

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on March 15, 2010 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, Donald Collins, Cecil Groce, Joe Jones and Vernon Winfrey.

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.

J. B. Loring, President introduced Mr. Donald Collins as the new board member.

MINUTES

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to approve the December 21, 2009 minutes. Motion carried unanimously.

ADMINISTRATIVE REPORT

Ms. Beverly Waller, Executive Director informed the board that Antioch Styling and Barbering School has closed.

Mr. Clonte' J. Thomas is requesting the board's approval for extension of his barber instructor seminar. Mr. Thomas is currently incarcerated.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to grant the extension. Motion carried unanimously.

Ms. Mary Lou Holland is requesting the board to accept the attendance of her 2008 master barber instructor seminar. Ms. Holland was required to attend in 2007.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Donald Collins to deny the request. Motion carried unanimously.

Mr. Je'Ron Lloyd requested an extension from the 2009 barber instructor seminar at the November 16, 2009 board meeting. The board voted to request additional detail medical statements as to his medical condition which would not permit him to attend any seminars held in 2009. The medical statement that was submitted was incomplete.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to deny the request. Motion carried unanimously.

Mr. Toddre Coleman is requesting approval to take his master barber examination. Mr. Coleman has a felony.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Donald Collins to approve Mr. Coleman to take the master barber examination with a signed the agreed order. Motion carried unanimously.

Mr. Toimel Hemphill is requesting approval to take his master barber examination. Mr. Hemphill has a felony.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Donald Collins to approve Mr. Hemphill to take the master barber examination with a signed the agreed order. Motion carried unanimously.

Mr. Samuel Hosey is requesting reciprocity of his master barber license from the State of Georgia. Certification states he has 1,500 credit hours and 3,000 apprentice hours. Original date of license was Mary 28, 1991. Certification states disciplinary action as probation.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to deny the request for reciprocity. Motion carried unanimously.

Mr. Faustino Calderon is requesting reciprocity of his master barber license from Puerto Rico. Mr. Calderon obtained 1,005 hours in Puerto Rico at American Business College Institute. Mr. Calderon stated he does not have a certification due to the school being closed for fraud due to federal scholarship.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to request Mr. Calderon take an additional 495 hours then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

The board discussed the bill concerning fish tanks in the shops. The board also discussed another bill that would add two more board members.

The board voted on both bills that they do not approve of either bill.

STAFF ATTORNEY REPORT

Mr. Terrance Bond, Staff Attorney introduced Ms. Laura Betty to the board members. Mr. Bond informed the board that Ms. Betty would be working on case management. Mr. Bond stated that formal hearings would be handled by an Administrative Law Judge instead of the board members. Mr. Bond asked for the board's approval.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to grant the Administrative Law Judge the authority to make the decisions on the formal hearings instead of the board members. Motion carried unanimously.

1. 201000184-1

Administrative office complaint alleges that a licensed barber school admitted a student who had not completed the tenth-grade or obtained the minimum “passing” score on the GED exam prior to entering barber school. The student’s application for examination and the supporting documents indicate that the student completed 1,500 hours of instruction at the school and the student received a high school diploma from “American Academy”, which appears to be an online school offering students the opportunity to receive a high school diploma via self-study without classroom instruction in as little as eight (8) weeks or as many as eight (8) months.

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

2. 201000145-1

A complaint signed by multiple students alleges that a licensed barber school charges the students fees which are not clearly identified in the students’ contracts. The students also make multiple other allegations against the school, including inadequate sanitary practices, inappropriate student to teacher ratio, inconsistent instruction schedules (according to the students, there have been daily or weekly gaps in instruction), inaccurate grade reporting, inadequate product supply, deceptive practices with clients receiving service at the school and potential misuse of student loan monies.

The school generally denies the students’ allegations and states that the school is operated in compliance with all applicable laws and regulations and that many of the students “are not open to being helped or constructive criticism and have to be closely monitored for being unprofessional.”

Recommendation: Informal conference with one (1) board member in attendance.

3. 201000134-1

A student at a licensed barber school alleges that she is being treated unfairly and that the school is being operated unlawfully. The student states that she was suspended after refusing to perform a service on a client because she needed to study for her upcoming final exams. According to the student, she asked the instructor who directed her to provide the service to ask that one of the other students who needed additional experience to perform the service so that she could continue studying. With regard to the unlawful operation of the school, the student alleges that an instructor at the school allows students to grade other students’ examinations and that the instructor has directed a student to alter

another student's grade so that instructional hours related to the examination can be submitted to the board. Additionally, the student states that students are not given the opportunity to review their hours before they are submitted to the board.

The owner of the school and the instructor involved in the incident with the student state that the student was suspended from school because she used profanity and yelled in response to the instructor's request that she perform a service. The owner of the school generally denies each of the student's other allegations.

