

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on, February 23, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, JaSanto Williams, Vice-President, Joe Jones and Vernon Winfrey were present. Cecil Groce was not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant.

J. B. Loring, President asked all to join in prayer.

J. B. Loring, President asked all to stand for the pledge of allegiance.

J. B. Loring, President asked for a roll call.

MINUTES

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to approve the minutes from the December 29, 2008. Motion carried unanimously.

ADMINISTRATIVE REPORT

Mwangi Vasser – Mr. Vasser previously appeared before the board in July. He had a dual license in Wisconsin. Mr. Vasser was approved for reciprocity for his master barber license in July. Mr. Vasser has not purchased his barber license. At the cosmetology board meeting Mr. Vasser was requesting reciprocity of his cosmetology license and stated he was working as a barber.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey stating that he did not vote for Mr. Vasser to receive his barber license, and stated he feels that Mr. Vasser does not respect the profession and a letter needs to be sent to Mr. Vasser denying him reciprocity and to cease and desist. Motion carried unanimously.

Ms. Beverly Waller, Executive Director asked what would Mr. Vasser need to do to obtain his Master Barber license?

The board stated he would need to obtain 750 hours of schooling in Tennessee because he doesn't understand the states laws. Then he will need to take and pass the master barber examination to become licensed in the State of Tennessee.

Mr. Terrance Bond, Staff Attorney stated his will write a letter to Mr. Vasser and send an inspector to check on if Mr. Vasser is working without a license.

Craig Butler – Pennsylvania – Mr. Butler is requesting reciprocity for his master barber license. Mr. Butler obtained his hours in a correctional facility then became licensed in 2001.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to deny Mr. Butler's request for reciprocity. Motion carried unanimously.

An amendment to the motion was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to require Mr. Butler to obtain 1,500 hours then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

All of the following applicants are applying to take the master barber examination. Vidal Strickland, Ryan Porter, Michael York, Ahmad Dukes and Mariko Faulkner each of the applicants have 1,500 hours of schooling. The applicants have been convicted of a felon, and the school has sent a letter of recommendation in which the board requests.

MOTION was made by Mr. Cecil Groce and seconded by Mr. JaSanto Williams to grant permission for the applicants to take the master barber examination and if they pass the examination, that the licensee be on probation by the board for one year. Motion carried unanimously.

MOTION was rescinded by Mr. JaSanto Williams and Mr. Joe Jones that once the applicant is licensed by the board as a Master Barber that if he or she is charged or convicted of a criminal offense their license will be suspended for five (5) years. Motion carried unanimously.

Kourdistan Said Mohammad application for the master barber examination was presented at the October 20, 2008 meeting. The board voted to decline the application due to insufficient information. The board requested certified proof of high school education, a certified document from Mokhtar Jaaf Barber School which breaks down the 1,800 hours in the barber curriculum.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to request Mr. Mohammad obtain 1,500 hours in the State of Tennessee then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Agron Mujoli from Macedonia submitted an application for reciprocity for his master barber license. Mr. Mujoli attended school at Koco Racin in Macedonia and obtained 1,500 hours.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Joes to request Mr. Mujoli obtain 1,500 hours in the State of Tennessee then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried

unanimously.

STAFF ATTORNEY REPORT

1. Case No.: L-08-BAR-RBS-200802708-1

November 25, 2008 Notice of Violation reports that the inspector observed an unlicensed individual practicing barbering in a licensed shop. The inspector also observed that neither the most recent inspection sheet nor the shop license was displayed at the licensed shop.

No prior history indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order agreeing to payment of a \$1,000.00 civil penalty.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

2. Case No.: L-08-BAR-RBS-200802709-1

December 3, 2008 Notice of Violation reports that the inspector observed that the shop license for this shop had been expired since June 30, 2007 and had not been renewed. The shop was open for business at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order agreeing to payment of a \$1,500.00 civil penalty.

FINAL RECOMMENDATION: Add a CEASE and DESIST Order to the Consent Order correspondence.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

3. Case No.: L-08-BAR-RBS-200802710-1

December 3, 2008 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing cosmetology in this shop, which is licensed only as a barber shop.

No Prior History Indicated.

Recommendation: Issue a letter of warning re: permitted practice in licensed barber shops.

FINAL RECOMMENDATION: Authorize formal hearing with authority to settle by Consent Order agreeing to payment of a \$600.00 civil penalty.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to accept the recommendation. Motion carried unanimously.

4. Case No.: L-08-BAR-RBS-200802711-1

November 18, 2008 Notice of Violation reports that the inspector observed that the licensed shop was open and operating while the shop license had been expired since September 30, 2008. The inspector further observed an unlicensed individual practicing barbering in the licensed shop.

Prior History

Violation 1/2007-expired shop license and altered license, Consent Order with \$500.00 civil penalty authorized, \$100.00 paid to date.

Recommendation: Combine files and authorize formal hearing on all charges with authority to settle all charges by payment of a \$2,000.00 civil penalty and signing of a Consent Order agreeing to a two (2)-year probationary period on the license of both the shop owner and the barber shop.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to accept the recommendation. Motion carried unanimously.

5. Case No.: L-08-BAR-RBS-20082712-1

October 28, 2008 Notice of Violation reports that the inspector observed that the owner of this licensed shop relocated the shop without notifying the board and obtaining a new license for the relocated shop. Two (2) licensed barbers were observed practicing barbering in the relocated shop at inspection time.

Prior History

Violation 9/2004- unlicensed barber, closed with a letter of warning

Violation 1/2007- expired shop license, closed with a letter of warning

Recommendation: Authorize formal hearing with authority to settle by payment of a \$2,000.00 civil penalty and signing of a Consent Order agreeing to a two (2)-year probationary period on the license of both the shop owner and the barber shop.

FINAL RECOMMENDATION: Add a CEASE and DESIST Order to the Consent Order correspondence.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to accept the recommendation. Motion carried unanimously.

6. Case No.: L-07-BAR-RBS-200708342-1

The owner of this licensed barber shop has addressed a letter to the board dated December 14, 2008 concerning the Consent Order and civil penalty of \$1,500.00 that the owner previously agreed to in settlement of the above-referenced complaint, wherein it was alleged that the owner was observed practicing barbering in his licensed shop while his master barber license had been expired for nearly two (2) years.

Recommendation: Discuss.

FINAL RECOMMENDATION: Grant the Respondent's request for a waiver of the remaining civil penalty and close the case file, provided that the Respondent continues to timely renew all relevant licenses. If the Respondent fails to timely renew any license issued to him by the board, the complaint file will be reopened, and he will be required to pay the remaining civil penalty.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to adjourn the meeting. Motion carried unanimously.