

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on February 28, 2011, 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J.B. Loring, President, Larry High, Joe Jones, Donald Collins and Ralph Payne. The Board President J.B. Loring acknowledged new Board member Ralph Payne and welcomed him to the board.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Hazel Buttrey, Licensing Technician.

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.

RULE/MAKING HEARING-CANCELLED-

MINUTES-

MOTION was made by Mr. Larry High and seconded by Mr. Joe Jones to approve the November 15, 2010 board meeting minutes. Motion carried unanimously.

ADMINISTRATIVE REPORT

Application for change of ownership for Jett College of Barbering located in Memphis was presented to the Barber Board at the October board meeting at which time the Board voted to have the Board Member and Board Inspector for the area inspect the school for the change of ownership. The school was inspected by the Board Member, Donald Collins and Board Inspector Jerry Biddle on 12/13/10 and the school was found to be in compliance with all requirements for a barber school and a score of 100 was issued. The Board's vote for approval to issue school license is requested today.

MOTION was made by Mr. Donald Collins and seconded by Mr. Ralph Payne to approve the change of ownership of Jett College of Barbering. Motion carried unanimously.

Application for new barber school “National Barber Academy” located in Nashville was presented to the Barber Board at the October board meeting at which time the Board voted to have the Board Member and Board Inspector for the area visit the proposed new school for the required inspection. The school was inspected by former Board Member Vernon Winfrey and Board Inspector Barbara Hendrix 11/23/10. The facility was found to be in compliance with all requirements for a barber school in Tennessee. A score of 100 was issued and the Board’s vote for final approval to issue school license is requested today.

MOTION was made by Mr. Larry High and seconded by Mr. Joe Jones to approval of the new barber school “National Barber Academy”. Motion carried unanimously.

Application for change of name for Genesis Career College: Lebanon that has a barber curriculum at the school to Genesis Career College: Lebanon Campus. This name change is required for accreditation purposes for the school.

MOTION was made by Mr. Ralph Payne and second by Mr. Donald Collins for change of name. Motion carried unanimously.

Application for new barber school “Excel Barber & Style College” located 3532 West Hamilton Rd. Nashville, Tennessee presented to the Board for review along with floor plans for the new barber school.

MOTION was made by Mr. Donald Collins and second by Mr. Larry High to have the Board Member and Board Inspector for the area perform the required inspection for new barber schools.

The Board office has received notification that Gateway Barber & Design College Chattanooga, Tennessee closed 02/12/11. The school owner advised the Board Director she was forced to close the barber school in the Chattanooga area because she was unable to locate a master barber instructor in the area for the school.

Application for reciprocity of master barber license from Louisiana for Christopher Smith presented to the Board for review. Mr. Smith’s hours of instruction in the barber curriculum are listed as 4000 apprenticeship hours and he has been license since 10/23/02. Mr. Smith submitted a 5 year work history from a salon in Louisiana (09/2005 to 09/2010). The question before the Board is if apprenticeship hours in the barber curriculum will be accepted for required hours of instruction in the curriculum.

MOTION was made by Mr. Ralph Payne and second by Mr. Joe Jones to request Mr. Smith appear before the barber Board and provide documentation as to details

of the barber apprenticeship program he completed in Louisiana. Motion carried unanimously.

Application for reciprocity of master barber license from Iraq for Abbas Alalaq presented for review. He has submitted information as to his high school education and a letter from a First Sergeant with the Department of the Army in Iraq and two other letters of recommendation from member of the military in Iraq. Several certificates of appreciation are enclosed. Mr. Alalaq has verification of employment letter which states he was employed as a barber in the military in Iraq since 2003 and the letter is dated May 2009. The information he submitted on his application for reciprocity states he did not get his hours of instruction in the barber curriculum until 2006.

MOTION made by Mr. Larry High and second by Mr. Donald Collins to deny the application for reciprocity. Motion carried unanimously.

Application for reciprocity of master barber license from Massachusetts for Ezzett Normany is presented to the Board for review. Mr. Normany is license as an Apprentice Barber in the State of Massachusetts. We have a certification from the Massachusetts Barber Board that verifies he obtained the apprentice barber license July 17, 2010. To become an apprentice barber applicants are required to attend an accredited barber school for 1000 hours. After completion of 1000 hours in the accredited school the applicant must pass an exam with a 70% score or better on each section which then licenses the applicant as an apprentice barber. The applicant is then required to work under a Master Barber for at least eighteen (18) months and then take an examination. When the applicant passes this examination they receive their master barber license.

