

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on April 19, 2010 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, Donald Collins, Cecil Groce, Joe Jones and Vernon Winfrey.

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. Cecil Groce and seconded by Mr. Donald Collins to approve the March 15, 2010 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Samuel Louis Hosey – Nashville, TN – Present. At the March 15, 2010 meeting Mr. Hosey presented an application for reciprocity from Georgia. The board voted to decline Mr. Hosey's application due to disciplinary action issued against him by the Georgia State Board of Barbering. Mr. Hosey is present today to speak with the board concerning his license. Mr. Hosey stated that he made some mistakes in the past and he has paid his dues. Mr. Hosey stated he has a plan to help under privileged children. Mr. Hosey stated that his convictions had nothing to do with his profession. Mr. Hosey stated that he has a valid license in Georgia and in 2004 he was licensed in Tennessee. Mr. Hosey stated that his license lapsed when he was living in Pennsylvania.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Donald Collins to grant Mr. Hosey reciprocity and request he sign an agreed order. Motion carried unanimously.

ADMINISTRATIVE REPORT

Mr. Ronald Molinaro submitted an application for reciprocity of his master barber license from New York. Certification from New York states Mr. Molnaro has been a licensed Master Barber since December 24, 2002.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to request Mr. Molinaro take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

OTHER BUSINESS

The board discussed the bill concerning fish and birds in barber shops.

STAFF ATTORNEY REPORT

1. 201001080-1

January 27, 2010 Notice of Violation alleges that one (1) licensed master barber was observed practicing in a licensed barber shop while the shop license was expired and had been expired since September 30, 2009. The inspector also found that one (1) work station in the shop was in an unsanitary condition—various unsanitized tools and implements were stored where sanitized tools were kept. The shop's overall inspection score was 98. The shop license is now renewed.

Note: This is a first violation for this shop, which has been licensed since 1997.

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

2. 201001081-1

February 3, 2010 Notice of Violation alleges that a licensed barber shop failed to display the following items:

- 1) Three (3) master barber licenses for three licensed master barbers in the shop;
- 2) a barber shop license;
- 3) the most recent shop inspection/grade sheet.

Recommendation: Close with a strong letter of warning re: display of documents.

3. 201001082-1

February 12, 2010 Notice of Violation alleges that a licensed master barber was observed practicing in his barber shop while the shop license was expired and had been expired since September 30, 2009. According to departmental records, a renewal notice was mailed to the shop owner on August 3, 2009. The shop license remains delinquent as of this date.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00 dollars and an ORDER to CEASE and DESIST operating a barber shop with an expired shop license.

4. 201001083-1

February 22, 2010 Notice of Violation alleges that a master barber license was displayed in a licensed full service cosmetology shop. According to the Notice, the master barber licensee was not present in the shop at inspection time.

Recommendation: Issue of letter of warning/CEASE and DESIST order relative to the violation.

5. 201001084-1

March 10, 2010 Notice of Violation alleges that two (2) expired master barber licenses were displayed in a licensed barber shop. According to the departmental license roster, one (1) of the license holders has now renewed his license. According to the Notice, neither of the licensees were observed practicing barbering at inspection time.

Recommendation: Close with a letter of warning/CEASE and DESIST order relative to the expired license.

6. 201001085-1

March 10, 2010 Notice of Violation alleges that two (2) expired master barber licenses were displayed in a licensed barber shop. According to the departmental license roster, the barber shop is now closed for business.

Recommendation: Close and flag.

7. 201001086-1

March 19, 2010 Notice of Violation alleges that one (1) master barber, whose license is expired or invalid, was observed practicing barbering in an unlicensed barber shop. According to the departmental license roster, a shop license application is now pending.

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

8. 2010001141-1

February 4, 2010 Notice of Violation alleges that two (2) master barbers with expired master barber licenses were observed practicing in a barber shop while the shop license was expired and had been expired since April 30, 2009. All licenses remain delinquent as of this date.

Note: Previous Notices of Violation issued in 2001, 2004, 2006 (expired shop license, \$500.00 civil penalty) and 2009.

Recommendation: Authorize formal hearing with authority to settle by Consent Order imposing a one (1) year probationary term and payment of a \$2,000.00 civil penalty and an ORDER to CEASE and DESIST relative to the alleged violations.

9. 201001142-1

February 4, 2010 Notice of Violation alleges that a master barber whose license is now invalid was observed practicing barbering a barber shop whose license is now invalid.

Recommendation: Issue an ORDER to CEASE and DESIST operating the shop and practicing barbering. If no compliance within ten (10) days, forward the case to criminal prosecuting authorities.

10. 201001143-1

March 12, 2010 Notice of Violation alleges that an unlicensed master barber was observed practicing barbering in a licensed barber shop.

Note: Previous Notices of Violation issued in 2005 (2 violations, one for unlicensed operator) and 2007 (unlicensed operator).

Recommendation: Authorize formal hearing with authority to settle by Consent Order imposing a one (1) year probationary term and payment of a \$2,000.00 civil penalty.

11. 201001144-1

February 19, 2010 Notice of Violation alleges that a master barber shop was operating while its shop license was expired. According to departmental records, the shop owner mailed partial payment for renewal of the license prior to issuance of the Notice of Violation. The owner completed renewal one (1) week after the Notice was issued.

Note: This is the shop's first Notice of Violation. Shop has been licensed since 2003.

Recommendation: Issue a letter of warning relative to the violation.

12. 200800766-1

Board authorized settlement by Consent Order and payment of a \$500.00 civil penalty upon review of a Notice of Violation alleging that a licensed master barber was practicing in a licensed barber shop while her master barber license was expired. According to departmental records, the owner of the shop has transferred ownership of the shop and the shop has been re-named.

Recommendation: Close and flag.

13. 200800759-1

Employee complaint alleges that the owners of a licensed barber shop frequently allow unlicensed persons to practice barbering in the shop, that shop sanitation is poor, that there is frequent, sometimes violent, confrontation between employees and that the owners do little to oversee the daily operation of the shop. The current owner of the shop denies the employees allegations, stating that the filing of the complaint arose due to family conflict involving the complainant. Previous inspections for the shop have noted sanitary issues, but no Notices of Violation have been issued to date. No Notices of Violation indicating the presence of unlicensed personnel have been received.

Recommendation: Issue a letter of warning relative to the issues noted by the inspector.

14. 200801517-1

June 29, 2008 Notice of Violation alleges that an unlicensed individual was observed practicing barbering in an unlicensed establishment.

Recommendation: Issue an ORDER to CEASE and DESIST operating the shop and practicing barbering. If no compliance within ten (10) days, forward the case to criminal prosecuting authorities.

15. 201001145-1

March 11, 2010 Notice of Violation alleges that two (2) barber students were present in a licensed barber shop at inspection time. Neither student was practicing barbering, but both students were sitting at fully equipped work stations. The inspector also noted that an expired master barber was displayed in the shop, although the licensee was not present during the inspection. The license has now been renewed according to the license roster.

Recommendation: Close with a letter of warning relative to the concerns noted in the Notice of Violation.

16. 200500028-1

Board authorized settlement by Consent Order and payment of a \$500.00 civil penalty upon review of a Notice of Violation alleging that a master barber whose license was expired was observed practicing in a licensed barber shop. According to departmental records, the shop is now closed.

Recommendation: Close and flag.

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

ELECTION OF OFFICERS

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to continue with Mr. J. B. Loring as President. Motion carried unanimously.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to nominate Mr. Joe Jones as Vice-President. Motion carried unanimously.

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