

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on October 18, 2010, 9:00 a.m. CDT, in Nashville, Tennessee.

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

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. Larry High and seconded by Mr. Joe Jones to approve the June 16, 2010 and August 16, 2010 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Jeffrey Lamont Moore, Sr. – Antioch, TN – Present. Mr. Moore is present to request the board to allow him an extension from the 2010 barber instructor seminar. The board declined his request at the June 21, 2010 board meeting.

MOTION was made by Mr. Joe Jones and seconded by Mr. Donald Collins to add instructor status back to his license and request he attend the 2011 and 2012 instructor seminars. Motion carried unanimously.

Danny Mack Keys, Jonesborough, TN – Present. Mr. Mack is present to discuss the requirements of his barber shop. The shop met all the requirements except the bathroom. The barber shop is in the same building as a game room and pizza parlor. Mr. Keys is asking if the board will approve the bathroom facilities that are located in a hallway in which the pizza parlor, game room and barber shop will all use. A floor plan was presented to the board members.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Joe Jones to approve the bathroom facilities at the location. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for change of ownership of Jett College of Barbering in Memphis, TN was presented for approval.

MOTION was made by Mr. Donald Collins and seconded by Mr. Joe Jones to send a board member and inspector to inspect the school. Motion carried unanimously.

An application for a new school, National Barber Academy in Nashville, TN was presented to the board for approval.

MOTION was made by Mr. Joe Jones and seconded by Mr. Larry High to send a board member and inspector to inspect the school and if the school is in compliance allow them to open. Motion carried unanimously.

Dwight Shine is requesting an extension from the 2009 and 2010 instructor seminars. Mr. Shine has not attended a seminar since 2005. Mr. Shine did present a doctor's statement, but the board stated it looks generic.

MOTION was made by Mr. Larry High and seconded by Mr. Vernon Winfrey to deny the request until the board receives more medical information. Motion carried unanimously.

Deborah Scoggin is requesting an extension from the 2010 instructor seminar. Ms. Scoggin did present a medical statement.

MOTION was made by Mr. Donald High and seconded by Mr. Vernon Winfrey to grant Ms. Scoggin an extension. Motion carried unanimously.

Tommy Traylor, Timothy Hawkins, and Benjamin Harvell submitted applications for approval of the barber examinations. Each of the individuals has felonies.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to approve the individuals for the examination with a signed agreed order. Motion carried unanimously.

Mr. Hawre Rashid Mohammed from Iraq submitted his paperwork to the board for approval. Mr. Mohammed obtained 1,294 hours in Iraq.

MOTION was made by Mr. Larry High and seconded by Mr. Donald Collins to obtain an additional 206 hours then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Mr. Eduardo Rios from Puerto Rico submitted his paperwork to the board for approval. Mr. Rios obtained 1,000 hours in Puerto Rico. Mr. Rios stated in his letter he obtained 250 hours in Pennsylvania.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Larry High to request Mr. Rios to obtain an additional 500 hours unless he can provide proof of his hours from Pennsylvania. If he does provide the proof of the 250 hours he will only need

to obtain an additional 250 hours, then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Mr. Thabet Mestrihi is requesting reciprocity of his master barber license from Jordan. The board had questions concerning Mr. Mestarihi's documentation.

MOTION was made by Mr. Larry High and seconded by Mr. Joe Jones to request Mr. Mestarihi to appear before the board so that they can speak with him concerning the documentation. Motion carried unanimously.

Patricia Engstrom is requesting reciprocity of her master barber license from Florida. Ms. Engstrom is currently license in Florida. She obtained 1,200 hours and no five year work history was provided.

MOTION was made by Mr. Donald Collins and seconded by Mr. Vernon Winfrey to request Ms. Waller contact Ms. Engstrom to see if she has a five year work history. Motion carried unanimously.

Consent orders totaled \$3,500.00.

