



**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 October 21, 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 October 21, 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: 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 August 19, 2013 board meeting minutes.

MOTION made by Larry High and seconded by Ralph Payne for approval of the August 19, 2013 board meeting minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Assistant Commissioner, Bill Giannini presented Year End financial information and explained Customer-Focused Government.

Robin Wilson, Expert Ease Consulting, LLC -- Continuing Education Seminar

Robin Wilson previously appeared before the board to present information for the board's approval of a continuing education seminars offered in 2013. Three sessions have taken place and the results from the first two are very positive. The session from October should be received soon.

Today Ms. Wilson is requesting the board's approval of a continuing education seminar entitled "Setting the Future on Fire" for 2014 dates as follows: February 8-9; April 12-13; June 14-15; August 9-10; and October 11-12. All information is provided.

MOTION made by Ralph Payne and seconded by Larry High to approve all five sessions for 2014. Motion carried unanimously.

MISCELLANEOUS REQUESTS

Request to reinstate master barber license for Andre L. Davis from Invalid to Active status. Mr. Davis allowed his license to expire on 8/31/01. He is unable to appear before the Board because he resides in Texas. Through telephone conversations, we learned about his military service. Provided is documentation to support his military duty between July 1997 and his last deployment to Japan in April 2012. The Orders reflect his personal information and appear to be accurate but we do not have every page for every year between 2001 through present. His request is that the Board waive previous fees because he was on active military duty and approve the reinstatement of his license.

MOTION made by Donald Collins and seconded by Joe Jones to approve both requests. Motion carried unanimously.

Request by Dorcel Cunningham to waive the six (6) month rule (0200-1.10(1), which requires an applicant to retest if the licensure fee is not paid within six (6) months of passage of an examination. Mr. Cunningham took and passed his practical exam in February 2013 missing the requirement by a month and a half and under the rule he would need to retest. In July of 2012 he signed on agreed order for having had a felony on his record and started the testing process. The letter provided explains why it has taken him so long to complete the process.

Motion made by Larry High and seconded by Ralph Payne to deny the request because the language does not allow the Board to waive the requirement. Motion carried unanimously.

Request to extend continuing education for Ms. Estelle Lewis. Previous requests have extended her continuing education from 2012 to 2013. She has been unable to attend the instructor symposium this year for health reasons. Medical documentation is provided explaining her health. Per her letter, this request is not only for an extension of time but an exemption to Tenn. Code Ann. § 62-3-124. (b).

Motion made by Ralph Payne and seconded by Larry High to deny the request. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION

Applications for examination for Jerry Burkes, Chase Coleman, Johntonn Collins, Gabriel Moore, Eugene Beaird, Jason Needel, Patrick Thurmond, and Nathan Wahrer who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation from the school attended is submitted.

MOTION made by Donald Collins and seconded by Ralph Payne to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of master barber license from Jordan for Adel Hasan Odeh. Letter from National Barber Academy is provided where they explain that they try to assist members of the community. Also included is a transcript of hours obtained in Jordan and the translation of that such document.

Recommendation – is that the applicant take the Tennessee examination.

MOTION made by Ralph Payne and seconded by Larry High to approve recommendation. Motion carried unanimously.

Application for reciprocity of master barber license from Puerto Rico for Jose Garcia. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 2007 but both exams were passed in 2000. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity.

MOTION made by Ralph Payne and seconded by Larry High to approve recommendation and deny reciprocity. Motion carried unanimously.

Application for reciprocity of master barber license from Puerto Rico for Eduardo Moran. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 2000 even

though his graduation date wasn't until 2001. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity.

MOTION made by Donald Collins and seconded by Joe Jones to approve recommendation and deny reciprocity. Motion carried unanimously.

Application for reciprocity of master barber license from Puerto Rico for Roberto Feliciano. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 2005. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity.

MOTION made by Larry High and seconded by Donald Collins to approve recommendation and deny reciprocity. Motion carried unanimously.

Application for reciprocity of master barber license from Puerto Rico for Ibriel Rivera. Transcript for school show 1,155 hours from Puerto Rico completed in 2011. A notarized letter of employment is provided for 2004 – 2011. This does not meet the minimum requirements for reciprocity.

Recommendation – is that the applicant be denied reciprocity.

MOTION made by Ralph Payne and seconded by Larry High to approve recommendation and deny reciprocity. Motion carried unanimously.

PSI ONLINE APPLICATION PROCESS:

The three open house sessions went very well. On October 1st the online submission of completed hours from the schools directly to PSI started. There will be a webinar offered by PSI the last week of October and the date will be updated on the Boards website as well as an email notification sent to all signed up members. We are working out all the small details so that by January 2nd the process is smooth. Schools are calling with questions and that is exactly what we expected.

INSPECTOR TRAINING FOR 2013:

This year's inspector training was September 30th. The two Boards have 10 Field Inspectors. They all commented having gotten a lot out of the training. We did it with hands on computers

and plenty of assistance. All shops and schools are divided between the counties and inspectors receive excel spreadsheets of their area. There is one area without an inspector therefore three inspectors have been covering that territory. We should be able to finish 2013 with all shops inspected. To do so, those who have completed their shops will assist the more populated counties. In 2014 we will re-distribute the counties. All inspectors had their photos taken while in the building so they can have new professional looking badges identifying their role

CUSTOMER FOCUS GOVERNMENT:

Customer-Focused Government (CFG) is one of Governor Bill Haslam's initiatives to assure Tennesseans receive the very best service for the lowest possible cost. All Board staff and field inspectors completed their training on October 1st taking advantage of the inspectors being in Nashville. Staff came out of it very positive, motivated and clear on how to better serve the public. The Directors are scheduled to attend sessions separate from their staff. Rachel Powers is one of the facilitators. There is an online tracking system available to the public at <http://tn.gov/governor/cfg> with metrics. Promoting transparency and accountability is key to this initiative.

