**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 April 15, 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 April 15, 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: Rachel L. Powers, Program & Policy 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 March 18, 2013 board meeting minutes.

Rachel Powers stated that the minutes for March 18, 2013 would be ready for the next month board meeting.

## APPEAR BEFORE THE BOARD

### Ciara Gordon and Robin Wilson, Continuing Education Seminar

Robin Wilson and Ciara Gordon have made a request for board approval of a June 2013 barber instructor continuing education seminar. Seminar information dates, resumes of instructors and dates are provided. The board of cosmetology has approved this seminar for cosmetology instructors.

Motion by Larry High and seconded by Mether Jones to accept and approve the continuing education seminar request. Motion carried unanimously.

Larry High suggested the seminar focus more time on barbering in the continuing education offered.

## SCHOOL APPLICATIONS

### Kevin Johnson, Paul Mitchell School

An application has been received from Paul Mitchell School for a new barber school. The school has provided the application payment and a floor plan. This school will need to be inspected by the board member and inspector after the approval of the board.

Motion by Mether Jones and seconded by Donald Collins for approval of the school application. Motion carried unanimously.

### Torius Brooks, The Barber School

An application has been received from The Barber School for a new barber school. The school has provided the application payment and floor plan. This school will need to be inspected by the board member and inspector after the approval of the board.

Motion by Ralph Payne and seconded by Donald Collins to table this request till the next month's Board meeting and request that the applicant Mr. Brooks or his representative should appear at the next board meeting to answer board members questions as well as provide a more detailed floor plan. Motion carried unanimously.

## APPLICATIONS FOR EXAMINATION

Applications for master barber examination from Kevin Earl Mitchell, Edlrick Winston, Issac Poole, Tadrick Johnson, Joshua Redmond and Ronnie Davis who all have felonies, were received by the Board. All required information has been submitted including the disclosure from the student and letter of examination recommendation from the Barber School attended.

Motion made by Mether Jones and seconded by Donald Collins to approve applicants for examination with a signed agreed order with a two (2) year probation period. Motion carried unanimously.

**CONSENT ORDERS – There are no consent order for April 2013.**

**LEGAL REPORT**


**STATE OF TENNESSEE**
**DEPARTMENT OF COMMERCE AND INSURANCE**
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**TO:** **Tennessee State Board of Barber Examiners**

**FROM:** **Christopher Whittaker, Assistant General Counsel**

**DATE:** **April 15, 2013**

**SUBJECT:** **April Case Report**

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## NEW CASES

**1. 2013003291**
First License Obtained: 07/22/2010
License Expiration: 06/30/2012

The Notice of Violation alleges that the area inspector observed an unidentified unlicensed individual performing acrylic nail service to a client while the barber shop was expired as of 06/30/12. The Notice does not provide sufficient evidence regarding the individual in question to conclusively prove unlicensed practice of barbering. However, according to Board office records, the shop license remains delinquent as of this date of this report.

**Recommendation: Issue a CEASE and DESIST advisory notice regarding the shop license with a request to the area inspector to follow-up within 30 days.**

**2. 2013003441**

**Recommendation: Close with a Letter of Warning.**

**6. 2013005241**
First License Obtained: 03/12/2013
License Expiration: 02/28/2015

The Notice of Violation alleges that the area inspector observed hair on the floor and found dirty tools which were improperly stored from a haircut by a master barber/shop owner who was outside of the shop at the inspection time. As such, the inspector did not observe master barber/shop owner cutting hair at the time of the inspection. The inspector states that the shop's license was valid at the time of the inspection, but that the master barber/shop owner's license was expired as of 01/31/12 at the time of the inspection. Board office records indicate that such license has been now renewed.

**Recommendation: Close with a Letter of Warning.**

MOTION made by Donald Collins and second by Ralph Payne to approve the Legal Report. Motion carried unanimously.

**OTHER BUSINESS**

**Manicuring and Pedicuring:**

Ralph Payne discusses pedicuring in the barber field and requests the board review the program curriculum he has drafted to move forward with a nail tech program to be offered by barber schools.

