



**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 February 25, 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 February 25, 2013, 9:00 a.m. in Nashville, Tennessee.

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

Others present: Laura Betty, Attorney, Chris Whittaker, Attorney, Hosam William, Paralegal, Betty Demonbreun, Administrative Assistant, and Kimberly Whaley, Accountant III.

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 19, 2012 board meeting minutes.

MOTION made by Donald Collins and seconded by Larry High for approval of the November 19, 2012, board meeting minutes with a correction. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Bill Giannini, Assistant Commissioner- Commissioner Giannini was present to speak to the board regarding the status on the position of the Director for the Barber Board. The Board members asked Assistant Commissioner Giannini for a permanent parking space at the Davy Crockett Building.

SCHOOL APPLICATIONS

Genesis Career College: Lebanon is requesting a name change. The new name submitted for approval is Genesis Career College.

MOTION made by Donald Collins and seconded by Joe Jones to approve Genesis Career College: Lebanon's request for a school name change. Motion carried unanimously

Application has been received from "My 3 Sons Barber College" to be located at 1603 Buchanan Street, Nashville, Tennessee for a new barber school. The school owners are listed as Jeffrey L Moore Sr. and Jerome L Moore. The completed application, fee and floor plan have been submitted for review and approval by the board. The inspector will be Barbara Hendrix. The board member will be Larry High.

MOTION made by Larry High and seconded by Donald Collins to approve the application upon a satisfactory completion of the board inspections. Motion carried unanimously

Paul Mitchell the School is requesting the addition of a barber program that will be located in the same building as their existing cosmetology school. Mr. Kevin Johnson appeared to present the lay out for the school. The school would be ready for opening by August. The board members requested more information relative to the lay out and floor plan for the school's application as there were concerns about the separation of the two programs, but no motion was entered.

APPLICATIONS FOR EXAMINATION

Applications for master barber examination from, Yukonda Bryant, Darrell Cash, Brittany Cason, Louis Cody, Clint Davis, Leon Dawson, Ronald Deberry, Kevin Douglas, Alejandro Gauna, Shawn Gibson, James Hicks, Cory Haden, Chris Haley, Terry Jones, Kendric McGee, Devon Magsby, William O'Neil, Marcus Pierce, Christopher Perry, Derek Roberts, Keith Rogers, and Marlon Moore 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.

The board requested Randy Beard provide a letter of recommendation in order for his application to be considered.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of barber license from Ruth Ann Sides was presented to the board for approval. The applicant received 1296 hours of instruction in the barber curriculum at the Bevell State Community College/North West Community College.

MOTION made by Larry High and seconded by Joe Jones to deny Ms. Sides reciprocity application and request the applicant to complete the remaining required hours and reapply. Motion carried unanimously.

INSTRUCTOR SEMINAR EXTENSION REQUESTS

Request for instructor seminar extension for Sheritta Lenise Eskridge due to the inability to pay for the seminar in 2011. Ms. Eskridge provided a letter describing her situation and intentions to attend a seminar in 2013.

MOTION made by Larry High and seconded by Joe Jones to approve Ms. Eskridge's instructor seminar extension. Motion carried unanimously.

Request for extension from the 2012 instructor seminar for Pamela D. Sawder due to health issues. Ms. Sawder provided a letter from her physician regarding her condition.

MOTION made by Larry High and seconded by Joe Jones to approve Ms. Sawder's instructor seminar extension. Motion carried unanimously.

MISCELLANEOUS REQUESTS

The University of Tennessee has made a request to have their 2013 Teacher's Seminar approved. The seminar presenters, subject and date were presented and approved at the cosmetology board meeting held on February 4, 2013. The University is requesting the same approval from the barber board. The seminar is to be held at the University of Tennessee July 21-22, 2013. Larry High recommended and the board members agreed that the board office send a letter sent to the University recommending that more master barber instructors present at the seminar in the future.

MOTION made by Donald Collins and seconded by Joe Jones to approve The University of Tennessee's request to offer the 2013 Barber Continuing Education Seminar. Motion carried unanimously.

Wayne L. Goodwin has presented a request to waive his late barber license fees due to illness.

MOTION made by Larry High and seconded by Joe Jones to defer Mr. Goodwin's request and further request that he provide additional information from his doctor concerning his illness for the Board's consideration. Motion carried unanimously.

Michelle Miller has presented a request for the Board to approve and accept expired Barber hours. Ms. Miller attended Hairstyling Academy in Missouri from February 7, 2006 to February 7, 2007 and received 1000 hours of Barber training. Ms. Miller provided a certification from Missouri for her hours.

MOTION made by Donald Collins and seconded by Larry High to defer Ms. Miller's request and further ask that she provide a transcript of her hours for the Board's consideration. Motion carried unanimously.

Tammie McIntyre is requesting the reinstatement of her Master Barber License. Ms. McIntyre placed her license into retirement in May of 2009, due to an illness which she thought would permanently prevent her from working as a barber. She has since recovered from the illness and is requesting to reinstate her license without having to re-test. The law/rules currently require anyone who retires before age 65 to have to re-test in order to have their license reinstated.

