



**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 December 16, 2013 – 9:00 A.M. CST  
Conference Room 1-B  
Davy Crockett Tower  
Nashville, Tennessee**

The Tennessee State Board of Barber Examiners held a meeting December 16, 2013 at 9:00 a.m. in Nashville, Tennessee.

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

Others present: Roxana Gumucio, Executive Director, Chris Whittaker, Attorney, Hosam William, Paralegal and Betty Demonbreun, Administrative Assistant.

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 November 18, 2013 board meeting minutes.

MOTION made by Ralph Payne and seconded by Larry High for approval of the November 18, 2013 board meeting minutes. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

### **Jonathan Williams, Request to waive shampoo bowl requirement**

Mr. Williams owns and operates Veterans Barber Shop in Cookeville. He is considering opening a new shop and would like to only install regular sinks at each station.

MOTION made by Larry High and seconded by Ralph Payne to approve request to waive the requirement for shampoo bowls at each station and install sinks. Motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION**

Applications for examination for Curtis Franklin, Antonio Kelly, Willie Lane Jr., Jeffrey Walton, Antonio Wyatt, Antonio Bond Sr., and Trenton Harris who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation from the school attended is submitted.

Mr. Jones requested that starting in 2014 the board office send each Board member the felony application in advance of the meetings for review. The last minute submissions will be added to the iPads. This will expedite the process and allow the Board members to make a decision for each individual applicant.

MOTION made by Donald Collins and seconded by Methier Jones to approve each application for examination with a signed Agreed Order for this month. Motion carried unanimously.

## **APPLICATIONS FOR RECIPROCITY**

Application for reciprocity of master barber license from Egypt for Ibrahim Essam Fawzy. Transcript from The ministry of Education in Egypt is provided and shows a total of 2,500 hours obtained between September 2008 and September 2009.

Recommendation – is that the applicant take the Tennessee examination.

MOTION made by Ralph Payne and seconded by Larry High to approve reciprocity. Motion carried unanimously.

**CONSENT ORDERS** - for November totaling \$2,250.00 were presented for the board's approval.

MOTION made by Donald Collins and seconded by Larry High to approve the November Consent Orders. Motion carried unanimously.

## LEGAL REPORT

Assistant General Counsel, Chris Whittaker presented the legal report as follows:

### NEW CASES

**1. 2013016251**

First License Obtained: 04/22/2010  
License Expiration: 02/28/2015

The complaint alleges that the owner of the Respondent shop was and/or is allowing one or more person(s) to fraudulently use the license of a master barber who was and/or is incarcerated. The complaint further alleges that the owner of the Respondent shop knows the area inspector personally, and as such, implies that the assigned area inspector might have bias against the Complainant and in favor of the Respondent shop based on the assigned area inspector's personal relationship with the owner. Accordingly, an inspector from another area of the state who does not know the owner of the Respondent shop agreed to investigate the allegation in this complaint. The inspector's report regarding this complaint found no evidence that anyone at the Respondent shop was fraudulently using or attempting to use the Complainant's master barber license at the time of inspection.

**Recommendation: Dismiss the complaint.**

**2. 2013016481**

First License Obtained: 06/24/1992  
License Expiration: 05/31/2015

The complaint alleges that the Respondent shop is allowing an unlicensed individual to practice barbering in the shop and that the shop is unsanitary and/or is otherwise not an appropriate place for a barber shop to be open to the public. The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed a shop open for business to the public which was allowing one or more individual(s) to practice barbering in the shop without a valid license. The Notice of Violation indicated no sanitation violations in the Respondent shop.

**Recommendation: Formal hearing with authority to settle by Consent Order upon payment of a \$ 500.00 civil penalty by the Respondent.**

**3. 2013016921**

First License Obtained: 12/08/2011  
License Expiration: 11/30/2015

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed a shop open for business to the public allowing an unlicensed individual to perform barbering services on a client. The Notice of Violation also alleges that the inspector observed barber tools and supplies which were improperly stored, but the Notice of Violation contains

insufficient details to conclusively establish at this point in the complaint proceeding whether the tools and supplies in question were improperly stored.

