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 May 20, 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 May 20, 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, 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 March 18, 2013 board meeting minutes.

MOTION made by Larry High and seconded by Donald Collins for approval of the March 18, 2013, board meeting minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Bill Giannini, Assistant Commissioner

Assistant Commissioner, Giannini introduced the new Barber Examiners Board Executive Director, Roxana Gumucio.

SCHOOL APPLICATIONS

Torrus 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. The board reviewed this school application at the April meeting and voted to table the application until a better floor plan is provided. The updated floor plan is attached.

MOTION made by Donald Collins and seconded by Mether Jones to approve the application. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION

Applications for master barber examination from Andre Anthony, Latavis Bailey, David Hiland, Antonie Kent, Jewel Smith, Reginald Travis, Eddie Turner and Deney Wilbon, 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 Larry High 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.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of master barber license from Eddy Gurdian with 1500 hours of instruction in the barber curriculum at the Puerto Rico Barber College Inc. in Fajardo, Puerto Rico. Mr. Gurdian also provided a transcript of hours and a certificate of licensure from the Auxiliary Secretary of Boards of Examiners, of the Department of State, Commonwealth of Puerto Rico. Mr. Gurdian has been licensed since 2007.

Recommendation – approval for master barber license by reciprocity.

MOTION made by Larry High and seconded by Donald Collins to approve Mr. Gurdian's reciprocity application. Motion carried unanimously.

Application for reciprocity of barber license from Gary Bucciarelli with 1872 hours of instruction in the barber curriculum at the University of Barber Styling in Joliet, Illinois. Mr. Bucciarelli also provided a certificate of licensure from North Carolina. He has been a licensee since 2005 and a shop manager since 2006.

Recommendation – approval for master barber license by reciprocity.

MOTION made by Donald Collins and seconded by Larry High to approve Mr. Bucciarelli's reciprocity application. Motion carried unanimously.

Application for reciprocity of barber license from Artiles Gonzalez with 1500 hours of instruction in the barber curriculum at the Benedict Schools in San Juan, Puerto Rico. Mr. Gurdian also provided a letter relative to work history, a transcript and a certificate of licensure from the Auxiliary Secretary of Boards of Examiners, of the Department of State, Commonwealth of Puerto Rico. Mr. Gonzalez has been licensed since 1989.

Recommendation – approval for master barber license by reciprocity.

MOTION made by Donald Collins and seconded by Larry High to approve Mr. Gonzalez's reciprocity application. Motion carried unanimously.

INSTRUCTOR SEMINAR EXTENSION REQUESTS

Request for extension from the 2012 instructor seminar for Hanalei Harris due to annual National Guard training from May 6, 2012 through October 20, 2012. Mr. Harris provided a copy of his orders.

MOTION made by Donald Collins and seconded by Larry High to approve Mr. Harris' instructor seminar extension. Motion carried unanimously.

Request for extension from the 2013 instructor seminar for Patricia Hunt due to health issues. Ms. Hunt provided a note from her physician regarding her upcoming surgery that will prevent her from attending any of the 2013 seminars.

MOTION made by Donald Collins and seconded by Larry High to request Ms. Hunt's provide additional medical information relative to her instructor seminar extension request and allow Rachel Powers to approve should this information be deemed sufficient. Motion carried unanimously.

CONSENT ORDERS for May totaling $250.00 were presented for the board's approval.

MOTION made by Donald Collins and seconded by Larry High to approve the May 2013 Consent Orders. Motion carried unanimously.

LEGAL REPORT

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

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
TELEPHONE: (615) 741-3072
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TO: **Tennessee State Board of Barber Examiners**

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

DATE: **May 20, 2013**

SUBJECT: **May Case Report**

NEW CASES

1. 2013007431
First License Obtained: 05/22/2012
License Expiration: 04/30/2014

The Notice of Violation alleges that the inspection sheet was not posted in a licensed barber shop. The inspector states that the shop owner's master barber was expired. According to the Notice, the inspector observed several sanitation violations including; but not limited to dirty floors, work stations, mirrors, restroom, shampoo area and trash containers, and also found no barber sinks. Board office records indicate that the shop owner's license was renewed on 03/16/2013.

Recommendation: Authorize a formal hearing with authority to settle by Consent

Order upon payment of a $ 500.00 civil penalty and a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

MOTION made by Donald Collins and seconded by Mether Jones to increase the civil penalty from $250.00 to $500.00 and request the shop be reinspected. Motion carried unanimously.

