STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2515

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting March 6, 2017 at 10:20 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

Glenn Kopchak, Administrative Director, called roll. The following members were present: Kelly Barger, Anita Charlton, Nina Coppinger , Bobby Finger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Yvette Granger, Judy McAllister, Patricia Richmond, Mona Sappenfield and Amy Tanksley.

Others present were: Glenn Kopchak, Administrative Director, Cherrelle Hooper, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the January 30, 2017 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve the January 30, 2017 minutes. Motion carried unanimously.

2017 Legislative Updates:

The 2017 legislative session introduced several bills that affect the State Board of Cosmetology and Barber Examiners. They are listed in no specific order and with the most current information as of Monday, March 06, 2017:

HB0031:

SA0006:

SB0797:

SB1303:

APPEAR BEFORE THE BOARD-

The Ivy Institute School of Esthetics, New School Application:

Ms.Rawls appeared before the board for a New Cosmetology School. The business license, floor plan, enrollment agreement, student handout, application and fee were all received timely.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve new school license pending an inspection by a board member and field inspector. Motion carried unanimously.

Shear Perfection Academy of Cosmetology, School Change in Location:

Co-Owner Helen Tahriri appeared before the board for a change in location. The school license 139, for a location in White House, Tennessee will be the license moved to the Antioch campus. That building is 4,000 sq. ft. and they have determined that they only need one location but still want to keep both school licenses active. A letter was provided explaining the business plan as well as the application, floor plan and fee.

MOTION made by Nina Coppinger and seconded by Patricia Richmond. The request was denied. Motion carried unanimously. Decision on this change of location for legal to research.

K.I. Academy, Change in Location:

Ms. Smith appeared before the board with all the requirements for a Cosmetology/Barber School change in location. The new floor plan, application and required fee were all received.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve change in location pending an inspection by a field inspector. Motion carried unanimously

APPLICATIONS FOR EXAMINATION

Applicant: Christine Smith

MOTION to submit application, appear before the board, and represent request made by Patricia Richmond and seconded by Bobby Finger. Motion carried unanimously.

Applicant: Chelsea Ladd

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve request and issue an Agreed Order for a probation period of two years as prepared by legal counsel. Motion carried unanimously.

Applicant: Evan Thomas

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve request. Motion carried unanimously. The Board approved Agreed Order for a probation period of two years as prepared by legal counsel. MOTION made by Patricia Richmond and seconded by Bobby Finger.

Applicant: Shaelan Hassan

MOTION made by Bobby Finger and seconded by Nina Coppinger to approve request to take the Tennessee exams. Motion carried unanimously.

Applicant: Jacqueline Santiago,

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 8:30 AM on Monday, December 12th to review seven (4) reciprocity applications and make recommendations to the Board.

Attending were Board members Ron Gillihan, Nina Coppinger, Judy McAllister, and Patricia Richmond. Also present were Glenn Kopchak, Administrative Director, Cherrelle Hooper, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The applications reviewed consisted of the following:

Application for reciprocity of Aesthetician license from Indiana for Hang Nguyen.

Recommendation - is that the applicant be approved for reciprocity to be admitted to test.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of Manicurist license from California for Jenny Minh Le.

Recommendation - is that the applicant be approved for reciprocity to be denied.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of Cosmetologist license from Michigan for Rasha Khalil.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of Cosmetologist license from North Carolina for Denise Rosa.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, March 6th to review the allegations of 36 complaints and make recommendations to the Board.

Attending were Board members Frank Gambuzza and Bobby Finger and Amy Tanksley.

The meeting adjourned at 10:09 AM.

MOTION made by Nina Coppinger and seconded by Patricia Richmond for approval by the full board of the Legal Report as amended. Motion carried unanimously.

Agreed Citations – January and February - Totaling $7,100

MOTION made by Patricia Richmond and seconded by Judy McAllister for approval of all consent orders. Motion carried unanimously.

Mobile Salon legislative update rescheduled to: May 8th, 2017. MOTION made my Patricia Richmond and seconded by Nina Coppinger. Roll call taken-all voted yes.

