



**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 March 18, 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 March 18, 2013, 9:00 a.m. Nashville, Tennessee.

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

Others present: Rachel L. Powers, Program & Policy 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 February 25, 2013 board meeting minutes.

MOTION made by Larry High and seconded by Ralph Payne for approval of the February 28, 2013, board meeting minutes. Motion carried unanimously.

SEMINAR REQUEST

The University of Memphis has made a request to have their 2013 Teacher's Seminar approved. The seminar presenters, subject and date are provided. The seminar is to be held at the University of Memphis June 9 - 10, 2013.

MOTION made by Ralph Payne and seconded by Donald Collins to approve The University's request. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION

Applications for master barber examination from Johnny Nathaniel, Ronnie Davis and Randy Beard, who all 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.

Randy Beard was presented at February's meeting and the board request that he send a letter of recommendation. The testing application submitted is for a license reinstatement; he has subsequently been on probation and signed an agreed order when he originally tested. Does the board want all reinstatement applications represented with felony information if it is before their original test date?

Motion made by Larry High and seconded by Donald Collins to approve Mr. Beard's application for reinstatement and since he had originality sent in the felony information when he first had test, to waive entry of an agreed order. Motion carried unanimously.

Motion made by Ralph Payne 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.



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
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TO: Tennessee State Board of Barber Examiners
FROM: Christopher Whittaker, Assistant General Counsel
DATE: March 18, 2013
SUBJECT: March Case Report

NEW CASES

1. 201300304-1

First License Obtained: 11/29/2010
License Expiration: 10/31/2014

The complaint alleges that the Complainant visited the Respondent barber shop and was informed by an individual at the front desk that they have cosmetologists working in the shop and that they use safety razors for shaving faces and heads. In response, the Respondent shop owner states that his employee does not recall discussing any of their services with the Complainant and further denies that any such service has ever been offered to or performed on the Complainant. The Respondent shop owner also states that the shop has passed all its inspections and that it operates according to the laws and regulations. Further investigation of this matter revealed that the Complainant does not offer any actual evidence to support the allegations in the complaint. According to the departmental licensing records, the shop has had no prior disciplinary complaints and has a dual licensure.

Recommendation: Close with a Letter of Instruction regarding TCA §§ 62-3-105 and 62-3-107.

2. 201300372-1

First License Obtained: 08/04/2010
License Expiration: 06/30/2012

The Notice of Violation alleges that the owner of a barber shop relocated such shop

without first submitting an application for change of location and passing the required inspection. The inspector states that no services were being provided at the time of the inspection. Board office records indicate that no application for change of location has been received as of the date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice regarding operating the shop without a valid board-issued license with a request to the area inspector to follow within 30 days.

3. 201300234-1

First License Obtained: 04/22/2010

License Expiration: 02/28/2015

The Notice of Violation alleges that the owner of a licensed barber shop relocated such shop without first submitting an application for change of location and passing the required inspection. The inspector states that a licensed master barber was cutting a client's hair at the time of the inspection. Board office records indicate that an application for change of location was received on 01/29/13 and that such application was approved on 02/15/13.

Recommendation: Close with a Letter of Warning.

4. 201300373-1

First License Obtained: N/A

License Expiration: N/A

The Notice of Violation alleges that the shop was open for business without a valid board-issued shop license. The inspector states that no one was working in the shop during the inspection. Board office records indicate that no application to license the shop has been received as of this date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice with a request to the area inspector to follow within 30 days.

5. 201300236-1

First License Obtained: 09/02/2010

License Expiration: 08/31/2014

The Notice of Violation alleges that the area inspector observed the owner of the shop (also a licensed master barber) was cutting a client's hair while both his license and the shop license were expired. Board office records indicate that the shop license has been now renewed, and that an application to renew the owner's license was received on 01/25/13 and such application is still pending as of this date of this report.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order

and payment of \$250.00 civil penalty.

6. 201300324-1

First License Obtained: 12/13/2002

License Expiration: 11/30/2014

The Notice of Violation alleges that the area inspector observed a licensed master barber practicing in the shop while the shop license was expired. The inspector states that the shop owner's license was also expired. Board office records indicate that both licenses in question have been now renewed.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a \$250.00 civil penalty.

7. 201300327-1

First License Obtained: 11/30/2010

License Expiration: 10/31/2012

The Notice of Violation alleges that a barber shop was open for business with an expired shop license which had been expired since October 31, 2012. The inspector states that no clients were at the shop during the inspection. Board office records indicate that no application to renew the shop license has been received as of this date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice regarding operating the shop without a valid board-issued license with a request to the area inspector to follow within 30 days.

8. 201300326-1

First License Obtained: 05/22/2007

License Expiration: 05/31/2013

The Notice of Violation alleges that the area inspector observed the owner of the shop cutting a client's hair with an expired master barber license that had been expired since July 31, 2012. Board office records indicate that the license in question was renewed on 02/11/2013.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a \$250.00 civil penalty.

9. 201300328-1

First License Obtained: 09/30/2008

License Expiration: 09/30/2012

The Notice of Violation alleges that the inspector observed the owner of the shop (a

master barber) cutting a client's hair while both his license and the shop license were expired. The inspector also observed an empty wet sterilizer at the work station. Board office records indicate that the master barber license was renewed on 02/28/13, but the shop license remains delinquent as of the date of this report.

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

10. 20130025-1

First License Obtained: 05/03/2001

License Expiration: 04/30/2013

The Notice of Violation alleges that, upon entry to the shop, the area inspector observed an individual was practicing on a child's haircut with no license to perform such service. During the inspection, the unlicensed individual then left the shop before the inspector could speak with that individual. The inspector also observed hair on the floor, an uncovered trash container, and unclean work stations. Additionally, the inspector observed a licensed cosmetologist was practicing on a client's hair, but the shop does not have a cosmetology shop license.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a \$750.00 civil penalty with a CEASE and DESIST provision against permitting individuals to practice in the shop without a valid board-issued master barber license.

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

OTHER BUSIENSS

A barber shop floor plan from Knight Garrett was given to the board for review and approval in order for it to be located inside the premises of a gym.

The Board members had the discussion about the rules relative to the limitations and codes approvals. MOTION made by Ralph Payne and seconded by Donald Collins to approve the floor plan. Motion carried unanimously.

National Barber Museum Hall of Fame pamphlet and letter received by the board office was presented to the board.

J.B. Loring talked about how the museum was such a great place to visit. And the other Board members discussed how they had heard it was also.

Shante Randolph a barber student appeared to speak to the Board about getting the wrong information from the TEC facility where she was teaching in efforts to obtain an instructors license on Tuesday, Wednesday, and Thursdays. At that time she was a barber student only and she had worked 450 hours towards instructor training. Ms. Randolph was requesting credit for her 450 hours. The Board suggested that she needed to send in a complaint about this matter to the board office as per law she was not eligible for licensure until she became a licensed master barber.

MOTION made by Ralph Payne and seconded by Donald Collins that the Board could not accept her hours and she must apply to test and take 450 hours after receipt of her master barber license.

PSI Rater Training

The Board members discussed the program and Ralph Payne made a suggestion that J.B. Loring attend.

ADJOURN

MOTION to adjourn made by Donald Collins and seconded by Joe Jones. Motion carried unanimously.

J.B. Loring, President

Joe Jones, Vice President

Larry High

Donald Collins

Ralph Payne