**Recommendation: Formal hearing with authority to settle by Consent Order upon payment of a \$ 500.00 civil penalty by the Respondent.**

**4. 2013017001**

First License Obtained: N/A  
License Expiration: N/A

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed a building (a former cosmetology shop that is closed and no longer operating) which was open for business in which the Respondent was cutting hair and had a shop full of people waiting. The individual in the shop in question stated that he only cuts hair for “family”, and that everyone in the shop waiting for a haircut was “family”. The inspector advised the Respondent that he could not legally perform barbering services for the public without a master barber license and/or a barber shop license (as appropriate).

**Recommendation: Close this complaint upon the issuance of a Cease and Desist advisory notice advising the Respondent that he may not provide barbering services to the public until he obtains a master barber license and that he may not provide barbering services in an unlicensed shop and schedule a follow-up visit by the area inspector within thirty (30) days of the date of the issuance of the Cease and Desist advisory notice to determine whether the Respondent has complied with the Cease and Desist advisory notice. Notice of the Respondent’s unlicensed conduct shall also be sent to the local health department in order to further protect the health and safety of the public.**

**5. 2013017011**

First License Obtained: 06/09/2009  
License Expiration: 05/31/2013

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed that the Respondent shop was open for business on an expired license. The shop’s owner advised that the reason the shop’s license had not been renewed was because of financial difficulties. As of the writing of this report, the Respondent shop’s license remains expired.

**Recommendation: Formal hearing with authority to settle by Consent Order which requires that the Respondent shop pay a \$ 250.00 civil penalty and complete all necessary requirements to reinstate the shop’s license within sixty (60) days of the execution of the Consent Order. Failure to timely comply with all provisions of the Consent Order shall result in the automatic revocation of the Respondent shop’s license without the necessity of a formal hearing based on the violation(s) admitted in the Consent Order.**

**6. 2013017051**

First License Obtained: N/A (Shop Application Submitted 11/25/13- Pending)

License Expiration: N/A

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed an individual who did not possess a master barber license performing a haircut in an unlicensed shop. The inspector advised the individual in question that he could not legally perform barbering services for the public without a master barber license and/or a barber shop license (as appropriate).

**Recommendation: Close this complaint upon the issuance of a Cease and Desist advisory notice advising the Respondent that he may not provide barbering services to the public until he obtains a master barber license and that he may not provide barbering services in an unlicensed shop.**

**7. 2013017271**

First License Obtained: 03/07/2008

License Expiration: 02/28/2010

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed that the Respondent shop had no license posted, that the shop's license was expired, and that the only practicing barber in the shop did not have his license (which was current and valid) posted at the time of inspection. The inspector further observed several uncovered trash containers, several exposed surfaces which were not clean, and barber tools which were not properly stored and did not appear to be properly sanitized.

**Recommendation: Formal hearing with authority to settle by Consent Order upon payment of a \$ 750.00 civil penalty by the Respondent.**

**8. 2013017641**

First License Obtained: 01/15/2003

License Expiration: 12/31/2014

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed a work station set-up with a posted master barber license which is expired and suspended. However, the inspector did not observe the individual to whom the license belongs in the shop at the time of inspection. As such a Letter of Warning is recommended.

**Recommendation: Close this complaint upon the issuance of a Letter of Warning which includes cease and desist language advising the Respondent shop that it may only permit licensed master barbers to perform barbering services in the shop.**

**9. 2013018421**

First License Obtained: 12/14/2012

License Expiration: 11/30/2014

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed that the Respondent shop's license was expired at the time of inspection, that two male

individuals who had no identification and no license posted were performing barbering services for clients, that the shampoo bowl was not working, and that there were unclean and improperly stored barber tools at one or more work station(s) at the time of the inspection. The Respondent shop's license was subsequently renewed and is now current and in good standing.