Case Status Update: Nutall-Pritchard, Legal won the motion on 02/24/17

Summary Suspension Vote- Dan Van Tran

MOTION made Patricia Richmond and seconded by Bobby Finger to table the suspension until the board has more information. (Ron Gillihan-Abstained). Motion carried unanimously.

Motion to adjourn

MOTION to adjourn made by Patricia Richmond and seconded by Judy McAllister. Motion carried unanimously.

Brenda Graham	**Nina Coppinger**
Judy McAllister	**Kelly Barger**
Patricia J. Richmond	**Mona Sappenfield**
Frank Gambuzza	**Amy Tanksley**

Anita Charlton

Yvette Granger

Ron R. Gillihan

Bobby N. Finger

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

FROM: **Pamela Spicer, Assistant General Counsel**
Allison Renfro, Assistant General Counsel

DATE: **March 6, 2017**

SUBJECT: **Legal Report**

COSMETOLOGY

1. Case No.: COS-2017000131

First License Obtained:	**06/30/2008**
License Expiration:	**06/30/2018**
Complaint history:	**201501105, closed by Agreed Citation and payment of $500 civil penalty**

This is a consumer complaint alleging a "bad" hair cut. The Complainant has emailed the office stating that she does not want to go forward with the complaint.

Recommendation: **Closure**

Decision: Approved.

2. Case No.: BAR-2017000251

First License Obtained: **11/28/2016**

License Expiration: **11/30/2018**
Complaint history: **None**

This is a consumer complaint whereby the complainant alleges unlicensed activity. However, the Respondent has a valid cosmetology license.

Decision: Approved.

Decision:

3. Case No.: COS-2016073321

First License Obtained: **N/A**
License Expiration: **N/A**
Complaint history: **None**

Pursuant to inspection, this shop was found to be operating without a license and the owner and one individual were providing services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order against the shop with a civil penalty of $1000.00.

Decision: Approved.

4. Case No.: COS-2016073341

First License Obtained: **N/A**
License Expiration: **N/A**
Complaint history: **None**

Pursuant to inspection, this individual was providing services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order against the individual with a civil penalty of $1000.00

Decision: Approved.

5. Case No.: COS-2016074421

First License Obtained: **11/20/2015**
License Expiration: **11/30/2017**
Complaint history: **None**

Pursuant to inspection, the shop was found to be offering services not authorized by shop license. Specifically, the owner was operating with an expired license. Owner and manager are the same

individual. The owner's license remains expired as of the date of this report. In addition, the shop was found to have one individual providing services not authorized by the shop license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with civil penalty of $1500.00 ($1000 for unlicensed activity and $500 for providing services not authorized by the shop license.)

Decision: Approved.

6. Case No.: BAR-2016074451

First License Obtained:	**08/31/2007**
License Expiration:	**08/31/2017**
Complaint history:	**None**

Pursuant to inspection, this individual was found to be providing services not authorized by the shop license. The licensee has a valid Barber license.

Recommendation: Closure

Decision: Approved.

7. Case No.: COS-2017001591

First License Obtained:	**10/25/2016**
License Expiration:	**10/31/2018**
Complaint history:	**None**

This is a consumer complaint whereby the complainant is complaining that she contracted a toe fungus after receiving a pedicure. The Respondent has not responded to the complaint, however, the complainant has indicated that she is not willing to participate in a hearing on this matter.

Recommendation: Closure

Decision: Approved.

RESPRESENTS

8. Case No.: L14-BAR-RBS- 2014030491

First License Obtained:	**03/11/2014**
License Expiration:	**02/28/2016**
Complaint history:	**None**

This complaint was presented to the board in May 2015 based on an inspection whereby the respondent/owner was practicing on a client's hair at the time of inspection. The owner has

finished school but has not yet tested. He still not licensed under this board. At that time the board recommended settlement by consent order with a $1000.00 civil penalty. Since that time the shop has closed and is out of business.