Bates Barber and Beauty Salon
2519 Martin Luther King Avenue
Knoxville, TN 37914

Violation issued April 26, 2008
Pd \$500.00 08-05-10

Cutting Edge
107 S. Tatum Street
Woodbury, TN 37190

Violation issued July 29, 2010
Pd \$500.00 on 9-21-10

Oscar Barber Shop
201 Thompson Lane
Nashville, TN 37211

Violation issued March 12, 2010
Pd \$2,000.00 on 8-05-10

Silver Scissors
4639 Boeingshire
Memphis, TN 38116

Violation issued February 26, 2010
Pd \$500.00 on 9-02-10

MOTION was made by Mr. Joe Jones and seconded by Mr. Larry High to accept the paid consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. 201003173-1

A September 30, 2010 Notice of Violation alleges that three (3) individuals without master barber licenses were found attempting to practice barbering in a licensed barber shop. Upon the inspector's entry into the shop, two (2) of the individuals attempted to exit the shop before the inspector could question them. The third individual presented a copy of a master barber license that was notarized by the shop owner. It appears that the individual may have been using the license as his own.

Prior history:

2009- 1,500 civil penalty paid and Consent Order, unlicensed activity.

2007- warnings issued relative to three (3) expired master barber licenses that were displayed in the shop.

Recommendation: Authorize formal hearing with authority to settle by payment of a \$3,000.00 civil penalty and a two-year probationary period, during which if the shop owner receives a Notice of Violation, the shop license will be suspended for a period of ninety (90) days.

FINAL RECOMMENDATION: Adopted as recommended.

2. 200901291-1

The board previously authorized formal proceedings and settlement by Consent Order and payment of a \$1,000.00 civil penalty relative to a June 10, 2009 Notice of Violation alleging that a licensed master barber was observed practicing in a barber shop while the shop license was expired and had been expired since December 31, 2008. The shop license has now been renewed and the shop owner has requested that the board reconsider its recommendation.

No prior history indicated.

Recommendation: Discuss.

FINAL RECOMMENDATION: Civil penalty decreased to \$500.00.

3. 201001882-1

A February 19, 2010 Notice of Violation alleges that the owner of a licensed cosmetology shop permitted a licensed master barber to practice in his shop without first obtaining a barber shop license. On April 22, 2010, the owner obtained a barber shop license.

No prior history indicated.

Recommendation: Close with a letter of warning.

FINAL RECOMMENDATION: Adopted as recommended.

4. 201002450-1

A June 8, 2010 Notice of Violation alleges that an individual who had not yet purchased his master barber license was observed practicing barbering in a licensed barber shop. The individual obtained his master barber license on June 22, 2010. In addition, the shop license was not posted in the shop and another master barber who was not present at inspection time displayed an expired master barber license. The shop has been licensed since 2000.

No prior history indicated.

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

FINAL RECOMMENDATION: Adopted as recommended.

5. 201003136-1

June 30, 2010 and August 6, 2010 Notice of Violation alleges that the owners of a licensed barber shop relocated the shop and began operating at the new location (two master barbers were observed practicing barbering at the new location at inspection time) without obtaining an inspection of the new location. The new location has now been inspected and is actively licensed. The shop has been licensed since 1997.

Prior history:

2006 and 2007—warnings issued for display of expired licenses and lack of UV sanitizer.

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

FINAL RECOMMENDATION: Adopted as recommended.

6. 201002636-1

A June 24, 2010 Notice of Violation alleges that an invalid master barber license was displayed in a licensed barber shop. The individual formerly in possession of the license was not found in the shop during the inspection.

Recommendation: Close with a strong letter of warning.

FINAL RECOMMENDATION: Adopted as recommended.

7. 201003134-1

A July 22, 2010 Notice of Violation alleges that two (2) unlicensed individuals were found practicing barbering in a licensed barber shop. In addition, the shop license was expired at inspection time. The inspector also noted eight (8) work stations which were fully equipped but did not have a master barber license displayed near them. The Notice did not indicate that any persons were observed practicing barbering at any of the eight (8) stations. The shop license has now been renewed. The shop has been licensed since 2006.

Prior history:

2006---\$1,000.00 civil penalty and Consent Order for unlicensed shop and personnel.