MOTION made by Mr. Ralph Payne and second by Mr. Larry High to require Mr. Normay to completed five hundred (500) hours of instruction in the master barber curriculum in a license barber school and pass the state board master barber examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of barber license from Iran for Hamid Aine for review. He has submitted a translated copy of certification of conclusion of the course. The certificate states he was in training for the occupation of barber for the period of 2210 hours in the barber school of Mahdi.

MOTION made by Mr. Ralph Payne and second by Mr. Joe Jones to request Mr. Aine submit additional documentation detailing his training in the barber school in Mahdi for review by the Board. The additional documentation requested should consist of a copy of the barber curriculum. Motion carried unanimously.

Applications for the master barber examination from Theodore D. Webber and Xavier R. Jenkins who have felonies were presented to the Board for review. All

required information has been submitted, disclosure from the applicant and letter of examination recommendation from the school.

MOTION made by Mr. Donald Collins and second by Mr. Joe Jones to approve the application for examinations with a signed agreed order. Motion carried unanimously.

Request for extension from the master barber instructor seminar from Dwight Shine presented to the Board for review. Mr. Shine request was presented at the October Board meeting with a physician statement at which time the Board requested additional medical documentation for considering granting an extension from the 2010 barber instructor seminar. Mr. Shine has submitted a statement from his physician what states he has been his patient since 2008 and he is being treated for Major Depression.

MOTION was made by Mr. Donald Collins and second by Mr. Larry High to request a more detail physician statement. Motion carried unanimously.

Request for extension from the master barber instructor seminar from Clonte' Thomas due to his incarceration. He obtained his instructor license during his incarceration and would like the board to grant him an extension from attending a master barber instructor seminar until he is released from prison.

MOTION made by Mr. Ralph Payne and second Mr. Joe Jones to deny the request for extension from the required seminar attendance to maintain active instructor status of barber license. The Board discussed this motion was based on TCA 62-3-124. Motion carried unanimously.

Request from Mr. James Nicely for the Board to grandfather him in as a master barber. Mr. Nicely submitted proof he was registered as an apprentice barber in Tennessee in 1967. The Board previously reviewed his request in 2009 and voted he would be required to pass the state board master barber examination to qualify for master barber license in Tennessee. Mr. Nicely took the master barber examination in 2003 but did not pass the theory portion of the examination.

MOTION made by Mr. Ralph Payne and second by Larry High that Mr. Nicely will be required to pass the state board master barber examination to qualify for master barber license in Tennessee.

Board Members discuss the possibly of some type of apprentice program in Tennessee for newly license master barbers. The type program discussed would require a newly license barber to work under the supervision of a master barber for period of time. The Board discussed the different type of advantages this would offer for newly license barber entering the barbering profession. The Board request

Mr. Bond, Attorney for the Board to research this issue and report back as to what would be required to develop this type of apprentice program for newly license master barbers in Tennessee.

Request from Mr. Joel Holt who attended barber school in the 80's which is no longer open. He did not complete his hours and the board office has no record of his hours. He has two receipts that show he paid for hours at the school. One receipt from Roger's School dated 10/31/80 list total hours 48 and the second receipt dated 11/30/80 list total hours as 90. He states he has approximately 1050 hours and he wants to enroll in the barber curriculum in a barber school to complete his hours. He is requesting the Barber Board to grant him 1050 hours even though the board office has no record of the hours.

MOTION made by Mr. Larry High and second by Mr. Ralph Payne to deny this request for hours.

Expenditures for the Barber Board for 09-10 were reviewed by the Board.

The Board discussed expenditure for 09-10 years which reflects the board is in the red due to increasing expenses and lower revenue. The Board requested the Director and Board Attorney to research to determine what actions need to be taken (raising fees or etc.) to increase revenue to bring the Barber Board in the black.

Copy of letter PSI sent to all barber schools advising of updates to the examination and the date the updates take effect.

Barber Board meeting dates for 2011.

Copies of Correspondence from the November 2010 board meeting.