Recommendation: **Closure**

Decision: **Approved.**

9. Case No.: L15-COS-RBS- 2015012311

First License Obtained:	**04/10/2014**
License Expiration:	**04/30/2016**
Complaint history:	**None**

This complaint was originally presented in October 2015 and the shop and manager both received notices of violation pursuant to an inspection. When the inspector arrived one of the three employees who was working immediately left through the back door. Several sanitary violations were also observed. At that time the board recommended settlement by consent order with a $1000.00 civil penalty to each Respondent. However, as it relates to this Respondent, she states that she was not the manager at the time and resigned immediately following the notice of violation. I have spoken to the inspector who states that one of the two women who were at the salon that day were held out to be the manager.

Recommendation: **Closure**

Decision: **Approved.**

10. Case No.: L15-COS-RBS- 2015007521

First License Obtained:	**11/13/2012**
License Expiration:	**11/30/2016**
Complaint history:	**None**

This complaint was originally presented August 2015, when the respondent received a notice of violation pursuant to an inspection. At the time of inspection the respondent, who was the manager of the shop, was working on a client with an expired license and was not wearing name tag. There was an employee not wearing a nametag, and the shop inspection sheet wasn't posted. Since August 2015 the Respondent has relocated to Alabama and the board has transferred her license. The board originally authorized settlement by consent order assessing a civil penalty of $100.00

Recommendation: **Closure**

Decision: **Approved.**

Barber

11. Case No.: BAR-2017003261

First License Obtained: N/A
License Expiration: N/A
Complaint history: None

Upon inspection of the shop where Respondent was observed to be working on January 18, 2017, the inspector observed Respondent practicing on a client's hair. The license posted for Respondent did not come up in a license search, though the name of the license did match Respondent's picture identification. Respondent stated he had never been to barber school. The shop is licensed as a full service cosmetology shop but Respondent was offering barber services.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of $1,000 for providing services without a license.

Decision: Approved.

12. Case No.: BAR-2017003241

First License Obtained: 07/10/2002
License Expiration: 07/10/2002
Complaint history: None

Upon inspection of the shop where Respondent was observed to be working on January 18, 2017, the inspector observed Respondent practicing on a client's hair. The shop is licensed as a full service cosmetology shop but Respondent was offering barber services.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $500 for providing services not authorized by the individual's license.

Decision: Approved.

13. Case No.: BAR-2016074801

First License Obtained: N/A
License Expiration: N/A
Complaint history: None

An anonymous complaint was filed by a consumer who states she received a haircut from Respondent who represents himself to the public as a barber. Complainant states that Respondent is cutting hair in a low income, government apartment, drawing money from the government while getting paid cutting hair. Complainant states that when she advised Respondent that he messed her hair up, her request for a refund was denied and he said he did not have a license.

Recommendation: Close with a letter of warning.

Decision: Approved.

14. Case No.: BAR-2016073101

First License Obtained: **09/18/2013**
License Expiration: **09/17/2017**
Complaint history: **2016002201, closed and flagged, referred to the Department of Education**

An administrative complaint was opened by the Board upon discovering Respondent school where it was discovered the school's license had expired.

Recommendation: Authorize case for formal charges. Authorize settlement for $100 civil penalty for operating a school with an expired license.

Decision: Approved.

Cosmetology

15. Case No.: COS-2016070501

First License Obtained: **10/04/2012**
License Expiration: **10/31/2018**
Complaint history: **None**

The Board received a consumer complaint from a consumer alleging she had services performed on her hair by Respondent on October 20, 2016. On October 27, 2016, the consumer reached out to Respondent to tell her there were "huge bleach bleeds" in her hair and that the haircut she received was "terrible" and "uneven." The consumer's request for a refund was denied. The consumer alleges the Respondent is practicing without proper licensing. Respondent has held an active cosmetology license with the Board since October of 2012. While Respondent's license expired on October 31, 2016, and was renewed on November 3, 2016, during the events giving rise to the complaint, the license was in good standing.

Recommendation: Close.

Decision: Approved.

