

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on July 20, 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. 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 May 18, 2009. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Mr. Leon Hillsman – Atwood, TN – Present. Mr. Hillsman completed barber school at Tyler Barber College in Memphis in 1968. He passed the barber apprentice test in 1968. He started cutting hair in Mr. Joe Jones barber shop from May 1968 to May 1969. He worked cutting hair at Mr. T's Tonsorial parlor in Milan, Tennessee from June 1969 to March 1970. He is requesting approval to take the state board master barber examination. Due to the age for retention (39 years ago) of documents the board office has no record of Mr. Hillsman license. He has submitted letters from Mr. Joe Jones and Mr. Judson Hillsman.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. JaSanto Williams to approve to the take exam. Motion carried unanimously.

Mr. Joe Jones told Mr. Hillsman that he could come back and work with him anytime.

ADMINISTRATIVE REPORT

Application for new barber school was submitted. Tennessee Barber Academy will be located at 865 E. Raines Rd., Ste. #200, Memphis, Tennessee. The school owner is Mr. Kenneth Willies. The floor plan was presented to the board. The master barber instructor is Ethel Sigler.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to send Mr. JaSanto Williams, Board Member and Mr. Jerry Biddle, Inspector to inspect the school. Motion carried unanimously.

Application for reciprocity of master barber license from Florida for Laura Ann Clark was submitted. Certification of license from the State of New York Barber Board verifies Ms. Clark holds a valid license with expiration date of April 10, 2011 and education was apprenticeship, education or experience. Ms. Clark has submitted a diploma from Sunstate College of Hair Design showing she completed in a satisfactory manner the prescribed course of study in Barbering and Hairstyling on September 1985. No hours of instruction listed. She also submitted a copy of an old Florida Barbers license which had an expiration date of July 31, 1988. She provided a letter from EG Tax of East Aurora which states they prepared her business tax return for the past four years. This is not sufficient proof of a recent and consistent five (5) year work history.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to request Ms. Clark take and pass the barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of apprentice license for Ivory Earl Diamond, Jr. from the State of Kentucky was submitted. Certification from the Kentucky State Board shows he completed 1,513 hours of instruction in the barber curriculum at West Kentucky Community & Tech College. In the State of Kentucky applicants are required to apprentice for one (1) year prior to applying to take the barber examination.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to request Mr. Diamond take and pass the barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Cynthia Kaye Hunley is requesting an extension for her required attendance of the 2009 master barber instructor seminar due to health reasons. A physician statement was provided.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Joes to grant Ms. Hunley an extension and request she attend the 2010 & 2011 instructor seminars. Motion carried unanimously.

An application for the master barber examination was submitted from Carlus Sanders who has a felony. Letter of recommendation from the School owner/instructor at Styles Barber College was provided.

An application for the master barber examination was submitted from Bryan Walden who has a felony. Letter of recommendation from the Educational Director at Knoxville Institute of Hair Design was provided.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to approve Mr. Sanders and Mr. Walden to take the examination with the signed agreement from the Staff Attorney. Motion carried unanimously.

An application for the master barber reinstatement examination from Anthony Burson was submitted. Mr. Burson has a felony.

An application for the master barber reinstatement examination from Terence Russ was submitted. Mr. Russ has a felony.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to approve Mr. Burson and Mr. Russ to take the reinstatement examination with the signed agreement from the Staff Attorney. Motion carried unanimously.

An application that was previously presented to the Board for approval to take the master barber examination after completion of 1,500 hours in the barber curriculum at a Nashville School, the board declined approval of the application due to document submitted for proof of high school education. Ms. Waller stated she is requesting the board's approval of the examination application with the understanding that a letter of warning be sent to this school.

MOTION was made by Mr. Joe Williams and seconded by Mr. Vernon Winfrey to approve for the examination and request that Mr. Terrance Bond, Staff Attorney take action with a letter of warning. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. 200901283-1

May 1, 2009 Notice of Violation reports that the inspector observed a licensed master barber practicing barbering in an unlicensed facility.

No prior history indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty and agreement to CEASE and DESIST practicing in an unlicensed facility.

2. 200901284-1

May 19, 2009 Notice of Violation reports that the inspector observed a licensed master barber providing shampooing service to a client in a licensed shop while the master barber's license was expired and had been expired since January 31, 2009. The master barber's license is now current.

Prior History: Licensee has been late in renewing his master barber licensed four (4) times previously.

