

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on October 19, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, JaSanto Williams, Vice-President, Joe Jones and Vernon Winfrey. Cecil Groce was not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant.

J. B. Loring, President asked all to join in prayer.

J. B. Loring, President asked all to stand for the pledge of allegiance.

J. B. Loring, President asked for a roll call.

MINUTES

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Joe Jones to approve the minutes from the August 17, 2009. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Corey Demetrius – Mr. Demetrius requested to appear before the board today concerning his application for reciprocity of master barber license from Louisiana. Mr. Demetrius obtained his license in Louisiana from an apprentice program. Mr. Demetrius's application was presented to the board at the April 21, 2008 meeting and the board voted to decline the application for reciprocity and requested he obtain 1,500 hours of instruction in the master barber curriculum and pass the state board master barber examination to qualify for license in Tennessee. Mr. Corey Demetrius is present today to discuss his application with the board.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to approve Mr. Demetrius to take the master barber examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Steve Majchrzak, Assistant Commissioner was present to speak with the board concerning the current budget.

The board members thanked Assistant Commissioner Majchrzak for coming to the board meeting.

ADMINISTRATIVE REPORT

A request for extension from the 2009 barber instructor seminar for Elizabeth Shilling was submitted. Ms. Shilling attended the first day of the seminar July 12, 2009. She was not able to attend the second day because her house burned. Attached to her request is a report from the Crossville Fire Department.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to grant Ms. Shilling an extension from the 2009 barber instructor seminar. Motion carried unanimously.

A request for extension from the 2009 barber instructor seminar due to medical reason from Mr. Clarence Phillips was submitted. Ms. Beverly Waller, Executive Director stated she spoke with Mr. Phillips often and he has kept in contact with the board office because he does not want to lose his instructor license. He has had open heart surgery.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to request a doctor's statement and if provided grant the extension and require Mr. Phillips to attend the 2010 instructor seminar. Motion carried unanimously.

A request for extension from the 2009 barber instructor seminar from Ronnie Russell, Jr. due to he has been incarcerated from the past nine (9) months.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to grant Mr. Russell the extension from the 2009 instructor seminar and request probation for one year. Motion carried unanimously.

A request for extension from the 2008 barber instructor seminar from Bridgette Wilson was submitted. Ms. Wilson stated that she was confused and did not attend the instructor seminar in 2008 but she did attend in 2009.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to accept Ms. Wilson's attendance of the 2009 instructor seminar. Motion carried unanimously.

Ms. Beverly Waller, Executive Director submitted three applications for examination from applicants with a felony. The applicants have disclosed the required information and we have letters of recommendation from the schools the applicants attended. Ms. Waller is requesting the board to approve the applications with signed agreed orders from the applicants.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to accept the applications for the applicants to take the master barber examination. Motion carried unanimously.

Rodney Ammons is requesting reinstatement of his master barber instructor's license. Mr. Ammons has a felony and is on probation.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. JaSanto Williams to grant Mr. Ammons his request for reinstatement and require he sign the agreed order concerning probation of his license. Motion carried unanimously.

An application for reciprocity of master barber license from New York for Michael Andrus Grignon was submitted. Mr. Grignon does not hold a valid license at this time. Mr. Grignon's New York barber license expired in 2001. He explained to Ms. Waller he obtained his license in New York in an apprentice barber program and was required to pass an examination to obtain a license. He also advised Ms. Waller that he owned a shop in New York for twenty-five (25) years.

MOTION was made by Mr. Joe Jones and seconded by Mr. Vernon Winfrey to request Mr. Grignon obtain an additional 500 hours then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Consent orders totaled \$3,750.00.

City Barber Shop
5025 Bobby Hicks Hwy
Gray, TN 37615

Violation issued June 4, 2009
Pd \$500.00 on 10-16-09

Cutz
1104 Murfreesboro Road
Nashville, TN 37217

Violation issued August 20, 2008
Pd \$1,000.00 on 09-23-09

Down to Earth Barber Shop
10 North Main
Memphis, TN 38103

Violation issued July 10, 2008
Pd \$500.00 on 09-24-09

Element
2218 Bandywood Drive
Nashville, TN 37215

Violation issued April 3, 2009
Pd \$1,500.00 on 8-24-2009

The Barber Shop
3384 Austin
Memphis, TN 38128

Violation issued May 5, 2009
Pd \$250.00 on 9-8-09

MOTION was made by Mr. Joe Jones and Mr. JaSanto Williams to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. 200902201-1

August 14, 2009 Notice of Violation states that the inspector observed two (2) individuals practicing barbering in an unlicensed barber shop. The shop is now fully licensed.

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

2. 200902204-1

August 25, 2009 Notice of Violation states that the inspector observed a licensed master barber practicing barbering in a licensed barber shop while his master barber license was expired and had been expired since July 31, 2009. The license is now current.

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

3. 200902205-1

August 4, 2009 Notice of Violation states that the inspector observed that a licensed barber shop was in an unsanitary condition during the inspection.

Recommendation: Issue an ORDER directing the shop owner to immediately correct the reported sanitation issues within sixty (60). The inspector will re-inspect the shop after the sixty day period has elapsed and issue a follow-up inspection report.

4. 200902206-1

August 25, 2009 Notice of Violation states that the inspector observed a licensed master barber practicing barbering a licensed barber shop while the license for such shop was expired and had been expired since January 31, 2009. The shop license remains delinquent. It also appears that the shop has relocated without providing notice to the board, as the address on record with the board differs from the address indicated on the Notice of Violation report.

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

5. 200902207-1

September 24, 2009 Notice of Violation states that the inspector observed a licensed master barber practicing barbering in a licensed barber shop while the license for such shop was expired and had been expired since October 31, 2008. The shop license is now current. The inspector also reported that the shop owner failed to display the most recent inspection sheet for the barber shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$750.00 civil penalty.

6. 200902208-1

September 29, 2009 Notice of Violation states that the inspector observed an unlicensed individual practicing barbering in an unlicensed facility. The inspector indicates that this is the second time that he has observed this individual engaging in such behavior.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

7. 200902209-1

October 2, 2009 Notice of Violation states that the inspector observed a master barber practicing barbering an unlicensed facility while the master barber's license was expired. The master barber has now made her license current. According to board office records, the shop remains unlicensed at the address indicated on the Notice of Violation.

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

8. 200801613-1

Board originally authorized formal hearing and settlement by signing of a Consent Order and payment of a \$5,000.00 civil penalty after receiving a report that an inspector observed that a barber shop was maintained in an unsanitary condition, and further, that the owner of the shop was extremely verbally abusive to the inspector. The owner of the shop, through counsel, disputes the inspector's account and provided affidavits from several employees present in the shop during the inspection who corroborate the shop owner's dispute. The shop owner admits that he failed to observed a sanitation requirement and has signed a Consent Order admitting to that violation and paid a five hundred dollar (\$500.00) civil penalty.

Recommendation: Accept the proposed settlement and close the case file.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. JaSanto Williams to accept the recommendations. Motion carried unanimously.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Joe Jones to adjourn the meeting. Motion carried unanimously.