16. Case No.: COS-2016076651

First License Obtained: **03/11/2005**
License Expiration: **03/31/2017**
Complaint history: **200502415, closed by Consent Order and payment of $600 civil penalty; 2005033371, closed w/no action; 2006011841, dismissed; 2012002111, closed by Consent Order and payment of $500 civil penalty; 2013011431, closed for lack of disciplinary grounds; 2015006861, Formal Charges Authorized;**

20150218781 & 20150218761, closed by Consent Order and payment of $2000 civil penalty; 2016046121, Consent Order issued for $5,250 civil penalty

Respondent's two previous inspections revealed the shop was permitting unlicensed individuals to perform natural hair braiding services in the shop (open complaints 2015006861 and 2016046121).

2015006861: On March 12, 2015, upon inspection of the Respondent shop, the inspector observed four individuals performing natural hair care services for clients without a license. The Board authorized a settlement of a total civil penalty of $4,000, which the shop has not accepted.

2016046121: On August 4, 2016, upon inspection of the Respondent shop, the inspector observed four individuals performing natural hair care services for clients without a license. Further, there was not a manager present and the shop's license was suspended at the time of the inspection. The Board authorized a settlement of a total civil penalty of $5,100, which the shop has not accepted.

Given the repeat violation, legal requested a follow up inspection. During the inspection of the shop on December 29, 2016, the inspector observed that the shop, manager, and owner were permitting two unidentified individuals (no name or identification was provided) to perform natural hair services for clients without a license.

Recommendation: Authorize case for formal charges. Authorize settlement for voluntary shop license revocation as the shop has three documented instances of unlicensed activity.

Decision: Approved.

17. Case No.: COS-2016076541

First License Obtained: **04/29/1991**
License Expiration: **01/31/2019**
Complaint history: **None**

An anonymous consumer complaint was filed by a consumer who stated she booked a color and cut hair service with Respondent and services were performed in Respondent's home. Complainant states she observed multiple people living in the home, two dogs were present, and the home had dog hair and human hair in the carpet. Complainant asked Respondent about a license to which Respondent stated she had friends on the license board and as long as no one found out she was not worried. During the appointment, a man and a woman used the brushes and combs. Respondent tried to use the same brushes on Complainant, but Complainant refused and told her to use clean equipment. Complainant stated that Respondent told her that she had attempted to open a shop but decided against it due to the cost of inspection and paying taxes. Respondent washed Complainant's hair in the kitchen sink. Complainant felt disgusted and dirty due to the presence of the dogs.

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

Decision: Approved.

18. Case No.: COS-2017003221

First License Obtained:	**01/30/2009**
License Expiration:	**01/31/2017**
Complaint history:	**None**

Upon inspection of the Respondent shop on January 18, 2017, the inspector observed a man practicing on a client's hair. The license posted for the individual did not come up in a license search though the name of the license did match the picture id of the person working. The man stated he had never been to barber school. The shop is licensed as a full service cosmetology shop but was offering barber services.

Recommendation: **Authorize case for formal charges. Authorize settlement for a total civil penalty of $1,000 for allowing an individual to provide barber services without a valid license and $500 for allowing offering services not authorized by shop license for a total civil penalty of $1,500.**

Decision: Approved.

19. Case No.: COS-2016073231

First License Obtained:	**12/01/2010**
License Expiration:	**10/31/2018**
Complaint history:	**None**

Upon inspection of the Respondent shop on December 9, 2016, the inspector observed that the shop license expired on 10-31-16 and was in expired grace. The owner renewed the shop license online during the inspection.

Recommendation: **Authorize case for formal charges. Authorize settlement for a total civil penalty of $100 to the shop for expired shop license.**

Decision: Approved.

20. Case No.: COS-2016073391

First License Obtained:	**06/02/2014**
License Expiration:	**06/30/2018**
Complaint history:	**None**

Upon inspection on December 12, 2016, the inspector observed that the shop where Respondent is listed as the manager is licensed as a manicure shop. However, the inspector noticed a plugged in waxing pot and waxing supplies. The inspector informed the manager he would need to discontinue waxing services until proper licensure is acquired to which the manager replied he would remove the waxing sign and equipment and apply for appropriate license.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $500 for allowing offering services not authorized by shop license.