CONSENT ORDERS \$2000.00

**Mainly Hair
223 Highland Square
Crossville, TN 38555**

**Violation issued June 10, 2009
Pd \$500.00 on 12-09-2010**

**Nail & Day Spa
2812 S. Rutherford Blvd.
Murfreesboro, TN 37130**

**Violation issued September9, 2010
Pd \$500.00 on 11-23-2010**

**Spartan's House of Beauty
332 N. Spring Street
Sparta, TN 38583**

**Violation issued March 30, 2010
Pd \$500.00 on 12-2-2010**

**Totally Polished Hair & Nail Salon
782 B. Nissan Blvd.
Smyrna, TN 37167**

**Violation issued August 11, 2010
Pd \$500.00 on 1-19-2011**

STAFF ATTORNEY REPORT

1. 2009004331

The above-referenced establishment was previously cited on February 5, 2009 for operation of an unlicensed barber shop and practice of barbering with an expired master barber license. It appears that the establishment is now closed for business and that a new owner is operating a licensed cosmetology shop at this location.

Recommendation: Close and flag.

2. 2008027081

A Notice of Violation was issued to this licensed barber shop on November 25, 2008 alleging that an unlicensed individual was found practicing barbering on a client in the shop and that both the shop license and most recent shop inspection sheet were not conspicuously displayed. On December 16, 2009, a new owner obtained a license to operate this shop. The previous owner, whose master barber license is now invalid for failure to renew, is not known to be the owner or manager of any other barber shop(s) at this time.

Recommendation: Close and flag.

3. 2008011761

A Notice of Violation was issued to this licensed barber shop, whose license expired Jan 31, 2010, alleging that an individual whose master barber license was expired, was observed practicing barbering on a client in the shop. It appears that the shop is now closed for business.

Recommendation: Close and flag.

4. 2010015871
2010020781
2010032831

Each of the above-referenced complaints alleged that a licensed barber school admitted a student in the barbering program without first obtaining sufficient proof that the student had completed and passed at least two (2) years of high school or obtained the minimum acceptable score on the G.E.D. examination. Each of the schools provided a copy of a high school diploma as proof the student met the applicable criteria. It is the opinion of legal counsel that the diplomas are sufficient proof that each student meets the applicable criteria.

Recommendation: Close with no further action.

5. 2010029541

Consumer complaint alleges that an individual is providing barbering services from a functioning automobile. Investigation revealed that an individual was providing such services; the Respondent indicated to the investigator that he had witnessed the mobile barbering services concept being implemented in another state and thought that the business model would be successful in Tennessee. According to board office records, the business owner is not licensed as a master barber in this state.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty with instructions to CEASE and DESIST all unlicensed activity.

6. 2010032531

A student complaint alleges that the student was involuntarily withdrawn from the school and that the student was not being provided instruction. The school states in response that the student was voluntarily withdrawn by her grandmother after the grandmother was advised by a school administrator that the student was not making sufficient progress in the curriculum, refused to complete her assignments, exhibited behavioral problems and could not master the most basic practical skills. The school submitted records documenting the student's lack of progress and behavioral issues.

Recommendation: Close with no further action.

7. 2010033271

A student complaint alleges that she was treated unfairly by school personnel. According to the student, after she was offered the opportunity to voluntarily withdraw from the school following a disciplinary incident with school personnel, she was not permitted to return to school in accordance with the terms of the voluntary withdrawal contract. The student provided a copy of the contract, showing that she entered into an agreement with school personnel to withdraw from school for no greater than six (6) months from the date of the agreement. According to the contract, it was the student's prerogative and responsibility to ensure that she exercised the right to re-enter the school before the stated deadline. The student alleges that she timely provided notice to school personnel of her intent to return to school, but was repeatedly delayed and given inconsistent advice from school personnel relative to when or if she would be allowed to return.

The school states that the student was allowed to enter into the voluntary withdrawal contract in lieu of termination after a verbal altercation between the student and an instructor which resulted in the student being escorted from the school by police. According to the school, the student was allowed to enter into the contract in order to spare her the financial impact of termination, which would cause her to be liable to the school for additional tuition monies. The school states that it declined to allow the student to exercise her right to return to the school because a several of the students who were in attendance of the date of the student's altercation felt it inappropriate to allow the student to return to school. Additionally, the school stated that it entered into the agreement for "[the student's] benefit, not ours".

Recommendation: Close with a strong letter of warning re: admissions requirements/policies rule and unprofessional conduct.

8. 2010033591

A student complaint alleges that the school the student attended refused to provide him an hourly accumulation statement and ultimately terminated his enrollment after he continued to request such documentation. The school states that the student was withdrawn for poor attendance and provided a copy of the student's attendance record, which shows that the student had a sporadic attendance pattern. In addition, the school states that the student remains liable to the school for unpaid tuition and that his hours will not be released until all outstanding tuition is paid. Board office records show that the school never submitted a withdrawal form for the student.