Recommendation: Informal conference with one (1) board member in attendance.

4. 20070[5664-1]
[5665-1]
[5666-1]
[5667-1]
[5668-1]

Each of the above-referenced complaints alleges unlicensed practice of barbering by a master barber whose license was expired at the time the complaint was filed. The master barber's license has now been disciplined (the licensee is prohibited from obtaining a master barber license for five years), and the shop that he previously owned and operated is now closed.

Recommendation: Close all complaints.

5. 201000038-1

December 11, 2009 Notice of Violation reports that the inspector observed an individual in possession of an invalid master barber license (exp. date: October 31, 2005) practicing barbering in a licensed barber shop. The inspector also reported that the inspection sheet from the previous inspection was not posted.

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

6. 201000043-1

December 9, 2009 Notice of Violation states that the inspector observed an individual operating an unlicensed barber shop. The shop became licensed on January 15, 2010 according to the license roster.

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

7. 201000128-1

January 14, 2010 Notice of Violation states that the inspection sheet and a master barber license were not displayed in a master barber shop. Additionally, the inspector noted that several tools and implements which had been sanitized were not stored in a closed container and that several tools and implements were left in an unsanitary condition with clipped hair present after use. According to the inspector, no barbers were present at inspection time and no clients were being serviced.

Recommendation: Issue a letter of warning regarding the violations.

8. 200901461-1

Administrative office complaint alleges that a licensed barber school admitted a student who had not completed the tenth-grade or obtained the minimum "passing" score on the GED exam prior to entering barber school. The student's application for examination and the supporting documents indicate that the student completed 1,500 hours of instruction at the school and the student received a "general diploma" from "James Madison High School", which appears to be a correspondence and/or online school. The school did not provide any evidence that the student received two (2) years of high school instruction at the school prior to entering barber school.

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

9. 200901732-1

Inspector complaint alleges that a licensed master barber is operating an unlicensed barber shop in his home.

Recommendation: Issue a CEASE and DESIST letter.

10. 200901747-1

Administrative office complaint alleges that a licensed barber school admitted a student who had not completed the tenth-grade or obtained the minimum "passing" score on the GED exam prior to entering barber school. The student's application for examination and the supporting documents indicate that the student completed 1,500 hours of instruction at the school and the student received a high school diploma from "Abeka Academy". The student's high school transcript shows grades received for one (1) semester at the institution.

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

11. 200902662-1

December 2, 2009 Notice of Violation states that the inspector observed that an expired master barber license was displayed in a barber shop. The Notice does not indicate that the licensee was practicing barbering at inspection time. The license referenced in the Notice has now been renewed, according to the departmental license roster.

Recommendation: Issue a letter of warning.

12. 200900590-1

Board originally authorized settlement by Consent Order and payment of a \$500.00 civil penalty (with authority for a formal hearing) after an inspector issued a Notice of Violation to a barber shop owner after a licensed master barber was found practicing barbering therein while her license was expired. The owner of the shop states that he was not aware that there was a violation, because the expired licensee resolved the issue the day of the inspection (by mailing payment for license renewal). He also states that he and the previously-expired licensee have exemplary license histories and should not be required to pay a civil penalty or enter into settlement.

Recommendation: Discuss.

FINAL: Reduce civil penalty to \$300.00 and maintain authority for formal hearing.

13. 200501134-1
200501136-1
200705136-1
200708336-1

The following Notices of Violation were written by an inspector who has retired from state employment and would not likely be able for formal hearing.

Recommendation: Close.

14. 200708729-1

The Notice of Violation does not provide sufficient information to determine whether a violation of law occurred at inspection time.

Recommendation: Close.

15. 200802198-1

September 9, 2008 Notice of Violation reports that during an inspection of a barber school, it was discovered that the school has submitted monthly hourly reports for (2)

students that reflected more hours earned than were recorded on the students' clock cards.

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

MOTION was made by Mr. Cecil Groce and Mr. Joe Jones to accept the recommendations. Motion carried unanimously.

OTHER BUSINESS

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to elect Mr. Joe Jones as Vice-President. Motion carried unanimously.

Ernestine Peete – Master Barbering Instructor at Tennessee Technology Center, Memphis, Tennessee - Present – All courses at Tennessee Tech Center have E-Learning Supplement class online.

Ms. Peete advised the Board she made Tennessee Tech aware that the Barber Board does not accept online course hours for the required 1,500 hours on the Barber curriculum.

The theory class is geared toward students who have completed the 1,500 hours in the barber curriculum or possible students who think they might want to take the barbering course. They can take the online course to determine if that is the course they want to take.

She advised the Board again that the online course is not to obtain hours in the curriculum. She will bring a copy of the course once it has been developed to the Board for presentation.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to adjourn. Motion carried unanimously.