INSPECTION OF BARBER SCHOOLS

At the Barber Examiners Board meeting on August 19th, a request was made to consider the option of Board members going back to inspecting all Barber schools licensed by the regulatory board. Provided is a spreadsheet of the 22 schools in County and zip code order. The current Laws allow Board members to do annual inspections, as long as there is no conflict of interest.

Starting January 2014 the Board office can provide a list of schools; based on today's discussions, and each school would be audited annually by a Board member and separately or in conjunction with a field inspector.

MOTION made by Donald Collins and seconded by Ralph Payne to approve the annual inspection of barber schools. Motion carried unanimously.

CONSENT ORDERS for September totaling \$500.00 were presented for the board's approval.

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

LEGAL REPORT

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

NEW CASES

1. 2013011281

First License Obtained: 12/09/2004

License Expiration: 11/30/2014

The Notice of Violation alleges that the area inspector observed two cosmetologists and a licensed barber providing services to clients while the shop license expired as November 30, 2012. The inspector states that the shop owner produced a proof of payment for the shop license on December 31, 2012. However, Board office records indicate that the shop's renewal payment was not received until June 11, 2013 and subsequently the license was renewed on June 14, 2013. The inspector further states that there was a small dog with a bed in the shop during the inspection, which constitutes a violation of Tenn. Code Ann. § 62-3-132 and the Board's sanitary rule 0200-3-.15(1). Board counsel contacted the area inspector who issued the Notice of Violation to determine whether or not the dog found in the shop is a "service dog" which would exempt the shop to have such dog on the premises — the inspector stated it did not appear that the dog in question was a service dog and that there was no mention of the dog being a service animal for the owner of the shop. Finally, the inspector observed the shop's sign which lists a different from the name registered with the Board, but it is unclear whether displaying such signage is a violation of applicable laws or rules.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order which requires payment of a \$ 250.00 civil penalty and requires that the owner remove the dog and the dog bed from the shop.

2. 2013015321

First License Obtained: 05/07/1997

License Expiration: 05/31/2015

The Notice of Violation alleges that the area inspector observed an unlicensed individual cutting a client's hair in a licensed barber shop, and also observed a licensed barber whose license was laminated. Further, the inspector also observed unclean surfaces in the shop at the inspection time.

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

3. 2013015331

First License Obtained: 01/21/2009

License Expiration: 03/31/2015

The Notice of Violation alleges that the area inspector observed an unlicensed individual in a licensed barber shop. The inspector states that the individual in question advised that he was there to clean the shop. Additionally, the inspector states that she left several phone messages for the shop owner to complete a change of ownership application which was submitted to the Board office on April 30, 2013, but no response was received. There is no indication of barbering services were being provided at the time of the inspection.

Recommendation: Close with a Letter of Warning.

4. 2013016011

First License Obtained: 09/24/2007

License Expiration: 09/30/2015

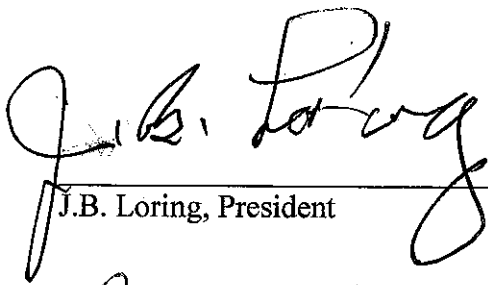
This consumer complaint alleges that a barber whose license had been expired since October 2008 still practicing in the Respondent barber shop. An inspection conducted shortly after the complaint was filed and resulted in an issuance of Notice of Violation. The Notice alleges that three barbers were practicing on clients' hair in the Respondent shop, including the individual in question. Additionally, the area inspector observed an expired license posted in the shop, broken chairs, uncovered trash containers, and clippers which were improperly stored. The inspector further states that ultra violet sanitizers were not being used and that work stations needed cleaning. The Respondent has another complaint pending (for allowing barbers to practice in a shop with an expired license). On the other pending complaint, the Board previously authorized a formal hearing with authority to settle by Consent Order and \$ 1,000 civil penalty against the Respondent shop. As of this date, the Respondent does not appear to have settled its other complaint, and as such, that complaint has been authorized for a formal hearing.

Recommendation: Refer this complaint to Litigation for a formal hearing.

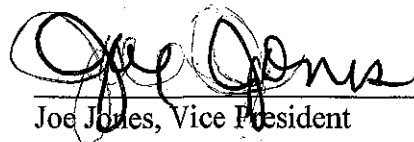
MOTION made by Donald Collins and seconded by Larry High to approve the Legal Report. Motion carried unanimously.

ADJOURN

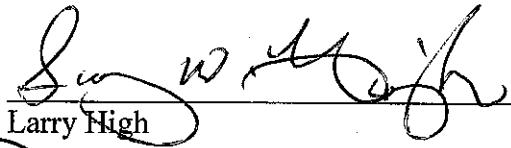
MOTION to adjourn made by Ralph Payne and seconded by Donald Collins. Motion carried unanimously.



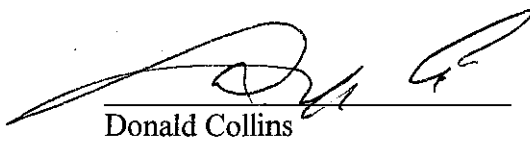
J.B. Loring, President



Joe Jones, Vice President



Larry High



Donald Collins



Ralph Payne