MINUTES

The Tennessee State Board of Barber Examiners held a meeting February 27, 2012 9:00am 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, Terrance Bond, Staff Attorney 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 the November 21, 2011 board meeting minutes.

MOTION made by Larry High and seconded by Ralph Payne approval of the November 21, 2011 board meeting minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Ryan Hurd, Shear Academy-Crossville, Tennessee

Mr. Hurd is here today to after the last Board meeting February 27, 2012 in which he was ask to clarify how he arrived at the conclusion that pedicuring could be taught under the barber curriculum. He gave Board Members copies of the barber laws and rules which give specific instruction in the rules as to sanitation and disinfection for foot baths, tools and implements. Board Member Ralph Payne advised Board Members that pedicuring is not covered in the Milday Barber book and therefore as to barbering there is not a specific curriculum for pedicuring for which students can receive instruction. The attorney for the Board Terrance Bond advised Board Members that nail care in the barber curriculum could include pedicuring.

There is no prohibition stating that pedicuring cannot be performed by barbers. Attorney for the Board also advised that rules for both boards were filed in 2004 at the same time by the attorney for the boards at that time and it appears one set of rules was filed for both Boards. J.B. Loring Board President advised that when legislation is enacted sometimes the legislation leaves the fine tuning of a law to the boards. When questioned as to what curriculum Mr. Hurd used for instruction in pedicure he stated OPI. Board Member Ralph Payne advised OPI is a manufacturing company. No instructors work for OPI. Mr. Hurd stated that in his reading of the laws and rules it gives permission for the service of pedicuring to be taught. Attorney Terrance Bond stated a statue and rule change needs to be made if the Board states that pedicuring is not to be taught in the barber curriculum. Attorney Bond advised due to the poorly written laws and rules it would be dangerous for the Board to state you cannot teach pedicuring in the barber school. Board Member Ralph Payne also stated that he has received calls concerning barber schools that are teaching cosmetology which should not be happening. His solution is a 2200 hours program for a license which would cover barbering and cosmetology. Mr. Hurd stated he is not the only barber school that is teaching pedicuring and his students need to be trained in every possible manner to make a living. This was a lengthy discussion in which each Board Member expressed their opinion of the issue. Attorney Bond called for Board decision as to the teaching of pedicuring in barber schools. Board Member Ralph Payne stated the decision was made at the meeting last month (February 27, 2012) that pedicuring is not under the scope of barbering and should not be taught in a barber school. Board member Larry High stated if it is covered in the barber laws rules it should be taught. Attorney Terrance Bond call for a vote as to clarification of pedicuring taught in barber schools:

Donald Collins-Yes, J.B. Loring-Yes, Joe Jones-Yes, Larry High –Yes, Ralph Payne-No. Four YES and one NO.

BARBER SCHOOL APPLICATION-

Application for a new barber school "The Barber School" to be located 77 Carriage House Drive Jackson, Tennessee from Mr. Torrus Brooks. The school owner is listed as Memphis Institute of Barbering Inc. The completed application, fee and floor plan has been submitted for review by the Board.

MOTION made by Ralph Payne and seconded by Donald Collins to have the Board Member and Board Inspector for the area inspect the proposed facility for approval to open. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination from the following applicants who have felony convictions: Joel Devon Otey, Rodney Branch, Jujuan Russell, Jamison Crawford, Priscilla Hooks, Terrance Harris and Robert McEwen. All the required information has been submitted, disclosure information from the applicant and letter of examination recommendation from the barber school attended.

MOTION made by Larry High and seconded by Donald Collins approval of applications for examination with signed agreed orders for two (2) year probation. Motion carried unanimously.

APPLICATIO N FOR RECIPROCITY-

Applications for reciprocity –

Application for reciprocity of barber license from Korea for Soyon Song. Application was submitted to the Board at the November meeting and after review of the application and supporting documents Board members voted to request additional information which would be a breakdown of the barber curriculum in Korea. The applicant has submitted the requested information and the curriculum breakdown is listed on her original diploma.

MOTION made by Ralph Payne and seconded by Larry High applicant will be required to pass the state board master barber examination to qualify for master barber license in Tennessee. Motion carried unanimously.

Application for reciprocity of barber license from Alabama for Rosalia Chavez. Applicant states on her reciprocity application she attended a barber school in Guadalajara for 2500 hours. The information from the Barber Commission of Jefferson County Birmingham, Alabama states she was issued license 07/20/11 by endorsement and also gives her test scores.

