

## **MINUTES**

The Tennessee State Board of Barber Examiners held a meeting on June 21, 2010 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, Donald Collins, Larry High and Joe Jones. Vernon Winfrey 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. Joe Jones and seconded by Mr. Larry High to approve the April 19, 2010 minutes. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Alberto Rios – Nashville, TN – Present. Mr. Rios is requesting reciprocity of his barber license from Puerto Rico. Mr. Rios did complete 1,500 hours in the barber curriculum. Mr. Rios states the school he attended is now closed. Mr. Rios stated he did take an examination to become a licensed barber in Puerto Rico.

MOTION was made by Mr. Donald Collins and seconded by Mr. Joe Jones to grant Mr. Rios reciprocity. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

Ms. Beverly Waller, Executive Director presented four (4) applications for examination. Anthony Bolden, Linell McIntosh, Nicholas Wilks and Preston Price have all completed 1,500 hours and have letters from the schools with the recommendation to allow them to take the barber examination. All the above have had felonies.

MOTION was made by Mr. Joe Jones and seconded by Mr. Larry High grant permission for all the above to be allowed to take the examination after signing the agreed orders and agrees to being on probation for one (1) year after receiving their license. Motion carried unanimously.

An application for examination was submitted for Sheila Collins who has completed her instructor hours in the barber instructor curriculum. She provided a diploma from Penn Foster High School. Ms. Collins is requesting the board to approve the diploma.

MOTION was made by Mr. Joe Jones and seconded by Mr. Donald Collins to request Ms. Collins take and pass the GED before she will be allowed to schedule her master barber instructor examination. Motion carried unanimously.

Kathleen Smith Davis is requesting an extension from the 2009 Master Barber Instructor seminar. Ms. Davis stated she was confused and attended the 2007 and 2008 Master Barber Instructor seminars.

MOTION was made by Mr. Joe Jones and seconded by Mr. Donald Collins to deny the extension. Motion carried unanimously.

Estelle Lewis is requesting an extension from the 2010 Master Barber Instructor seminar. Ms. Lewis did provide a doctor's excuse.

MOTION was made by Mr. Donald Collins and seconded by Mr. Larry High to request more information concerning the doctor's excuse. Motion carried unanimously.

Robin David Young is requesting an extension from the 2009 Master Barber Instructor seminar. Ms. Young stated she did attend the 2008 Master Barber Instructor seminar, but she was not required to go until 2009.

MOTION was made by Mr. Larry High and seconded by Mr. Joe Jones to grant Ms. Young an extension from the 2009 Master Barber Instructor seminar. Motion carried unanimously.

Jeffrey Lamont Moore, Sr. is requesting an extension from the 2009 Master Barber Instructor seminar. Mr. Moore came to the board office to pay for his renewal but did not mark instructor on license renewal.

MOTION was made by Mr. Joe Jones and seconded by Mr. Larry High to deny the request. Motion carried unanimously.

The Career and Technical Education Supervisor for Knox Schools has sent the board a letter stating they have plans to offer a Barbering Program in Knox County. States they have had many requests across the county for this program. The board was submitted a copy of the Special Program of Study that is currently offered in Memphis. The Knoxville Hair Institute has agreed to accept the earned hours at the high school level to apply toward a license.

The board was presented the House Bill #2823 and Senate Bill #3421 for review.

House Bill #2823 which passed the legislature permits fish for decorative purposes and birds in cages in barbershops. Senate Bill #3241 states on and after July 1, 2010, as vacancies arise on the Barber Board at least one (1) of the four (4) barber board members shall be an instructor, owner, employee or manager of a barber school.

The board was presented the expenditures for the fiscal year 2008-2009 for the State Board of Barber Examiner's.

Consent orders totaled \$2,000.00.

Professional Career  
14 East Jefferson Street  
Brownsville, TN 38012

Violation issued September 9, 2008  
Pd. \$2,000.00 on May 28, 2010

## **STAFF ATTORNEY REPORT**

### **1. 200501139-1 [RE-PRESENT]**

Board previously authorized formal hearing and settlement by civil penalty and Consent Order against a licensed master barber and owner of a licensed barber shop who operated such shop while the shop license was expired. Administrative records indicate that the relevant shop license is now invalid and non-renewable.

Recommendation: Close and flag for re-open if the board office receives a new application from the shop owner. If the board office receives any complaint of activity at the shop location by the old owner, release the file to the appropriate county District Attorney's office and open complaint against the licensee's master barber license.

### **2. 20090212-1 [RE-PRESENT]**

Board previously authorized formal hearing and settlement by civil penalty and Consent Order against a shop owner (who is not a licensed master barber) who operated her shop while the shop license was expired. Administrative records indicate that ownership of the shop has been transferred to another individual and there is no indication that the former owner is still operating a barber shop in this state.