Decision: Approved.

21. Case No.: COS-2017005491

First License Obtained: **03/19/1992**
License Expiration: **07/31/2018**
Complaint history: **None**

Upon inspection on January 25, 2017, the inspector inspected the shop owned and operated by Respondent which at no time had a license issued by the Board. The owner told the inspector that she was unaware of the need for the shop license. The owner had been providing hair services to a client and apologized for the oversight.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $1,000 for operating a shop without a license.

Decision: Approved.

22. Case No.: COS-2016067441

First License Obtained: **12/08/2006**
License Expiration: **09/01/2017**
Complaint history: **2007054751, Dismissed; 2007064711, closed with a letter of warning; 2009018991 closed with no further action; 2009020141, closed with no action; 2009022401 closed with no action; 2010009261, closed with no action; 2010016101, closed with no action; 2012016541 closed by consent order and $500 civil penalty**

The complaint was filed by a consumer/student of Respondent school, who listed numerous issues with the school, such as: refusal to print or issue student documents, financial aid money and documents missing, month to month hours missing, unlicensed instructors employed, students being recorded without their consent, admissions workers refusing to assist students, no functional heat or air conditioning, select students being told they need to wear makeup, teacher turnover, ethnic clients being charged more, dispensary tools not working, ant infestation, lack of handicap accessible areas, poor ventilation, and equipment that functions poorly.

In its response, the school denies all allegations and contends that the allegations are vague and lacking in specificity, as dates and times are listed for any particular instances of alleged misconduct. While the complaint lists individuals, it neither identifies what specific acts these

people suffered from nor provided supporting documentation. The school states that the most recent inspection report indicates that the school properly maintained student records as of that date. The school denies that it failed to credit any student with hours earned and outlined its procedure for collecting student hours to safeguard against incorrect hour reporting: prior to sending certification of hours earned to the Board, it posts all hours it has on file for students on a bulletin board for 3 days to allow students to review and discuss any errors, and if the student contends there is an error, the school investigates. The school contends that turnover is not a violation of any statute or rule. The school states its facility is equipped with a surveillance system which does not have audio recording capabilities; further, the student handbook acknowledgment states that students may be photographed and videotaped for educational purposes, and unless the student states otherwise, their signature on the handbook constitutes their agreement to being photographed and/or videotaped. The school denies it has applied the student code of conduct in a discriminatory manner. The school states that the air conditioning failed for a brief period of time in May of 2016 but was immediately replaced and no student has had to work without adequate heating or air. The school denies the broad allegation of discrimination and maintains an anti-discrimination policy. The school noted that its facility passed the inspection with a perfect score in July of 2016 and denies that it failed to maintain equipment or had any insects have ever been onsite in its facility. The school stated that the students conduct routine clean up and maintenance of workstations but do not provide janitorial service as the school has retained those services from various providers. The school asserts that it is ADA compliant and regularly passes code inspection from city officials.

Recommendation: **Close.**

Decision: **Approved.**

23. Case No.: COS-2016070001

First License Obtained:	**09/16/2009**
License Expiration:	**09/01/2017**
Complaint history:	**2010002681, closed with no action; 20100062411, closed and flagged**

The complaint was filed by a consumer/student of the Respondent school who asserts difficulty in getting requisite testing scheduled and the quality of the program. The consumer states she completed program requirements on November 9, 2016, and completed a portion of the licensing requirements on November 14, 2016. She states that she contacted the director on November 14 that she passed and requested to be registered for the practical. On November 17 she states she requested to be registered again but upon getting no response emailed the director on November 20 and 21. She states that during the admission process job assistance was promoted but no services were offered, product availability was lacking, and machines were not fully functional at the school.