MOTION made by Larry High and seconded by Ralph Payne to approve the application for reciprocity of master barber license. Motion carried unanimously.

Application for reciprocity of barber license from Minnesota for Michael Johnson. Certification from the Minnesota Board of Barber Examiners verifies the applicant holds an apprentice license. To qualify for an apprentice license applicants must complete 1500 hours in approved barber school, pass by 70% or more a practical examination: Haircut, Facial Shave, Perm and Shampoo. Pass by 70% or more a written examination. Pass by 70% or more an oral examination. To become a registered barber complete a one (1) year apprenticeship, complete at least 1500 hours as an apprentice, complete home study course and pass examinations practical, written and oral by 75%.

MOTION made by Ralph Payne and seconded by Donald Collins applicant will be required to pass the state board master barber examination to qualify for master barber license in Tennessee. Motion carried unanimously.

Application for reciprocity of barber licene from Guatemala for Zonia Estrada. The applicant states in her letter she completed 1600 clocked hours in the barber course and has submitted her diploma and supporting documents but no verification of the hours or breakdown of the curriculum.

MOTION made by Donald Collins and seconded by Larry High to request additional information submitted for review. The additional information should consist of verification of hours and breakdown of courses in the barber curriculum. Motion carried unanimously.

MISCELLANEOUS-

Request for clarification from Brian Horowitz a dermatologist for requirments. The dermatologist focuses on hair loss and diseases of the scalp. Sometime as part of the medical treatment a patient will require hair services that will be performed by a license barber or cosmetologist and the question is will the dermatologist office be required to hold a shop license. This was also presented to the Board of Cosmetology and they voted to request Mr. Horowitz to appear before the Board to get a clear understanding of exactly what hair services would be performed in the office.

No Motion the Board Members stated they would go with the decision from the Cosmetology Board.

Copy of Exposure Incident (Blood Spill) Procedures document inserted in the candidate information bulletins for each barber examination. This is to provide information that candidates need to know concerning the proper procedures when cleaning up during and after an Exposure Incident (Blood Spill).

Expenditures report for Fiscal year 2010-2011.

Copy of letter sent to the Governor's office from Jerry Ripley complimenting the Barber Board when he attended a board meeting recently.

Request for extension from the 2011 master barber instructor seminar from Tristan Buckner. Licensee's last date of seminar attendance was 2009 and license expiration date 01/31/12. Licensee was required to complete 16 hours of continuing education by expiration date of license 01/31/12. He has submitted

the request which the Board reviewed at the November 2011 meeting and the Board voted to request additional physician which he has submitted for your review.

MOTION made by Larry High and seconded by Donald Collins to approve the request for extension from the 2011 master barber instructor seminar. Motion carried unanimously.

Continuing education seminars for master barber instructors and cosmetology instructors have been approved and dates set. I will provide that information at the next board meeting.

No Consent Orders-

Legal Report

MOTION made by Larry High and seconded by Joe Jones to approve the legal report. Motion carried unanimously.

Election-

Board Members recommended that current officers stay as: J.B. Loring President and Joe Jones Vice President. Unanimous decision.

Motion to Adjourn-

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

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

FROM: **Terrance L. Bond, Assistant General Counsel**

DATE: **February 27, 2012**

SUBJECT: **February Case Report**

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1. 201102920-1
First License Obtained: 11/21/11
License Expiration: 10/30/13

A September 15, 2011 Notice of Violation alleges that two individuals, one of whom was a licensed master barber, were observed providing services to a client in an unlicensed barber shop. The owner of the shop filed an application for inspection and licensure with the Board office on September 26, 2011. The shop is now licensed and has not received any additional violations since becoming licensed.

Recommendation: Close with a letter of warning.

2. 201102921-1
First License Obtained: N/A
License Expiration: N/A

An October 27, 2011 Notice of Violation alleges than a master barber whose license expired on October 31, 2010 was observed providing services to a client in an unlicensed barber shop. As of the date of this summary, the master barber (also owner of the shop, it appears) does not hold either a valid shop or master barber license.

Recommendation: Issue a CEASE and DESIST advisory notice.

3. **201102922-1**
First License Obtained: 04/21/2011
License Expiration: 04/30/2013

A March 17, 2011 Notice of Violation alleges that the new owner of a licensed barber shop failed to apply for and obtain a license to operate the barber shop within thirty (30) days of the change of ownership. The new owner submitted an application for inspection and licensure of the shop on March 22, 2011, which was approved on April 21, 2011.