2. **2013007441**
First License Obtained: 10/02/2006
License Expiration: 09/30/2014

The Notice of Violation alleges that the area inspector observed a master barber (also the owner of the shop) servicing a client with a haircut while his barber license was expired and also was not displayed at the shop. The inspector also noted several sanitation violations in the inspection sheet; including, but not limited to no cover container for trash, unclean back bar/sanitary work station and unclean floors. Board office records indicate that the shop owner's license was renewed on 03/16/2013.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 500.00 civil penalty and a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

MOTION made by Donald Collins and seconded by Mether Jones to approve the recommendation. Motion carried unanimously.

3. **2013007451**
First License Obtained: 11/06/2008
License Expiration: 09/30/2014

The Notice of Violation alleges that the area inspector observed unclean work station with no license posted in a licensed barber shop. The inspector also observed broken furniture and unclean work stations, back bar, mirrors, wet sterilizers and tools and further found a work station without an ultra violet sanitizer.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 500.00 civil penalty and a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

MOTION made by Donald Collins and seconded by Mether Jones to approve the recommendation. Motion carried unanimously.

4. 2013007461
First License Obtained: 01/23/1997
License Expiration: 01/31/2009

The Notice of Violation alleges that the area inspector observed three (3) licensed master barbers practicing on clients and another two (2) individuals practicing without a master barber license in unlicensed barber shop. The Board previously authorized a cease and desist advisory notice against the shop at its December 2006 meeting.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 500.00 civil penalty, and the Respondent shop must reinstate its license to good standing.

MOTION made by Donald Collins and seconded by Larry High to approve the recommendation and request the shop be reinspected. Motion carried unanimously.

5. 2013007551
First License Obtained: 04/09/1999
License Expiration: 03/31/2015

The Notice of Violation alleges that the area inspector observed unsanitary work station, uncovered trash and dirty wet sanitizer, and also found tools which were improperly stored in a licensed barber shop. Given the Respondent's lack of prior complaint history a Letter of Warning is recommended.

Recommendation: Close with a Letter of Warning if the Respondent shop receives a follow-up inspection in which all sanitary violations are addressed. If the inspector performing the follow up inspection finds that the same sanitary violations exist, the Board authorizes a formal hearing with authority to settle by Consent Order upon payment of a civil penalty of $ 250.00.

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

6. 2013007581
First License Obtained: N/A
License Expiration: N/A

The Notice of Violation alleges that the area inspector observed the owner of the shop practicing on a client's hair with an expired master barber license in unlicensed barber shop. The inspector states that the shop is unclean. The Board previously authorized a cease and desist advisory notice against the Respondent for operating unlicensed barber shop at its February 2013 meeting.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a $ 500.00 civil penalty, the Respondent shop must reinstate its license to good standing, and the Respondent must receive a follow-up inspection which confirms that the sanitary violations noted in the Notice of Violation have been corrected.

MOTION made by Donald Collins and seconded by Mether Jones to approve the recommendation. Motion carried unanimously.

7. 2013003301
First License Obtained: 04/08/1992
License Expiration: 03/31/2015

This complaint was previously considered by the Board at its February 2013 meeting. The complaint alleges that the Respondent was practicing in a barber shop with an expired shop license, and that the shop was moved to a new location without proper inspection and approval. The investigation revealed that the Respondent was previously issued a Notice of Violation on 04/12/2011 for changing the shop's location without first submitting an application for an inspection and approval of the new location. Board records indicated that the shop was closed for business, and based upon this information, the Board decided that the file be closed and flagged at its February 2012 meeting. The Board previously authorized settlement of this complaint via Consent Order upon payment of a $ 500.00 civil penalty by the Respondent. Upon receipt of the Consent Order, the Respondent immediately brought its shop license current, had an inspector perform an inspection of the shop at its new location, and passed its inspection with a score of 100. The Respondent, through counsel, requests leniency from the Board in the amount of the civil penalty on the grounds that this is the Respondent's first disciplinary action before the Board and that the Respondent promptly complied with all Board conditions to remedy the alleged violations set forth in the complaint.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order upon payment of a $ 500.00 civil penalty (Board's prior settlement offer/disciplinary recommendation remains unchanged).

MOTION made by Larry High and seconded by Donald Collins to approve the recommendation. Three yays; one nay; MOTION approved.

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

OTHER BUSINESS

Mr. Torrus Brooks spoke to the board relative to his new school opening and verified there were no questions or matters to be addressed. The board advised they were happy with his work in the industry and in support of all his schools.

ADJOURN

MOTION to adjourn made by Donald Collins and seconded by Mether Jones. Motion carried unanimously.

J.B. Loring, President

Mether Joe Jones, Vice President

Larry High

Donald Collins

Ralph Payne