2007---Notice of Violation issued for unlicensed activity, closed in 2010.

Recommendation: Authorize formal hearing with authority to settle by payment of a \$3,000.00 civil penalty and a two-year probationary period, during which if the shop owner receives a Notice of Violation, the shop license will be suspended for a period of ninety (90) days.

FINAL RECOMMENDATION: Adopted as recommended.

8. 201003135-1

An August 6, 2010 Notice of Violation alleges that two (2) persons were found practicing barbering in an unlicensed barber shop. The shop became licensed on September 2, 2010.

No prior history indicated.

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

FINAL RECOMMENDATION: Adopted as recommended.

9. 201003137-1

An August 11, 2010 Notice of Violation alleges that a licensed master barber was practicing in a licensed barber shop while the shop license was expired and had been expired since September 30, 2009. The shop license is now renewed.

No prior history indicated.

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

FINAL RECOMMENDATION: Adopted as recommended.

10. 201003138-1

A September 9, 2010 Notice of Violation alleges that a licensed barber technician was observed practicing in a licensed barber shop while no licensed master barber was present. The shop owner was warned about leaving the barber tech unattended during an inspection completed on April 16, 2009. In addition, the presence of excessive clutter made movement in the shop difficult.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty; Issue an ORDER directing the shop to remove all debris from the shop within thirty (30) days.

FINAL RECOMMENDATION: Adopted as recommended.

11. 201003141-1

A September 14, 2010 Notice of Violation alleges that an expired barber instructor license was displayed in a licensed barber college. The instructor was not instructing students at inspection time. As of this date, the license remains expired.

Recommendation: Close with a strong letter of warning.

FINAL RECOMMENDATION: add a CEASE and DESIST instruction re: display of expired instructor license.

12. 200900891-1/200902551-1

Counsel has information and belief that the above-referenced barber college has been or will soon be sold to a new owner.

Recommendation: Close and flag.

FINAL RECOMMENDATION: Adopted as recommended.

13. 201001884-1

The board previously authorized formal proceedings and settlement by Consent Order and payment of a \$500.00 civil penalty relative to a March 30, 2010 Notice

of Violation alleging that an unlicensed individual was observed practicing in a barber shop. The unlicensed individual obtained a master barber license on July 14, 2010. The shop owner has requested that the board reconsider its recommendation.

No prior history indicated.

Recommendation: Discuss.

FINAL RECOMMENDATION: Keep the original offer. (FH with settlement authority – 500 + Consent Order)

14. 201001141-1

The board previously authorized formal proceedings and settlement by Consent Order and payment of a \$2,000.00 civil penalty relative to a February 4, 2010 Notice of Violation alleging that two barbers (one of whom was the shop owner) whose master barber licenses were observed practicing barbering in a barber shop where the license was expired and had been expired since April 30, 2009. The shop owner has made both his license and the shop license valid and requested that the board reconsider its recommendation.

Prior history:

Civil penalties and Consent Orders in 2001, 2004 and 2006 for change of location, expired operator license and expired shop license. Total civil penalties: \$1,100.00, 2009 Violation closed with a letter of warning.

Recommendation: Discuss.

FINAL RECOMMENDATION: Keep the original offer (FH with settlement authority -- \$2,000.00 + Consent Order)

**15. 200902203-1
200902010-1
200901479-1**

Administrative office complaint alleges that the above-referenced licensed barber colleges admitted students into training without obtaining sufficient proof that the students received a tenth (10th) grade education or the equivalent before entering school. In each case, the school presented a high school diploma from a non-traditional correspondence school (2203, 2010) or a foreign country (1479) as of proof of the students' qualifications to attend barber school.

Recommendation: Close with a letter of warning.

FINAL RECOMMENDATION: Adopted as recommended.

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

Mr. Terrance Bond, Staff Attorney discussed the rule making hearing with the board members. Mr. Bond presented the rule changes to the board members and asked for a roll call vote.

All the board members voted yes they approved the rule changes.

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