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 June 17, 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 June 17, 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: Rachel L. Powers, Program & Policy Director, 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 April 15, 2013 and May 20, 2013 board meeting minutes.

MOTION made by Ralph Payne and seconded by Mether Jones for approval of the April 15, 2013 and May 20, 2013 board meeting minutes. Motion carried unanimously.

INSTRUCTOR SEMINAR EXTENSION REQUESTS

Request to extend continuing education from 2013 to 2014 for David Ephriam Gilbert due to incarceration. Mr. Gilbert provided a letter explaining his situation.

MOTION made by Ralph Payne and seconded by Larry High to table the request until he can provide additional information explaining the nature of the offense. Motion carried unanimously.

CONTINUING EDUCATION SEMINAR REQUEST

The Expertease Consulting has made a request to have their 2013 Teacher's Seminar approved for August 10 and 11, 2013 in Gatlinburg, Tennessee and October 12 and 13, 2013 in Chattanooga, Tennessee. The seminar presenters, subject and date are provided as well as other seminars the providers present, which are not used towards educational hours for instructors. This course was held for the first time in June 8 and 9, 2013.

MOTION made by Larry High and seconded by Mether Jones to approve the instructor seminar education request. Motion carried unanimously.

MISCELLANOUS

Rachel Powers presented PSI Contract Amendment and explained electronic application processes being discussed for approval in near future. She explained that the electronic process will speed up testing for new applicants. PSI will be available to train schools on how the process will work.

CONSENT ORDERS for June totaling $750.00 were presented for the board's approval.

MOTION made by Donald Collins and seconded by Ralph Payne to approve the June 2013 Consent Orders. Motion carried unanimously.

LEGAL REPORT

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

NEW CASES

1. **2013007941**
   First License Obtained: 04/28/2008
   License Expiration: 04/27/2014

This consumer complaint alleges that the Respondent school allowed an individual who is only licensed as a master barber to serve as an instructor in the school. The file contained insufficient evidence to substantiate this allegation.

Recommendation: Dismiss the complaint.

2. **2013008331**
First License Obtained: 09/22/2010
License Expiration: 09/30/2014

The Notice of Violation alleges that the area inspector observed a master barber (also the owner of the Respondent shop) servicing a client with a haircut while his license was not displayed at the shop. The inspector also noted that the Respondent's shop license was expired. The Respondent's shop license was renewed after the Notice of Violation was issued.

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

3. **2013008511**
First License Obtained: 12/06/1994
License Expiration: 11/30/2014

The Notice of Violation alleges that the area inspector observed that the Respondent shop had no inspection sheet posted, that the washer and dryer was not enclosed, and that a trash can was open. The inspector stated that the Respondent shop was previously given a verbal warning for similar violations in 2011, but that no Notice of Violation was issued at that time.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 500.00 civil penalty and a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

4. **2013009131**
First License Obtained: 03/27/1996
License Expiration: 03/31/2014

The Notice of Violation alleges that the area inspector observed one (1) individual practicing without a master barber license in the Respondent shop and one master barber working in the shop with a laminated license. Additionally, the inspector observed numerous sanitary violations, including multiple dirty work stations, multiple barbers practicing with no ultraviolet sanitizers, and unclean floors. When the inspector attempted to issue the Notice of Violation to the owner of the Respondent shop, the owner began shouting at the inspector, refused to sign the Notice of Violation, left the shop, and the inspector had to call the police in order to complete the inspection.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 1,000.00 civil penalty, and the Respondent must receive a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

5. 2013009141

First License Obtained: 12/02/1997
License Expiration: 09/30/2014

The Notice of Violation alleges that the inspector observed the Respondent shop's owner cutting an individual's hair while the Respondent shop's license and the master barber license were both expired. The Respondent's shop license and the owner's master barber license were both renewed after the Notice of Violation was issued.

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

6. 2013011351

First License Obtained: 03/21/2011
License Expiration: 03/31/2015

The Notice of Violation alleges that the Respondent shop was open for business despite several sanitation violations, including dirty floors and a master barber practicing at the shop despite having no ultraviolet sanitizer for his implements.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 500.00 civil penalty, and the Respondent must receive a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

7. 2013011361

First License Obtained: 11/29/2012
License Expiration: 10/31/2014

The Notice of Violation alleges that the Respondent shop has inadequate lighting and ventilation, and that the restroom facilities were out of order at the time of the inspection due to insufficient ventilation.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a $ 500.00 civil penalty, and the Respondent must receive a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

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

Letter to General Assembly

Chris Whittaker, attorney for the board presented a draft letter to be sent to the general assembly relative to the board's request from April meeting to change the barber technician license to a barber nail tech license. In addition to changing the education requirement, Chris explained that a sentence would need to be added to expand the scope of barbering to include pedicuring within the practice of barbering. Chris Whittaker request a vote that the board approve the draft letter as presented.

MOTION made by Ralph Payne and seconded by Donald Collins to approve the letter as presented. Motion carried unanimously.

NOTICE OF APPEAL:

Mark Green, litigation counsel for the Board received a notice of appeal from a default judgment taken against Showtime Barber Shop. Mr. Greene explained to the Board the appeal process and produced a scheduling order for their review and approval. Mr. Green also request the board vote to approve the scheduling order as well as decide if they want to hear oral arguments or simply review the briefs as presented by both parties. Laura Betty further explained the process, what an Administrative Law Judge does and that they will be guided through the process. She answered questions about oral arguments.

MOTION made by Ralph Payne and seconded by Donald Collins to approve the proposed scheduling order as well as the board members decision to hear oral arguments and be mailed the briefs. Motion carried unanimously.

OTHER BUSINESS

Laura Betty explained Sunset Law.

Board members had a discussion about reinstatement process and that statute requires individual take the practical exam only. The spoken policy is that they take both. The decision was to continue with requirement that they take both.

ADJOURN

MOTION to adjourn made by Larry High and seconded by Mether Jones. Motion carried unanimously.

J.B. Loring, President

Joe Jones, Vice President

Larry High

Donald Collins

Ralph Payne