MOTION made by Larry High and seconded by Joe Jones to deny Ms. McIntyre's request. Motion carried unanimously.

CONSENT ORDERS for February 2013 totaling \$2,000.00 were presented for the board's approval.

MOTION made by Joe Jones and seconded by Donald Collins to approve the February 2013 Consent Orders. Motion carried unanimously.

LEGAL REPORT

Assistant General Counsel, Chris Whittaker presented the February 25, 2013 legal report as follows:



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
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FACSIMILE: (615) 532-4750**

TO: Tennessee State Board of Barber Examiners
FROM: Christopher Whittaker, Assistant General Counsel
DATE: February 25, 2013
SUBJECT: February Case Report

RE-PRESENTED CASE

- 1. 201003476-1**
First License Obtained: 10/04/2005
License Expiration: 09/30/2013

The Board has previously authorized a formal hearing against the Respondent for operating the Respondent shop with an expired shop license. Additionally, a formal hearing was set on July 13, 2012. However, due to service of process issues, the case was continued and later dismissed without prejudice. Further investigation of this matter revealed that the Respondent is currently incarcerated by the United States Immigration Services, and that the Respondent is unlikely to be released at any time in the near future. It is the opinion of the board's litigation counsel that this complaint be dismissed without prejudice (meaning that the Board may open a new complaint based on the allegations set forth in this complaint at a later time if it so chooses) and closed, and that the Respondent's license file be flagged accordingly.

Recommendation: Close and dismiss the complaint without prejudice and flag the Respondent's licensing file accordingly.

NEW CASES

2. 201202528-1

First License Obtained: 03/11/1997

License Expiration: 03/31/2015

The complaint alleges that the Respondent did not complete the educational requirements to become a licensed barber in Tennessee and that he obtained his license by fraud. The Board's records indicate that the Respondent obtained a valid license by reciprocity, and the investigation revealed no evidence to support either of the allegations in the complaint.

Recommendation: Dismiss the complaint.

3. 201300156-1

First License Obtained: 01/21/2009

License Expiration: 03/31/2013

The Notice of Violation alleges that an individual working at the Respondent shop was cutting hair without a valid license and that the same individual had a barber license registered to someone else at his station while cutting hair.

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

4. 201300173-1

First License Obtained: 01/29/2013

License Expiration: 01/31/2015

The Notice of Violation alleges that the area inspector observed the shop was open for business and two (2) individuals were practicing on clients in the shop without a valid board-issued shop license. Board records indicate that the shop has been now licensed.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a \$750.00 civil penalty, and an inspector shall follow up within thirty (30) days of the issuance of the Consent Order to confirm the license status of the individuals working in the shop.

5. 201300174-1

First License Obtained: N/A

License Expiration: N/A

The Notice of Violation under the same complaint number alleges that an inspector observed the owner of the Respondent shop cutting a client's hair with an expired master barber

license and without a valid board-issued shop license. Board records indicate that no applications to license the shop or renew the owner's license have been received as of this date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice with a request that an inspector to follow up in thirty (30) days.

6. 201300177-1

First License Obtained: N/A

License Expiration: N/A

The Notice of Violation alleges the area inspector observed two (2) individuals were servicing clients with a haircut in unlicensed barber shop, and that one of those individuals could not provide proof of a valid barber license. Board office records indicate that an application to license the shop was received on 12/17/2012 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 a \$ 500.00 civil penalty.

7. 201300330-1

First License Obtained: 04/08/1992

License Expiration: 09/30/2007

The Respondent was previously issued a Notice of Violation on 04/12/2011 for changing the shop's location without first submitting an application for an inspection and approval of the new location. Board records indicated that the shop was closed for business, and based upon this information, the Board decided that the file be closed and flagged at its February 27, 2012 meeting. Although the owner of the Respondent shop has renewed his master barber license since the last Notice of Violation was issued, Board records indicate that the Respondent shop still has not submitted the required application for inspection and approval of the new shop location.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a \$500.00 civil penalty. The Consent Order shall include a provision stating that the Respondent must complete and submit to the Board an application for inspection and approval of the new location no later than thirty (30) days from the execution date of the Consent Order.

MOTION made by Donald Collins and seconded by Joe Jones to approve the February legal report, with the exception of number 4 "As Amended". Motion carried unanimously.

OTHER BUSINESS

Ryan Heard, School Owner- requested the board discuss letting barbers do manicuring and pedicuring in barber shops and schools. Chairman of the Board, J.B. Loring, suggested the board study this for the next 30 days.

Assistant General Counsel, Chris Whittaker, presented information related to the Barber Board's testing contract with PSI. Mr. Whittaker recommended that the Board approve extending the term of the current contract by one (1) year (which is allowed under the terms of the existing contract) and to amend the contract so that PSI accepts license applications instead of the State.

MOTION made by Larry High and seconded by Donald Collins to approve extending the term of the current contract by one (1) year and to amend the contract so that PSI accepts license applications instead of the board office. Motion carried unanimously.

Motion made by Joe Jones and seconded by Larry High to adopt Roberts Rules or Order.

ADJOURN

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