MINUTES

The Tennessee State Board of Barber Examiners held a meeting June 18, 2012 9:00a.m. Nashville, Tennessee.

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

Other present: Beverly Waller, Executive Director, Rachel Power, Staff Attorney and Hosam William, Paralegal and Hazel Buttrey, Licensing Technician.

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 May 21, 2012 board meeting minutes.

MOTION made by Ralph Payne and second by Larry High approval of the May 21, 2012 minutes. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination from the following applicants who have felony convictions: Dorecel LaRon Cunningham, Anthony Ross, Dyantyhonwa Coffee, and Pamela Craig.

MOTION made by Ralph Payne and seconded by Larry High approval of application with signed agreed orders with two (2) year probation. Motion carried unanimously.

MISCELLANEOUS-

Security breach report from PSI: On 05/23/12 master barber theory examination candidate Nicholas Jones was caught cheating on the theory examination in the computer testing room. Candidate had 98 pages of text book on his phone and was observed

reading the information on the phone. Candidates are not permitted to take phones in the theory site but he did. PSI sent me the phone for evidence which I will return to him once this has been reviewed by the Board. The proctor stopped the examination and advised the candidate the incident would be submitted to the Barber Board. The question is if and when you will permit this candidate to test again. This candidate has taken the theory examination before and failed.

MOTION made by Larry High and seconded by Ralph Payne to request candidate to appear before the Board at the next meeting. Motion carried unanimously.

Letter from school owner concerning –Nail Technician Course under the Barber Program.

Board was advised by Ms. Waller, Director and Mr. Collins, Board Member from Memphis that the Memphis Continuing Education Seminar was a very good seminar for the barber instructors in attendance. Mr. Collins stated he was impressed with the presenters for the seminars and he learned quite a bit.

Mr. High will be attending the Knoxville Seminar and Mr. Jones state he will be attending the Nashville Seminar.

Consent orders-

Attorney Rachel Powers requested Board Members to please review the rules to prepare for rule making and the proposed rules will be discussed at the August meeting.

MOTION made by Ralph Payne and seconded by Donald Collins approval of consent orders. Motion carried unanimously.

Legal Report-

Attorney Rachel Powers requested Board Members to please review the barber rules to prepare for rulemaking and the proposed rules will be discussed at the August meeting.

MOTION made by Ralph Payne and seconded by Joe Jones approval of legal report. Motion carried unanimously.

OTHER BUSINESS-

Nail Technician presentation from Ralph Payne-

Mr. Payne has put together a proposed curriculum for a nail program under barbering. Proposal would be to remove the barber technician program and replace it with a nail technician program. The scope of practice for a nail technician under barbering: applying of artificial nails, manicuring, pedicuring and etc. This license would be focused on manicuring and pedicuring. It would be a 600 hour program under barbering. This would be a separate program from the 1500 hour barbering program. Mr. Payne provided the scope of practice and the curriculum for the nail program and also the licensing process in his proposal. The Board discussed the issue of what to do about unlicense activity in the barbering industry in Tennessee. Mr. Collins stated he was more concerned about students that go to barbering school but cannot pass the theory examination and they start cutting hair in the kitchen. The Board discussed having a specific inspector or school owner inspect barber schools. Mr. High stated that one of the issues is that the schools are not teaching theory.

Ryan Hurd barber school owner stated with the amount of barbers verse the amount of cosmetologist something needs to be done to entice students to want to be in the barbering industry. He suggested the Board think about what they need to do to attract more students to the barber industry. This school owner also has complaints about PSI and the administration of the practical examination. The school owner thinks PSI should give more information as to what a student does wrong on the practical examination. School owner also wanted to know if the proposed nail program is approved for barbering how someone become a nail instructor.

Tim Woodard a former barber school owner and barber instructor stated to the Board he agrees with Mr. Payne's proposal because he does not think pedicuring should be under the current barber curriculum for 1500 hours.

Wayne Fletcher barber school owner address the Board and explained things he went thru and how he had to reach out to different resources to learn procedures and processes in barbering over the years. He stated he is in favor of Mr. Payne's proposal for the nail technician curriculum but wants to keep it under the barber license curriculum. He stated that if it is made a separate license it would not help the barber license because students would enroll in the nail technician.

Mr. Payne stated there is not enough time in the 1500 hour barber curriculum to include instruction in manicuring and pedicuring.

Board President J.B. Loring advised everyone review the proposal and mull over everything that has been presented today for discussion at the August board meeting and possible vote.

Board President J.B. Loring thanked all the school owners and instructors in attendance for their input.

Motion to Adjourn-

MOTION made by Larry High and seconded by Donald Collins to adjourn meeting.

