52	5	52	234	508
JUL	84	159	161	241	3	46	0	47	248	493
AUG	117	145	132	205	3	31	0	25	252	406
<b>QTR 4</b>	<b>283</b>	<b>465</b>	<b>438</b>	<b>689</b>	<b>8</b>	<b>129</b>	<b>5</b>	<b>124</b>	<b>734</b>	<b>1,407</b>
<b>Year to Date/ Year End</b>	<b>1,308</b>	<b>1,928</b>	<b>1,717</b>	<b>3,131</b>	<b>169</b>	<b>373</b>	<b>167</b>	<b>343</b>	<b>3,361</b>	<b>5,775</b>

† TDLR suspended inspections on March 17, 2020 in response to the COVID-19 pandemic and returned to limited inspections May 19, 2020.

### Barber Schools

	FY 2020	FY 2019
SEPT	24	10
OCT	31	21
NOV	18	21
<b>QTR 1</b>	<b>73</b>	<b>52</b>
DEC	16	9
JAN	43	28
FEB	29	30
<b>QTR 2</b>	<b>88</b>	<b>67</b>
MAR	15	20
APR	0	28
MAY	3	17
<b>QTR 3</b>	<b>18</b>	<b>65</b>
JUNE	4	21
JUL	19	24
AUG	34	24
<b>QTR 4</b>	<b>57</b>	<b>69</b>
<b>Year to Date/ Year End</b>	<b>236</b>	<b>253</b>

† TDLR suspended inspections on March 17, 2020 in response to the COVID-19 pandemic and returned to limited inspections May 19, 2020.

### Most Common Violations Found During Inspections

#### Barber Establishment Most Common Violations

2<sup>nd</sup> Quarter 2, Fiscal Year 2020

1. **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-barber related supplies.** – 16 Tex. Admin. Code Ch. 82.102(f)
2. **Furniture, equipment, and/or fixtures are unclean or are not in good repair.** – 16 Tex. Admin. Code Ch. 82.114(a)
3. **Failed to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled.** – 16 Tex. Admin. Code Ch. 82.101(a)(3)
4. **Failed to have restroom on or near premises without stored chemicals.** – 16 Tex. Admin. Code Ch. 82.114(e)
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 post individual licenses with a photograph at the licensee's work station.** – Tex. Occupations Code Section 1601.451
7. **Failed to display Notification of Public Interest Information and Participation: Consumer Complaint Sign.** – Tex. Occupations Code Section 1603.151(2)
8. **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)
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. **Failure to display a copy of the sanitation rules in a conspicuous place.** – Tex. Occupations Code Section 1601.452

## **Most Common Violations Found During Inspections**

### Barber School Most Common Violations

2<sup>nd</sup> Quarter 2, Fiscal Year 2020

1. **Failure to maintain one album displaying the school's portion of student permits, including affixed picture, of all enrolled students.** – 16 Tex. Admin. Code Ch. 82.72(l)
2. **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)
3. **Failure of school to have at least two wig blocks.** – 16 Tex. Admin Code Ch. 82.72(g)(3)
4. **Failed to have restroom on or near premises without stored chemicals.** – 16 Tex. Admin. Code Ch. 82.114(e)
5. **Failure to post barber instructor's license in a conspicuous place with a photograph attached.** – Tex. Occupations Code Section 1601.451
6. **Failure of a barber school to electronically submit a student's withdrawal or termination to the Department within ten days; Failure to terminate a student who does not attend a barber curriculum for 30 days.** – 16 Tex. Admin Code Ch. 82.74(a)
7. **Failure to display on each inside wall of the school signs containing "BARBER SCHOOL--STUDENT BARBERS."** – Tex. Occupations Code Section 1601.553(b)
8. **Failure to have a container, large enough to fully immerse all tools and implements with liquid disinfectant.** – 16 Tex. Admin Code Ch. 82.102(g)

## COVID-19 Response: Virtual Inspections

TDLR suspended on-site inspections on March 17, 2020 in response to the COVID-19 pandemic. After distributing personal protective equipment and providing safety training to field staff, inspectors began to perform limited on-site inspections in May 2020. Not only are we operating under restrictions due to health and safety concerns, but we have a limited travel budget. In response to these concerns, we have successfully implemented a “virtual inspection” process for some Barber and Cosmetology schools and businesses and we are also drafting procedures to perform virtual for other programs.

### Virtual Inspections Completed 5/19/2020 - 9/4/2020

Inspection Type	No. of Virtual Inspections
BAR Shops	148
BAR Schools	44
Total Virtual Inspections	192

### Virtual Inspection Process Overview

The virtual inspection is coordinated with the licensee, owner, manager, or the representative at the inspection site. A TDLR inspector will confirm that they have access to the minimum level of technology and explain the virtual inspection process.

During the virtual inspection, the inspector will guide the contact person to:

- Show the exterior view of the business to look for signage, hours of operation, address, etc.
- Enter the business and move through the facility from left to right, systematically walking through each room.
- Periodically stop so they can verify postings, get close-up views of equipment, and take photos, if necessary.

At the resolution of the inspection, the inspector will add findings to the Proof of Inspection (POI) form, discuss any findings, answer all questions, and send the POI by email.