Rachel Powers explained that any nail tech program would likely require statutory changes or approval of the cosmetology board, since the cosmetology board licenses manicurists. In order for the Barber Examiners Board to approve barber schools to offer a new program, Rachel Powers advised would require law changes next sesssion.

Velma Demonbreun requested to comment from the audience and the board approved. Velma Demonbreun suggested a nail tech program to be taught would allow barber schools to gain headway in the industry. Ms. Demonbreun stated she has been in the school for over 25 years and with International Barber & Style College also stated it would be a great idea to have this program in her school to teach. She knew a hand full of other schools that would be interested in having this program in their school to offer to barbers as well and she could have them come forth and speak to the Board members if needed.

Rachel Powers again stated that this practice was governed by the board of Cosmetology and also that the cosmetology program licensed manicurists. Rachel Powers advised that any pedicuring requests to be made by the Barber Board may be seen as double regulation. Chris Whittaker, the Board attorney, explained that if the Board wanted to change or add to the

curriculums offered that the Board needed do this through a rule making hearing. Chris Whittaker also confirmed that any program offered that would require separate licensure beyond, barber technician, master barber and instructor had to be done next year in the legislative session.

J. B. Loring had concerns regarding health and sanitation. J.B. Loring also stated that if Pedicures are not done correctly it can kill.

Ralph Payne explains that any new program in the schools to teach pedicuring would help the barbers.

Larry High recommends that the board take it under consideration until next month and come back to vote on moving forward or not.

Donald Collins advises he wants schools to grow, but does not want to overlap with the cosmetology industry, but feels they should be kept separate. Collins stated he wants to keep barbering where it is, but to grow and complete. Collins also states that the current competition leaves the barber industry in the dust and is against any idea for combining the boards.

Joe Jones says the board cannot resolve the kinks within the board and states that this is not an issue with already licensed barbers, but simply a school agenda item that is not ironed out in the industry among barbers.

Shante Randolph, a licensee from the audience, requests to provide her opinion and the board allows. Ms. Randolph states as a master barber, she would want to perform these services on men.

Ralph Payne states he took the nail tech program and drafted it differently from the program offered in cosmetology. He stated he has both a cosmetology and barber school and that he wants to get it moving forward.

Rachel Powers suggests the Board vote in order to determine whether any action be taken to move forward with the program.

Roll call was taken in order to determine who was for approval to get this program to move forward. Chris Whittaker advises the board there must be a majority vote in order for approval.

J.B. Loring –yes

Ralph Payne-yes

Larry High-no
Larry High states he is against it because it would overlap with the fields regulated by the board of cosmetology.

Mether Jones-no
Mether Jones states this is a cosmetology program.

Donald Collins-yes
Donald Collins states he is only for master barbering, not combining the boards, but he is for growth for barbers to have more programs and if there is a possibility for the Board to expand the barber umbrella then he is okay with it, but he does not want to consolidate the boards. He wants the steps the board takes now to move away from combination but towards barber growth.

The board discusses Donald Collins vote.

The MOTION by Ralph Payne to move forward with the Boards majority vote to set up a Nail Tech Program for the barbers.

Chris Whittaker is to prepare a draft letter for the Boards review to the general assembly from the Barber Board advising of the suggested changes to the statutory scheme to allow for a Nail Tech Program.

Mr. Leroy Lyons III was present to speak to the board. Mr. Lyons was a licensed Master Barber until 7/31/2008. Mr. Lyons stated to the Board that he had a stroke and was just now able to go back to work. Mr. Lyons did provide medical records from his doctor regarding the situation. He asked the Board members if they could waive the fees and let it be where he could kept his license and not have to retest.

J.B. Loring stated that the rules read that after 3 years you are required to retake the exam. Donald Collins stated that the Barber Board was a compassionate board but they would have to go by the rules and laws thus they did not have the authority to consider his request for waiver and he would have to take the reinstatement examination.

**ADJOURN**

MOTION to adjourn made by Larry High and seconded by Mether Jones. Motion carried unanimously.

J.B. Loring, President

Joe Jones, Vice President

Larry High

Donald Collins

Ralph Payne