**Recommendation: Formal hearing with authority to settle by Consent Order upon payment of a \$ 1,000.00 civil penalty by the Respondent.**

**10. 2013018771**

First License Obtained: N/A  
License Expiration: N/A

The Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed an individual offering barbering services to the public out of a mobile trailer (attached to a motor vehicle) which also serves as the individual's residence. The individual in question is homeless and does not possess a master barber license. Further, although the Respondent "business" does appear to have most of the equipment required by a barber shop, it does not possess a barber shop license. The Respondent has another open complaint which has been referred to Litigation for a formal hearing.

**Recommendation: Formal hearing with authority to settle by Consent Order which requires that the Respondent cease and desist providing or offering to provide barbering services to the public until and unless appropriate licensure is obtained and that the Respondent pay a \$ 1,000.00 civil penalty. Notice of the Respondent's unlicensed conduct shall also be sent to the local health department in order to further protect the health and safety of the public.**

**11. 2013016551**

First License Obtained: 02/25/1994  
License Expiration: 02/09/2014

This complaint, filed by a student attending a licensed barber school, makes several very serious allegations against the Respondent school. The Complainant alleges, among other things, that he has been sexually harassed, that an instructor at the school threatened to shoot him, and that he has endured racism during his education at the Respondent school. The Respondent school vehemently denied all of the Complainant's allegations. The evidence in the file contains no substantive proof, other than the Complainant's statements, that any of the Complainant's allegations occurred and/or that they occurred in the manner he alleged. Significantly, the two "witnesses" (fellow students) named by the Complainant on the complaint report as persons having knowledge of his complaint, submitted sworn written statements to the Board stating that they did not know what the Complainant was talking about nor why they were listed as "witnesses", with the exception of one situation mentioned by the Complainant. Regarding that situation, both Complainants stated that the situation did not happen the way the Complainant alleged, and their explanations were consistent with the school's account of the situation. Finally, the Respondent school stated in its response that the Complainant has had so

many problems with multiple fellow students and school staff that they advised the Complainant that, if he caused one more incident, that the school would suspend or terminate him.

**Recommendation:** Dismiss the complaint.

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2013021021  
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First License Obtained: Varies by Respondent  
License Expiration: Varies by Respondent

The above-referenced complaints allege the named Respondents fraudulently obtained their respective licenses via reciprocity on the basis of military service. Letters were sent requesting the Respondents provide documentation to show that they did, in fact, have the military experience sufficient for the issuance of a barber license based on military reciprocity. Information was obtained which appears to confirm that each Respondent did not have the military service initially claimed upon application which resulted in the issuance of the licenses.

**Recommendation:** Formal hearing for the revocation of the above-referenced licenses with authority to settle by Consent Order in which each of the Respondents agree to the voluntary revocation of their respective licenses and payment of a \$ 1,000.00 civil penalty.



MOTION made by Donald Collins and seconded by Ralph Payne to approve the Legal Report.  
Motion carried unanimously.

**OTHER BUSINESS**

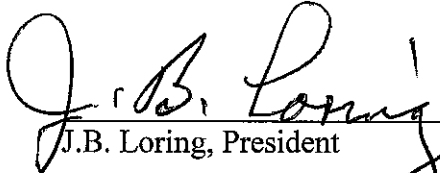
**Continuing Education Update:**

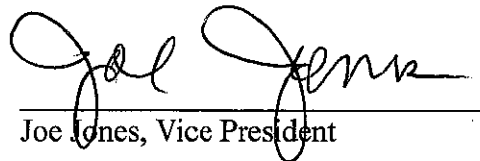
The planning committee meeting for the seminar in Knoxville took place on Monday, December 9, 2013. This group will be appearing before the Board at the February meeting to present their 2014 material.

Ms. MacDonald with the session scheduled for Memphis will present her information at the March meeting.

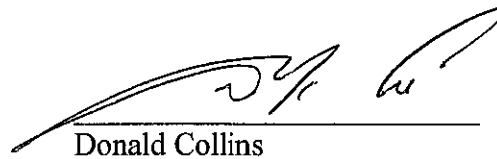
**ADJOURN**

MOTION to adjourn made by Larry High and seconded by Ralph Payne. Motion carried unanimously.

  
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J.B. Loring, President

  
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Joe Jones, Vice President

  
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Larry High

  
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Donald Collins

  
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Ralph Payne