In its response, the school stated that the director was unable to schedule the student for the exam on November 14 because PSI Testing had not confirmed her passing. The director stated that she advised the student that it may take 24-48 hours to receive this confirmation in order to pay for the next portion of the exam. On November 17, the director states she was meeting with another

student when Complainant requested a meeting, and though she was advised she could meet momentarily, when the first meeting concluded, the complainant had left. Also on November 17 the director checked with PSI who had not yet processed the test score, a delay of which is not unusual. The remainder of the week as well as the following week the director was out of office on personal leave. The director states that once she received Complainant's emails, she tried to call her three times and email her making her aware that the test had been paid for and she was able to choose a test date. The response also included invoices from inventory ordered by the school and the inspection notification that shows the school is compliant with Board requirements. The response further states that the school provides job placement assistance but does not promise job placement.

Recommendation: Close.

Decision: Approved.

24. Case No.: COS- 2016074921

First License Obtained: **05/18/1990**
License Expiration: **05/31/2016**
Complaint history: **None**

Upon inspection on December 16, 2016, the inspector observed that the shop was open for business with two customers present, yet had been operating over 60 days with an expired shop license.

In its response, the shop owner stated that it never received a renewal notice and realized at the time of the inspection that the license was expired. The owner stated that the shop location was changed in May of 2014, which the owner submitted a change of location, not the mailing address. The expiration date for the shop license was originally 09/30/2016. A Board employee advised Respondent that the renewal period was changed to 05/31/2016 after the location change submission.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $100 for operating a shop with an expired shop license.

Decision: Approved.

25. Case No.: COS- 2017000491

First License Obtained: **12/22/2016**
License Expiration: **12/31/2018**
Complaint history: **None**

A complaint was submitted by a consumer who alleges that she went to the Respondent's shop for a nail care and requested a gel fill-in service. The Complainant alleges that the tools, files, and sanding bands in the Respondent's shop were not sanitized and were unclean. The Complainant alleges that the shop provided an unprofessional gel service as the shop is dishonestly using liquid Methyl methacrylate (MMA), which is banded by the Federal Drug Administration, for its gel nail services and not actual gel, which should be comprised of Ethyl Methacrylate. The Complainant alleges there were unlabeled containers in the shop.

In its response, the shop stated that the inspector approved of its sanitizing methods less than one month prior to the complaint being filed and that it cleans and sanitizes tools after each use. It also stated that has labeled its equipment properly.

Upon inspection, the Board investigator found that the gel nail is a combination of clear liquid in a container with a white top and powder inside of a glass contained, the containers of which were not labeled. The majority of workstations were observed to be clean despite some nail dust around the nail sander. Alcohol, thinner, and cuticle oil bottles were labelled and appropriately stored. The overall appearance of the shop was clean, though photos were produced of the nail dust, and there were labels on all products except the gel nails. The inspector looked through the inventory and was shown a bottle marked "Diamond Sunscreen Liquid" as the clear liquid for gel nails and a bottle marked "Master Gel Powder" as the powder mixed to form the gel nail as well as an instruction of the process for applying the gel nail. These products were sold by another nail shop.

Recommendation: Letter of warning for containers not being properly labeled, nail dust not removed after each customer, and tools not being properly cleaned.

Decision: Approved.

26. Case No.: COS- 2017004981

First License Obtained: **02/03/2009**
License Expiration: **01/31/2019**
Complaint history: **2013025291, closed by Consent Order and payment of $750.00 civil penalty; 2015018031, closed by Consent Order and payment of $3,000 civil penalty**

27. Case No.: COS- 2017005001

First License Obtained: **08/27/2002**
License Expiration: **08/31/2018**
Complaint history: **2013025291, closure; 2015018071**

Upon inspection on January 24, 2017, the inspector observed the following sanitation violations: large amount of nail dust collected on the top of equipment, dirty towels left on the floor from a client that had received services prior to the inspection, the trash container was missing a cover,

no wet sterilizers at the work station for manicure/pedicure, and the UV sanitizer was in the rear of the shop not being used. Every work station for manicure/pedicure had dirty buffers, dirty files, and several dirty tools inside the work station. Dirty towels were being used on customers.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $5,000, $1,000 for each of the following sanitary violations:

1) Inadequate lighting and/or ventilation/ exposed surfaces not being kept clean; and
2) Hair cuttings, nail dust not removed after each customer/ floors not mopped or swept daily; and
3) Trash containers not covered/unsanitary; and
4) Inadequate dry sterilizer, wet sterilizer, ultra violet sanitizer and/or blood spill kit; and
5) All tools and implements not properly cleaned, sanitized, and/or stored in closed containers and proper sanitation techniques not practiced after each use

Decision: Approved.