Recommendation: Close with a letter of warning.

4. **201102923-1**
First License Obtained: 03/27/1996
License Expiration: 03/31/2012

An August 25, 2011 Notice of Violation alleges that "several" work stations in a licensed barber shop did not have a license displayed, that some license displayed in the shop weren't visible and that the entire shop was in a "very dirty" sanitary condition. The Notice also alleges that the owner of the shop could not locate the shop's previous inspection sheet.

Recommendation: Close with a letter of warning.

5. **201102924-1**
First License Obtained: 07/02/2001
License Expiration: 06/30/2013

A September 20, 2011 Notice of Violation alleges that one master barber was found providing services to a client in a licensed barber shop while the shop license was expired and had been expired since June 30, 2011. The Notice also alleges that the shop was in a "very dirty" sanitary condition and that the entire shop needed cleaning. The owner completed the renewal of the shop license on September 28, 2011. The shop was previously cited in 2009 for failure to display the most recent shop inspection sheet; the owner of the shop entered into settlement on that violation by signing a Consent Order and paying a $250.00 civil penalty.

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

6. **201102928-1**
First License Obtained: 05/27/1997
License Expiration: 01/31/2013

A February 8, 2011 Notice of Violation alleges that three (3) individuals, two (2) of whom were master barbers were found providing services to clients in a licensed barber shop while the shop license was expired and had been expired since January 31, 2009. The owner of the shop submitted the shop license renewal fees on February 23, 2011 and now holds a valid shop license. The owner was previously cited in August 2009 for operating a shop while the shop license was expired.

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

7. **201102929-1**
First License Obtained: 08/21/1991
License Expiration: 06/30/2012

An October 4, 2011 Notice of Violation alleges that the owner of a licensed barber shop failed to correct several items that were noted on a previous inspection conducted on August 23, 2011 and for which a verbal warning was issued. According to the inspector, the owner was previously warned relative to the display of the licenses in the shop, work station sanitation and two (2) barber chairs that were in an unsafe condition. The inspector also noted that a UV sanitizer in the shop was not working at inspection time.

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

8. **201102930-1**
First License Obtained: 07/08/1994
License Expiration: 06/30/2012

A September 27, 2011 Notice of Violation alleges that a master barber whose license was expired and had been expired since July 31, 2010 was found providing services to a client in a licensed barber shop. As of this summary, the master barber license at issue remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a $500.00 civil penalty, and notice to the shop owner to CEASE and DESIST permitting the master barber to practice in his shop until the master barber license is made valid.

9. 201102935-1
First License Obtained: 04/20/2011
License Expiration: 04/30/2013

A March 18, 2011 Notice of Violation alleges that master barbers were found providing services to clients in an unlicensed barber shop. The shop owner applied for a license on March 23, 2011; such license was issued on April 21, 2011.

Recommendation: Close with a letter of warning.

10. 201102936-1
First License Obtained: 04/15/2011
License Expiration: 06/30/2013

A May 20, 2011 Notice of Violation alleges that the owner of a licensed barber shop relocated the shop and began operating same at the new location without first obtaining an inspection of and approval to open the new location. According to the area inspector, this shop location is now closed for business.

Recommendation: Close and flag.

11. 201102937-1
First License Obtained: 04/15/2005
License Expiration: 03/31/2013

A March 22, 2011 Notice of Violation alleges that one (1) individual present in a licensed barber shop was wearing a smock and positioned himself at a station in the shop where no license was displayed. The individual exited the shop upon discovering the inspector's identity and denied that he was a barber, stating instead that he was a customer in the shop. No manager was present while the shop was open for business, according to the Notice.

Recommendation: Close with a letter of warning.

12. 201102940-1
First License Obtained: 05/21/2007
License Expiration: 05/31/2013

A March 24, 2011 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Barber Law was observed at inspection time.

Recommendation: Close with no action.

13. 201102941-1
First License Obtained: 01/25/2008
License Expiration: 04/30/2013

An April 6, 2011 Notice of Violation alleges that the owner of a licensed barber shop failed to apply for an inspection and approval of a new location before moving the shop to such location. The owner filed a change of location application with the Board office on April 11, 2011 – the license for the new location has now been issued.

Recommendation: Close with a letter of warning.

