



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
TENNESSEE STATE BOARD OF BARBER EXAMINERS  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243-1148  
615-741-2294**

**Minutes**

**Tennessee State Board of Barber Examiners  
Monday November 19, 2012 – 9:00 A.M. CST  
Second Floor Conference Room  
Andrew Johnson Building  
Nashville, Tennessee**

The Tennessee State Board of Barber Examiners held a meeting November 19, 2012, 9:00 a.m. Nashville, Tennessee.

The following members were present: J.B. Loring, President, Joe Jones, Vice President, Larry High, and Ralph Payne, and Donald Collins

Others present: Rachel L. Powers, Attorney, and Hosam William, Paralegal

J.B. Loring, President called the meeting to order.

J.B. Loring, President ask for roll call.

J.B. Loring, President asked all to join in prayer.

J.B. Loring, President called for “Pledge of Allegiance”.

J.B. Loring, President called for change or approval of the October 19, 2012 board meeting minutes.

MOTION made by Ralph Payne and seconded by Larry High for approval of the October 19, 2012, board meeting minutes. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Mr. Warren Samuel requested to appear today before the Barber Board to reconsider his late for his master barber license renewal due in 2010 with \$480 in fees.

MOTION made by Larry High and seconded by Ralph Payne that Mr. Samuel pay \$240 in late fees by February 28, 2013 or take the barber reinstatement examination.

## **APPLICATIONS FOR EXAMINATION**

Applications for master barber examination from Shawn Gibson, Brian Hilton, Lamont Eugene Harris, Jarrod Lamont Howse, Stanley Lane, Elgen James McFerren, who have felonies were received by the Board. All required information has been submitted including the disclosure from the student and letter of examination recommendation from the Barber School attended.

Motion made by Larry High and seconded by Donald Collins to approve applicants for examination with a signed agreed order with a two (2) year probation period. Motion carried unanimously.

## **APPLICATIONS FOR RECIPROCITY**

Application for reciprocity of barber license from Ramallah for Shalbe Abdul Rodriguez was presented to the board for approval. The applicant received 2000 hours of instruction in the barber curriculum at the Nevertiti Institution for Beauty.

MOTION made by Larry High and seconded by Ralph Payne to deny Mr. Rodriguez's reciprocity application. Motion carried unanimously.

Application for reciprocity of barber license from Louisiana for April Feenstra was presented to the board for approval. The applicant was a cosmetologist in Louisiana who tested to receive a Louisiana barber license.

MOTION made by Larry High and seconded by Joe Jones to deny Ms. Feenstra's reciprocity application. Motion carried unanimously.

MOTION made by Ralph Payne and seconded by Larry High that Ms. Feenstra apply for a reciprocal cosmetologist license or otherwise complete 1500 hours in the barber curriculum. Motion carried unanimously.

## **MISCELLANEOUS REQUESTS**

Eunice Waller has presented a request to waive her later barber license fees due to her error in mixing up the envelopes in which her payments were sent.

MOTION made by Ralph Payne and seconded by Donald Collins to deny Mrs. Waller's request. Motion carried unanimously.

A representative from Mr. Wayne's Barber College in Cookeville, Tennessee appeared before the board to discuss board modernization and submitted his opinion that the barber and cosmetology be combined. J.B. Loring, President asked Mr. Wayne to draw up his recommendation and present it to a representative from his schools district to present at the December meeting. Assistant General Counsel, Rachel Powers, advised that this is a matter that both boards must be in agreement about in order to make any formal board recommendation to the Legislature. Further a majority of the members on each board must vote in order to make any formal board recommendation.

**CONSENT ORDERS** for November 2012 totaling \$1,250.00 were presented for the board's approval.

MOTION made by Ralph Payne and seconded by Larry High to approve the November 2012 Consent Orders. Motion carried unanimously.