28. Case No.: COS- 2017004651

First License Obtained: 12/14/2016
License Expiration: 12/31/2018
Complaint history: None

A complaint was filed by a consumer who stated she contacted Respondent for a hair services. The appointment took place at Respondent's home. Respondent advised Complainant that Complainant's hair was short and soft and that she should wait before completing the hair style. Complainant contacted Respondent to complete the services to no avail. Complainant states that she later learned that Respondent is a commissioned stylist and booked Respondent out of her home instead of at a salon because she did not want to split the commission with her employer. Complainant states that Respondent shampooed her hair in the sink while a roommate smoked in the bathroom and sat in a broken chair. Complainant provided text messages that she exchanged with Respondent as proof of the services provided and that the services were not complete.

In her response, Respondent states that it was not her intention to break rules or laws and her professional services will be provided solely in the salon in which she is employed. As a newly licensed cosmetologist, she wants to uphold the laws and rules to safeguard the integrity of the industry.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $1,000 for providing cosmetology services without a shop license.

Decision: Approved.

29. Case No.: COS- 2017006461

First License Obtained: 07/11/2003
License Expiration: 10/31/2018

Complaint history: **None**

An administrative complaint was opened by the Board staff upon learning that Respondent allowed her personal instructor license to expire while providing continuing education courses online.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $100 for providing continuing education courses while teaching license was expired.

Decision: Approved.

30. Case No.: COS- 201700881

First License Obtained: **N/A**
License Expiration: **N/A**
Complaint history: **2016047391**

Upon inspection of the Respondent shop on January 24, 2017, the inspector observed three unlicensed stylists working on clients.

The shop did not and does not hold a valid cosmetology or natural hair styling shop license issued by the Board. This shop was cited for operating without a license and permitting a person to perform services without a license on August 11, 2016, less than six months prior to this inspection.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of $4,000; $1,000 for operating without a shop license, and $3,000 for each person providing services without a license.

Decision: Approved.

Represent

31. Case No.: COS- 2015000011

First License Obtained: **10/13/2003**
License Expiration: **1/31/2017**
Complaint history: **2005038801, closed by Consent Order and payment of $500 civil penalty; 2007053051, closed by Consent Order and payment of $1000 civil penalty; 201300191, closed by Consent Order and payment of $1000 civil penalty; 2016018161, closed by Consent Order for the voluntary revocation of Respondent's shop license**

The Board previously authorized a civil penalty in the amount of $2,500, against the shop as an inspector discovered two unlicensed persons working in the shop and no manager present. This same Respondent signed the consent order for the shop license #26992 to be revoked on July 18, 2016, per complaint 2016018161 (the violations were that there were unlicensed people working, unsanitary conditions, and no manager present). The shop's owner also provided a written consent to termination of limited liability company for the shop on July 8, 2016.

Recommendation: Close.

Decision: Approved.

32. Case No.: BAR-2016023151

First License Obtained:	**07/01/2016**
License Expiration:	**07/31/2018**
Complaint history:	**None**

The Board previously authorized a civil penalty in the amount of $500 against the shop as the Board office had received an anonymous complaint attaching a Facebook page that appeared to show Respondent advertising for mobile barbering services without possessing a barber shop license or a master barber license issued by the Board.

After these cases were presented to the Board, Respondent submitted a written response apologizing for any confusion and that he is not performing mobile services. Respondent holds master barber license #19274, and his brick and mortar shop holds barber shop license #11592. Respondent stated he was informed by a Board inspector that mobile barber shops would be legal in 2017 and did begin to advertise in a "coming soon" capacity but no mobile services were performed. The complaint did not provide proof that mobile services were actually performed.

Recommendation: Close with a letter of instruction.

Decision: Approved.