14. 201102942-1
First License Obtained: 04/08/1992
License Expiration: 09/30/2007

An April 12, 2011 Notice of Violation alleges that the owner of a licensed barber shop failed to apply for an inspection and approval of a new location before moving the shop to such location. According to the area inspector, the shop is now closed for business.

Recommendation: Close and flag.

15. 201102943-1
First License Obtained: 04/12/2010
License Expiration: 08/21/2012

A March 18, 2011 Notice of Violation alleges that an unlicensed individual was practicing barbering on a client in an unlicensed barber shop. According to the area inspector, the shop is now closed for business.

Recommendation: Close and flag.

16. 201102944-1
First License Obtained: 05/13/2010
License Expiration: 04/30/2012

An April 1, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Barber law was observed during an inspection.

Recommendation: Close with no action.

17. 201102945-1
First License Obtained: 10/30/2009
License Expiration: 10/31/2011

An April 14, 2011 Notice of Violation alleges that an unlicensed individual was observed providing service to a client in a licensed barber shop. In addition, several expired master barber licenses were displayed in the shop and one (1) cosmetologist license was displayed in the shop, which does not hold dual licensure. The Notice further alleged that neither the shop license nor most recent inspection sheet were displayed in the shop. As of the date of this summary, none of the expired licenses have been renewed and the unlicensed individual (who is a barber student, according to Board office records) has not yet become licensed.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a $500.00 civil penalty and warnings concerning the expired and unauthorized licenses displayed.

18. 201102947-1
First License Obtained: 10/26/2004
License Expiration: 10/31/2012

A June 9, 2011 Notice of Violation alleges that a master barber was found providing service to a client in a licensed barber shop while the shop licensed was expired and had been expired since October 31, 2010. The shop license was renewed on June 20, 2011.

Recommendation: Close with a letter of warning.

19. 201102948-1
First License Obtained: 10/13/2008
License Expiration: 09/30/2012

A June 24, 2011 Notice of Violation alleges that neither the shop license nor last inspection sheet were displayed in a licensed barber shop.

Recommendation: Close with a letter of warning.

20. 201102950-1
First License Obtained: 07/13/2010
License Expiration: 06/30/2012

A July 22, 2011 Notice of Violation alleges that the owner of a licensed barber shop failed to display the shop license in the shop. The Notice also alleges that the shop was in an unsanitary condition – that there was "hair everywhere" and that tools and implements were unclean

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

21. 201102951-1
First License Obtained: 11/09/2009
License Expiration: 08/31/2013

A Notice of Violation issued July 20, 2011 does not provide sufficient information to determine whether a violation of the Barber law was observed during the inspection.

Recommendation: Close with no action.

22. 201102952-1
First License Obtained: 06/26/2009
License Expiration: 06/30/2011

An August 25, 2011 Notice of Violation alleges that one (1) unlicensed barber was observed providing service to a client in a licensed barber shop. In addition, neither the shop license nor most recent shop inspection sheet was displayed. The inspector also alleged that the shop needed a "general cleaning". The shop license was expired at inspection time and remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty payment of $500.00 and instructions to CEASE and DESIST operating until a valid shop license is obtained.

23. 201102954-1
First License Obtained: 09/27/2007
License Expiration: 09/30/2011

A June 2, 2011 Notice of Violation alleges that a licensed barber shop was open for business while its shop license was expired and had been expired since September 30, 2009. The shop license remains delinquent. Two (2) individuals, including a licensed cosmetologist, were present in the shop at inspection time. The shop does not hold dual licensure.

Recommendation: Issue a CEASE and DESIST advisory notice.

24. 201102955-1
First License Obtained: 08/28/2002
License Expiration: 09/30/2013

A September 1, 2011 Notice of Violation alleges that no manager was present in a licensed barber shop while the shop was open for business. Additionally, the Notice alleges that various tools, implements and tool drawers in the shop were left in an unsanitary condition and not stored after use.

Recommendation: Close with a letter of warning.

25. 201102956-1
First License Obtained: 10/01/2003
License Expiration: 09/30/2013

An August 31, 2011 Notice of Violation alleges that a licensed master barber was observed providing service to a client in a licensed barber shop while her license was expired and had been expire since November 30, 2010. The master barber license has now been renewed.

Recommendation: Close with a letter of warning.

26. 201102957-1
First License Obtained: 10/06/1987
License Expiration: 05/31/2012

An October 25, 2011 Notice of Violation alleges that a licensed barber shop was open for business while its shop license was expired and had been expired since May 31, 2010. No services were being performed at inspection time – the shop license is now valid.