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

9. 2010033651

The Complainant, a consumer in a licensed barber shop, alleges that the owner of a licensed barber shop refused her request for a refund after she received a poor quality service at the shop. The Respondent states that stylists in the shop attempted to correct the Complainant's hairstyle after she complained and that the Complainant was asked to leave the shop after the Respondent declined to issue her a refund and she allegedly became belligerent. The Respondent enclosed with his response a copy of a police report stating that the Complainant used profane and threatening language toward him and other shop personnel after he refused her request for a refund and asked her to leave the shop.

Recommendation: Close with no action.

10. 2010026331/2010034721

June 24, 2010 and September 16, 2010 Notices of Violation allege that a master barber was observed practicing barbering on a client in an unlicensed barber shop. The shop was licensed at a different location but had not completed all licensure requirements for the new location where the master barber was observed practicing.

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

11. 2010034741

September 29, 2010 Notice of Violation alleges that a licensed master barber shop was in an extremely unsanitary condition while open for business. No services were being performed at inspection time.

Recommendation: Close with a letter of warning.

12. 2010034751

October 22, 2010 Notice of Violation alleges that a licensed master barber was observed practicing barbering in a licensed barber shop while his master barber license was expired due to non-payment of a late fee. The master barber license in question is now active.

Recommendation: Close with a letter of warning.

13. 2010034761

October 28, 2010 Notice of Violation alleges that two (2) licensed master barbers were practicing barbering in a barber shop where the license was expired. The shop license remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty, and instructions to CEASE and DESIST operating a shop until the license has been renewed.

14. 201003311

February 11, 2011 Notice of Violation alleges that a licensed master barber was found operating a barber shop while both the barber shop license and her master barber license were expired. Board office records indicate that both licenses remain expired. No clients were present in the shop at inspection time.

Recommendation: Issue a letter of warning directing the owner to CEASE and DESIST operation of the shop and the practice of barbering until all licenses are renewed.

15. 201102441

December 2, 2010 Notice of Violation alleges that no instructor was present at a licensed barber school while students were present. The owner/instructor of the school states that she was forced to leave the students unattended after her son, who lives in another town, suddenly became ill. According to the instructor/owner, although the students were present at the school during her absence, they did not provide services to any clients and did not accumulation any hours of instruction that day.

Recommendation: Close with a letter of warning.

16. 2011002451

December 21, 2010 Notice of Violation alleges that an individual was found operating an unlicensed barber shop. According to the inspector, at least one (1) work station in the shop was equipped to provide barbering services to clients.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty and instructions to CEASE and DESIST operating a shop until an appropriate license is obtained.

17. 2011002461

December 22, 2010 Notice of Violation alleges that a licensed master barber relocated his licensed barber shop without obtaining an inspection of and approval to open the shop at the new location. According to the inspector, when he visited the shop at the new location, it was closed for business with no clients present, although the owner was inside the shop. Board office records indicate that the shop is now licensed at its current location.

Recommendation: Close with a letter of warning.

18. 2011002471

January 5, 2011 Notice of Violation alleges that a licensed master barber was found operating a barber shop while the shop license was expired. According to the inspector, the owner of the shop was performing a client service when he arrived. Board office records indicate that the shop license is now valid.

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

19. 2011002481

January 5, 2011 Notice of Violation alleges that a licensed master barber was found providing service to a client in a licensed barber shop while the shop license was expired. According to board office records, the owner of the shop has made partial payment of the shop license renewal fee, but a late renewal fee remains outstanding.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty and instructions to CEASE and DESIST operating a shop until an appropriate license is obtained.

20. 2011002561

February 2, 2011 Notice of Violation alleges that a licensed master barber was observed practicing barbering in a licensed barber shop while his license was expired. Additionally, the shop license was not conspicuously displayed. Board office records indicate that the individual licensee's license remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty and instructions to CEASE and DESIST permitting an unlicensed individual to practice barbering in a licensed shop.

21. 2011002571

February 2, 2011 Notice of Violation alleges that five (5) work stations in a licensed barber shop were equipped to provide barbering services to clients, while only three (3) master barber licenses were displayed at such work stations. According to the inspector, no services were being performed in the shop at inspection time.

Recommendation: Close with a strong letter of warning.