33. Case No.: BAR-20150223221

First License Obtained:	**06/13/2011**
License Expiration:	**05/31/2015**
Complaint history:	**None**

The Board previously authorized a civil penalty in the amount of $250 against the shop as the shop was operating with an expired shop license and had no manager present. Legal researched the status of the license and discovered it is in "closed" status and has been out of business since October 27, 2016.

Recommendation: Close and Flag.

Decision: Approved.

34. Case No.: COS-2015012911

First License Obtained:	**N/A**
License Expiration:	**N/A**
Complaint history:	**None**

The Board previously authorized a civil penalty in the amount of $1,000 against the Respondent as Respondent was observed performing services on a client's hair without a license during an examination of a shop on May 14, 2015. Respondent did not have any identification but a date of birth was provided to the inspector. Per complaint COS-2015012891, the shop's owner signed a consent order for a $2,500 civil penalty for permitting two unlicensed persons, this Respondent and Respondent in COS-2015012901, to practice on clients and for no manager present on 12/15/16.

Legal sent a consent order for Respondent to the shop twice, first on November 6, 2015, then again on November 10, 2016, as it did not have an address for the Respondent. The certified mail for the first consent order was returned. The shop owner, who is uncooperative with Legal as to Respondent's identity or whereabouts, signed the green card for the second consent order. A Board investigator attempted to personally serve Respondent in February 2017 but was unable to locate her. The investigator tried to find her whereabouts through a Memphis Police Department database, running a CLEAR report, and questioning the shop owner where the NOV was issued in 2015. The name and date of birth combination do not produce results in databases or records.

Recommendation: Close and Flag.

Decision: Approved.

35. Case No.: COS-2015012901

First License Obtained:	**N/A**
License Expiration:	**N/A**
Complaint history:	**None**

The Board previously authorized a civil penalty in the amount of $1,000 against the Respondent as Respondent was observed performing services on a client's hair without a license during an examination of a shop on May 14, 2015. Respondent produced a Mexico ID to the investigator. Per complaint COS-2015012891, the shop's owner signed a consent order for a $2,500 civil penalty for permitting two unlicensed persons, this Respondent and Respondent in 20150223221, to practice on clients and for no manager present on 12/15/16.

Legal sent a consent order for Respondent to the shop twice, first on November 6, 2015, then again on November 10, 2016. The certified mail for the first consent order was signed in November of 2015. The certified mail and regular mail for the second consent order was returned.

A Board investigator attempted to personally serve Respondent in February 2017 but was unable to locate him. The investigator tried to find her whereabouts through a Memphis Police Department database, and called the phone number for Respondent but it was no longer in service. The investigator also visited the shop where Respondent worked and was advised by the shop owner that Respondent had not worked there in nearly 2 years and had moved to California, but the shop owner did not have a forwarding address or phone number for Respondent. The inspector visited the apartment complex that was listed as Respondent's last known Tennessee address and was advised Respondent moved to California about 2 years ago and did not provide a forwarding address or phone number. The inspector ran a CLEAR report but found no information on Respondent's whereabouts.

Recommendation: **Close and Flag.**

Decision: **Approved.**

36. Case No.: COS- 2016051201

First License Obtained: **03/03/2010**
License Expiration: **09/01/2017**
Complaint history: **2015018851, dismissed**

The Board previously authorized a civil penalty in the amount of $1,000 against the Respondent as Respondent was found by an inspector to have 51 students clocked-in with a total of three instructors in the building; two of the instructors had instructor licenses, one did not. The third instructor had a valid cosmetology license but not an instructor license as she was awaiting her instructor license by reciprocity from another state.

After these cases were presented to the Board, Respondent's representative submitted a written response, stating the complaint was somehow never received and that it would never intentionally fail to reply to the Board. The response states that the third instructor had a cosmologist license and was engaged in the course of training in teaching to qualify her as a junior instructor per the requirements of Tenn. Code Ann. § 62-4-102. The response further provided the school's on the monthly hour report for July dated August 11, 2016, that listed the instructor as a junior instructor and did not at any time represent her as an instructor to the Board.

Recommendation: **Close.**

Decision: **Approved.**