Recommendation: Close with a letter of warning.

27. 201102958-1
First License Obtained: 10/21/2008
License Expiration: 10/31/2012

An October 25, 2011 Notice of Violation alleges that a licensed barber shop was open for business while its shop license was expired and had been expired since October 31, 2010. The shop license is now valid.

Recommendation: Close with a letter of warning.

28. 201102987-1
First License Obtained: 09/24/2007
License Expiration: 09/30/2009

A consumer complaint alleges that a licensed master barber, while present in a licensed barber shop, used profanity and responded violently to a customer in the shop. The owner of the shop, who was also present in the shop on the date of the alleged incident, states that both the barber and the consumer (who was also the customer) acted inappropriately under the circumstances and that the police were called to address the situation. The owner states that he has warned the master barber concerning his behavior and informed him that any future occurrences of unprofessional conduct would result in his termination. Board office records indicate that the license for this shop is expired and has been expired since September 30, 2009.

Recommendation: Issue a CEASE and DESIST advisory notice.

29. 201103039-1
First License Obtained: 02/03/2011
License Expiration: 01/31/2013

A November 3, 2011 Notice of Violation alleges that one (1) licensed master barber whose license was expired and another individual who had passed the barber exam but had not yet purchased his master barber license were observed providing services to clients in a licensed barber shop. Both individuals are now duly licensed.

Recommendation: Close with a letter of warning.

30. 201103046-1
First License Obtained: 12/09/1967
License Expiration: 09/30/2009

A November 2, 2011 Notice of Violation alleges that a licensed master barber was observed providing services to a client in the shop while his master barber license was expired. His license is now valid; however, his barber shop license is expired and has been expired since September 30, 2009.

Recommendation: Issue a CEASE and desist advisory notice relative to the expired shop license.

31. 201103047-1
First License Obtained: 07/16/1984
License Expiration: 08/31/2012

A November 11, 2011 Notice of Violation alleges that the inspector is routinely denied access to a licensed barber shop whenever she tries to inspect the shop. According to the inspector, the owner states repeatedly that the inspector should return whenever all employees/booth renters are present.

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

32. 201103240-1
First License Obtained: 09/04/2003
License Expiration: 08/31/2013

A December 8, 2011 Notice of Violation alleges that a master barber was observed providing service to a client in a licensed barber shop while the shop license was expired and had been expired since August 31, 2011. The shop license is now renewed.

Recommendation: Close with a letter of warning.

33. 201103241-1
First License Obtained: 09/08/2011
License Expiration: 08/31/2013

A December 2, 2011 Notice of Violation alleges that the owner of a licensed barber shop relocated such shop without first obtaining an inspection of the new location. The owner of the shop filed an application for change of location prior to opening the shop and performing services; however, at inspection time, the owner had not yet received an inspection of the new location. The inspection of the new location was performed on the same day of the inspectors visit – the shop was otherwise found to be in compliance with applicable law and rules.

Recommendation: Close with a letter of warning.

34. 201103242-1
First License Obtained: 07/19/1996
License Expiration: 05/31/2012

A December 1, 2011 Notice of Violation alleges that a licensed master barber was observed providing service to a client while his license was expired and had been expired since December 31, 2010. According to the master barber, he sent in a license renewal fee (which is confirmed by the Board office); however, such fee was received after the license expiration date, and a late penalty was assessed. The licensee objected to the addition of a fee, stating that he timely mailed his renewal; however, his license is now valid.

Recommendation: Close with a letter of warning.

35. 201200019-1
First License Obtained: 03/21/2011
License Expiration: 02/28/2013

A consumer complaint filed October 2011 alleges that unlicensed barbers are providing services to clients in a licensed barber shop. The last shop inspection was performed in August 2011, and yielded a grade of 95. No further information was provided by the consumer.

Recommendation: Close with a request to the inspector to re-inspect the shop.

36. 201200302-1
First License Obtained: 05/13/2010
License Expiration: 04/30/2012

A December 15, 2011 Notice of Violation alleges that the owner of a licensed barber shop (who is not a licensed master barber) and other unlicensed individual were observed providing services to clients in a licensed barber shop.

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

37. 201102932-1
First License Obtained: 02/25/1994
License Expiration: 09/18/2012

A June 2, 2011 Notice of Violation alleges that a master barber was present and providing services to clients in a licensed barber school.

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