## **LEGAL REPORT**

Assistant General Counsel, Rachel Powers presented the November 19, 2012 legal report as follows:



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DEPARTMENT OF COMMERCE AND INSURANCE  
OFFICE OF LEGAL COUNSEL  
500 JAMES ROBERTSON PARKWAY  
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**TO:** Tennessee State Board of Barber Examiners  
**FROM:** Rachel L. Powers, Assistant General Counsel  
**DATE:** November 19, 2012  
**SUBJECT:** November Case Report

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**RE-PRESENTED MATTERS:**

- 201202120-1**  
First License Obtained: 03/13/2006  
License Expiration: 03/31/2014

This matter was previously presented at the October 15, 2012 board meeting as follows: *An August 31, 2012 Notice of Violation alleges the area inspector observed unclean floors, mirrors and work stations in a licensed barber shop. The area inspector also observed uncovered trash cans and dust and dirt build up. Further, the inspector observed a master barber servicing a client with an expired license.*

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

A request for reconsideration was sent to legal counsel, along with a response from the owner of the Respondent shop stating that, the master barber in question did not service any clients at the time of the inspection nor was he servicing clients prior to the inspectors visit and that he (the owner) suspended the licensees work until his renewal was processed. The owner further states that he always obeyed the law and ensured that anyone who works for him abides by the rules and laws as well. Because of this he has been in the barber business for 15 years without a citation.

**Recommendation: Close with a letter of warning relative to sanitation.**

**MOTION** made by Donald Collins and seconded by Ralph Payne to stand with the board's prior

decision. Motion carried unanimously.

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

**2. 201202137-1**

First License Obtained: N/A

License Expiration: N/A

A September 19, 2012 consumer complaint alleges the Respondent does not have a valid license to work full time as a barber in a local shop. The Complaint further alleges the Respondent over charges customers and acts in unprofessional manner. No response to the complaint has been received as of this date. Board office records indicate the Respondent does not hold a valid board-issued license.

**Recommendation: Issue a CEASE and DESIST advisory notice with a request to the area inspector to visit the Respondent and shop.**

**3. 201202477-1**

First License Obtained: 10/15/2001

License Expiration: 01/31/2014

An October 18, 2012 Notice of Violation alleges that during the shop inspection, the area inspector observed a copy of a master barber license posted at the work station. Further, the inspector observed no shop license displayed in the shop. No services were being provided at the time of the inspection.

**Recommendation: Close with a letter warning.**

**4. 201202479-1**

First License Obtained: N/A

License Expiration: N/A

An October 23, 2012 Notice of Violation alleges the area inspector observed two (2) licensed master barbers cutting clients hair in unlicensed barber shop. The inspector also observed three (3) licensed stylists practicing on clients in a shop which holds a valid cosmetology license, according to the inspector. Board office records indicate the shop does not hold a valid board-issued license.

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

**5. 201202485-1**

First License Obtained: 10/21/2008

License Expiration: 10/31/2012

An October 24, 2012 Notice of Violation reports that the shop was open for business while the shop owner's license (also the manager) was expired. The inspector further reports the owner of the shop was absent at the inspection time. No services were being provided during the inspection. Board office records indicate the shop license expired on 10/31/12.

**Recommendation: Issue a CEASE and DESIST advisory notice.**

**BOARD DECISION: Issue a CEASE and DESIST advisory notice with a request to the area inspection to perform a follow up inspection within thirty (30) days.**

**6. 201202487-1**

First License Obtained: 03/31/2011

License Expiration: 03/31/2013

An October 10, 2012 Notice of Violation alleges the shop was open for business with no visible sign posted. The inspector also observed the owner of the shop's license which was expired posted at the work station. No services were being provided at the inspection time.

This shop has a pending case where the board previously authorized a formal hearing with authority to settle by Consent Order and a payment of \$500.00 civil penalty.

**Recommendation: Combine the cases and authorize a formal hearing.**

MOTION made by Ralph Payne and seconded by Larry High to approve the November legal report. Motion carried unanimously.

## **OTHER BUSINESS**

Assistant General Counsel, Rachel Powers, spoke about the inspectors meeting and answered board member questions.

## **MISCELLANEOUS REQUEST**

Assistant General Counsel, Rachel Powers, discussed the barber boards expired trademark and requested the board vote on whether to reinstate the barber pole trademark.

MOTION made by Ralph Payne and seconded by Donald Collins to pursue reinstatement of the barber pole trademark. Motion carried unanimously.

## **ADJOURN**

MOTION to adjourn made by Larry High and seconded by Donald Collins. Motion carried unanimously.