BOARD OF BARBER EXAMINERS
JUNE 2012
CONSENT ORDERS $4000.00

Fantastic Sam's 445 Hwy 46 South Dickson, TN 37055	Violation issued March 6, 2012 Pd $500.00 05-25-11
GG Salon 2685 Murfreesboro Pike Nashville, TN 37217	Violation issued December 15, 2011 Pd $500.00 on 4-11-12
Memphis Academy of Barbering 6769 Winchester Road Suite 13 Memphis, TN 38115	Violation issued August 8, 2008 Pd $3000.00 on 5-23-2012

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TO: **Tennessee State Board of Barber Examiners**

FROM: **Rachel L. Powers, Assistant General Counsel**

DATE: **June 18, 2012**

SUBJECT: **June Case Report**

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1. 201201272-1
First License Obtained: N/A
License Expiration: N/A

An April 19, 2012 Notice of Violation alleges an individual was observed cutting a man's hair in a mobile facility parked in a parking lot while grilling food.

There are formal charges pending against the Respondent in Case No. 201002954-1, as the board previously authorized a formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty.

Recommendation: Combine with the other pending case and authorize formal hearing with authority to settle by Consent Order and payment of a $1,000.00 civil penalty with a CEASE and DESIST advisory notice.

2. 201201273-1
First License Obtained: 01/25/2011
License Expiration: 12/31/2012

A May 1, 2012 Notice of Violation alleges during an inspection, the area inspector observed the following sanitation violations: 1) dirty drawers and brushes with excessive hair; 2) dirty combs and clippers; 3) wet sanitizer missing from eight (8) work stations; 4) dirty towels in UV sterilizer; 5) un-swept floors; and 6) improper storage of tools and implements. Further the area inspector observed no shop license on display and the shop owner's personal master barber

license expired on 2/28/2012, but he was not working at inspection time. According to the board licensing records, the licensee submitted license renewals fees on 5/2/12 and such license was renewed on 5/7/12.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $1,000.00 civil penalty.

3. 201201271-1
First License Obtained: 05/09/2005
License Expiration: 05/31/2013

An April 19, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the barber law was observed during the inspection.

Recommendation: Close with no action.

4. 201201276-1
First License Obtained: N/A
License Expiration: N/A

A May 17, 2012 Notice of Violation alleges an unlicensed shop was open for business and a customer was leaving the shop as the area inspector walked-in. Board records indicate no application has been submitted as of the date of this report.

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

5. 201201291-1
First License Obtained: 05/21/2007
License Expiration: 05/31/2014

A May 17, 2012 Notice of Violation alleges that during a change of location inspection the inspector reported the master barber's license was expired. According to board licensing records, the license in question has been renewed. No services were being provided or additional Notices of Violation have been issued.

Recommendation: Close with a letter of warning.

6. **201201275-1**
First License Obtained: 12/19/2001
License Expiration: 04/28/2013

A May 2, 2012 Notice of Violation alleges that the Respondent school's license was expired and trash cans were improperly covered during the inspection. Board office records indicate the renewal fee was sent on May 2, 2012 and received at the cashier's office on May 9, 2012. The school license has been now issued.

Recommendation: Close with a letter of warning.

7. **201201208-1**
First License Obtained: 02/10/2006
License Expiration: 07/31/2012

A complaint received on April 25, 2012 filed by the Complainant, the owner of a licensed barber school, against a former licensed instructor alleges that, after the Respondent was released from her duties, Respondent returned to the school with a key after hours and took several items belonging to the school. The Complainant alleges some of the items stolen included, personal property, all the student files and other sensitive information. The Complainant further alleges the Respondent turned in fraudulent class hours under the school name for a student who owes money to the school. The Respondent denies all the allegations in her response to the complaint and further states she resigned from her position for non-payment of her salary due to the schools improper financial management. Upon her resignation she was accompanied by her two sons who packed her belongings and she then gave the keys to the school's representative. She further states the Complainant and other employees were present at time she packed her belongings and returned her key. In addition, the Respondent submitted letters from former school students in support of her statement. Further, the Complainant alleges that a police report was filed against the Respondent for the stolen items, but the complaint fails to provide sufficient proof of violations of the Barber laws.

Recommendation: Close with no action.

<u>RE-PRESENTED MATTERS:</u>

8. **201102931-1**
First License Obtained: 10/16/2002
License Expiration: 10/15/2012

This matter was first presented to the Board in March 2012 as follows: *A June 30, 2011 Notice of Violation alleges that a licensed barber school had no licensed instructors on the premises at inspection time. Additionally, two (2) students were providing services on clients at the time of the inspection.*

The school was previously cited in 2010 for no instructors on duty and the Board authorized a letter of warning.

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

A board authorized Consent Order was sent to Respondent school and the board office received a response from the school owner on May 17, 2012. The response states: (1) the school was closed during the week of July 4, 2011 for summer break; (2) a sign was posted detailing this closure; (3) the school owner's son and his friend went to open the school to allow the cleaning man to come in and clean up and further were not authorized to open the school for business on that day; (4) the inspector witnessed the boys cutting each other's hair; and (5) the boys were neither customers nor clients and no barber instructor was needed because of the school closure.

Recommendation: Close with a letter of warning.