Recommendation: Close and flag for re-open if the board office receives a new application from the shop owner. If the board office receives any complaint of activity at the shop location by the old owner, release the file to the appropriate county District Attorney's office.

**3. 200802199-1**

September 25, 2008 Notice of Violation alleges that both an unlicensed individual and a master barber in possession of an expired master barber license were found practicing in a licensed barber shop.

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

**4. 201000134-1/201000145-1 [RE-PRESENT]**

Informal conference was authorized relative to these complaints, which were filed in the form of a petition bearing the signature of eleven (11) students at a licensed barber school. The complaints alleged multiple violations of the Tennessee barber laws. Upon investigation by legal counsel, it was determined that one (1) or more of the signatures on the petition were forged and submitted as authentic signatures. In addition, during the informal conference, the owners provided copies of student satisfaction surveys which were completed around the time that the complaint was filed. According to the surveys, most students (including several students whose names appear on the complaint) were satisfied with their educational experience and felt that they were treated fairly while in attendance.

**Recommendation: Close with no further action.**

**5. 201000184-1 [RE-PRESENT]**

Board previously authorized formal hearing and settlement by civil penalty and Consent Order against licensed master barber school owners who allegedly admitted a student without sufficient proof of her eligibility to attend a school of barbering. According to documents received by the board office, the student was admitted to barber school upon provision of an online high school diploma obtained through self-study. The owners of the school indicate that they were unaware of any issue regarding online high school diplomas and that the student in question is now scheduled to complete GED testing. This is the school's first violation relative to this issue.

**Recommendation: Close with a letter of warning regarding recordkeeping practices.**

**6. 200501236-1 [RE-PRESENT]**

Board previously authorized formal hearing and settlement by civil penalty and Consent Order against the owner of a licensed barber shop (who is not a licensed master barber) who permitted an unlicensed master barber to practice barbering in

the shop. Administrative records show that half of the proposed civil penalty has been paid and no new Notices of Violation have been received since the issuance of the original violation in 2004.

**Recommendation: Close the file upon receipt of a new Consent Order assessing a civil penalty for the amount previously paid.**

**7. 201001883-1**

February 26, 2010 Notice of Violation alleges that a licensed master barber was observed operating a barber shop while the shop license was expired. According to administrative records, the shop license remains delinquent.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty and instructions to CEASE and DESIST operating the shop until the license is made valid.**

**8. 201001884-1**

March 30, 2010 Notice of Violation alleges that an unlicensed individual was found practicing barbering in a licensed barber shop.

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

**9. 201001885-1**

April 4, 2010 Notice of Violation alleges that two individuals acquired ownership of a previously-licensed barber shop and operated same for more than thirty (30) days without obtaining a new barber shop license. According to administrative records, the new owners have now obtained a shop license.

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

**10. 201001886-1**

April 15, 2010 Notice of Violation alleges that the owner of a licensed barber shop failed to display his master barber license and the shop's most recent inspection sheet. In addition, several brushes that were in an allegedly unsanitary condition were stored where sanitized tools were kept.

**Recommendation: Issue a strong letter of warning.**

11. 200901461-1  
200901747-1 [RE-PRESENT]  
201000940-1  
201001155-1

Each of the following complaints alleges that a licensed barber school admitted one or more students without adequate proof of the student's eligibility to attend a barber school. In each case, the school has submitted an online/correspondence school diploma as proof of the student's completion of the required education prior to entering barber school.

**Recommendation: Close with a letter of warning to each school regarding recordkeeping practices.**

12. 200602477-1  
200707213-1

The above-referenced complaints were opened upon the statements of a former inspector who is now retired from state employment and would not likely be available to testify in the event of a formal hearing.

**Recommendation: Close with no further action.**

13. 200707215-1  
200708699-1  
200800659-1  
200900686-1

The above-referenced are student complaints and a Notice of Violation alleging unlawful conduct by the owners of a licensed barber school.

**Recommendation: Informal conference with legal counsel, one (1) member and the school owners regarding the alleged violations.**

14. 200802147-1

The above-referenced is a student complaint alleging that a barber school owner offered a student additional hours in exchange for payment. In addition, the complaint alleges that the school owner charges students fees that are not specified in the student contract.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$3,000.00 civil penalty.**

**15. 200801176-1**

April 2008 Notice of Violation alleges that an unlicensed individual was found practicing barbering in a licensed barber shop.

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

**16. 200802021-1**

August 2008 Notice of Violation alleges that an individual was found operating an unlicensed barber shop. The individual has now obtained a license for the location, which was issued in October of 2008.

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

MOTION was made by Mr. Larry High and seconded by Mr. Donald Collins to accept the recommendations. Motion carried unanimously.

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