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

3. 200901285-1

May 20, 2009 Notice of Violation states that the inspector found a licensed barber shop operating without electricity. After a follow up inspection, the inspector reported that the previously-reported problem had been corrected.

No prior history reported.

Recommendation: Close with a letter of warning regarding licensed shop requirements.

4. 200901287-1

June 6, 2009 Notice of Violation reports that the inspector observed a licensed master barber practicing barbering in a licensed shop while his master barber license was expired and had been expired since January 31, 2009. The license remains expired as of this date.

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 and agreement to CEASE and DESIST permitting unlicensed personnel to practice barbering in the licensed shop.

5. 200901291-1

June 10, 2009 Notice of Violation reports that the inspector observed a licensed master barber practicing barbering in a licensed barber shop while the shop license was expired and had been expired since December 31, 2008. The shop license remains expired as of this date.

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 and agreement to CEASE and DESIST operating the shop while the license for same remains expired.

6. 200901293-1

June 23, 2009 Notice of Violation reports that the inspector observed a licensed master barber practicing barbering in a licensed shop while the shop license was expired and had been expired since April 23, 2009. The shop license is now current.

No prior history indicated.

Recommendation: Close with a letter of warning re: timely renewal of shop license.

7. 200901295-1

May 12, 2009 Notice of Violation reports that the inspector observed that a cosmetologist's license was displayed at a work station in a licensed barber shop. The inspector also observed that a licensed master barber was practicing barbering in the shop while his license was expired and had been expired since June 30, 2007. The license for such individual remains expired as of this date.

Prior history 1/09- unlicensed barber, sanitation, paid \$500.00.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,500.00 civil penalty and agreement to CEASE and DESIST permitting improperly licensed and/or unlicensed individuals to practice in the shop.

8. 200901296-1

June 4, 2009 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing cosmetology in a licensed barber shop.

Prior history 10/04- unlicensed shop, paid \$300.00.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty and agreement to CEASE and DESIST permitting improperly licensed individuals to practice in the shop.

9. 200900887-1

April 21, 2009 Notice of Violation reports that the inspector observed an individual practicing barbering in a licensed barber shop while his master barber license had become invalid for failure to renew after three (3) years.

Prior history 04/06- expired license, paid \$250.00.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and agreement to CEASE and DESIST permitting unlicensed individuals to practice in the shop.

10. 200900888-1

April 3, 2009 Notice of Violation reports that the inspector observed two (2) licensed master barbers practicing barbering in a licensed shop while the shop license was expired and had been expired since November 30, 2008. The shop license remains expired as of this date. The inspector also reports that neither of the individuals observed were wearing the required identification and that the shop owner failed to display the shop license, most recent inspection sheet or any master barber licenses in the shop.

No prior history indicated.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,500.00 civil penalty and agreement to CEASE and DESIST operating the shop while the license for same remains expired.

11. 200900590-1

March 27, 2009 Notice of Violation reports that the inspector observed a licensed master barber practicing barbering in a licensed barber shop while her master barber license was expired and had been expired since September 30, 2008. The master barber license is now current.

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

12. 200900890-1

May 5, 2009 Notice of Violation reports that the inspector observed that the owner of a licensed barber shop failed to display necessary documents as required by law.

Prior history 10/08- display of license and sanitation, closed with no action.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$250.00 civil penalty.

13. 200900889-1

March 18, 2009 Notice of Violation reports that the inspector observed a barber school operating prior to obtaining a barber school license. The school is now in possession of a school license.

No prior history indicated.

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

Board originally approved settlement by payment of a \$5,000.00 civil penalty and signing of a Consent Order after inspector reported that the owner of a licensed barber shop was verbally abusive to him during an inspection and that there were several areas in the shop where the shop owner was out of compliance. The shop owner, through counsel, states that no verbal dispute occurred on the day in question and that while the owner did not maintain shampoo bowls in a sanitary condition, that all other items in the shop were maintained as required by law.

Recommendation: Maintain authority for formal hearing and reduce the civil penalty to \$500.00 and agreement to cooperate fully with all future inspections.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to approve the recommendations. Motion carried unanimously.

Mr. Terrance Bond, Staff Attorney asked that the board members look at their calendars so that they can schedule a day to have Formal Hearings.

OTHER BUSINESS

The rulemaking hearing will be held in the month of October.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to adjourn the meeting.