



**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 October 3, 2016 at 10:00 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.

Roxana Gumucio, Executive Director called roll. The following members were present: Kelly Barger, Nina Coppinger, Bobby Finger, Ron Gillihan, Brenda Graham, Judy McAllister, Patricia Richmond, Mona Sappenfield and Amy Tanksley. Anita Charlton, Frank Gambuzza, and Yvette Granger were not present.

Others present were: Roxana Gumucio, Executive Director, Cherrelle Hooper, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the August 8, 2016 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve the August 8, 2016 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Aseret Academy of Natural Hair, New Specialty School:

Ms. Teresa Taylor appeared before the board to present a new school application for a specialized natural hair stylist school to be located in Memphis. The floor plan, student agreement, curriculum, applications and fees have all been received by the board. The rules state that specialized schools must submit five tentative student contracts and they only submitted four.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to deny new school application pending an inspection by a board member and field inspector. The board agree that this be table till the next November Board meeting. Motion carried unanimously.

Professional School of Beauty, New Specialty School:

Ms. Latasha Andrews appeared before the board to present a new specialty school application for a location in Memphis. The facility has over 2,500 square feet. The floor plan, student agreement, curriculum, application and fees have all been received by the board. Their plans are to offer three different programs: manicuring, natural hair stylist, and instructor trainee. The law permitting specialty schools contemplated one program therefore consideration needs to be made whether this is even a specialty school. The manicurist and natural hair programs will be apprenticeship only therefore the school does not have any equipment to service the public. This should actually be considered a cosmetology school that does not offer cosmetology but otherwise fits the requirements.

MOTION made by Patricia Richmond and seconded by Bobby Finger to approve school application pending an inspection by a board member and field inspector. Motion carried unanimously.

TriCity Beauty College, Change of Ownership:

Ms. Beller appeared before the board to present a change in ownership for a cosmetology school located in Johnson City. The floor plan has not been received by the office. The incomplete application was received on August 24 with no fees or any supporting documents. A fee later received had to be used to renew the school so students could continue to attend until the board met to review the change request. This school has operated with the license of the previous owner for over two years. The license was renewed without the board ever knowing that the previous owner was deceased. An inspection this year questioned the owners name on the license and a complaint was opened because the license was not transferable to the new owner. Before the board can consider an inspection, the \$175 fee must be received. Also missing are the business license and floor plan. The redacted complaint was decided by the board at this same meeting. All requirements must be met before the inspections can be scheduled.

MOTION made by Kelly Barger and seconded by Mona Sappenfield to deny school application pending an inspection by a board member and field inspector. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Application for examination for Kayla Britt, Amanda Fillers and Robby Robinson. The applicants have felonies within the last three years or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel. Legal counsel read a change in the law that affects the felony interpretation for master barbers only and limits what can be denied to charges that are in direct concern for the industry.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application to test as a cosmetologist with hours from Iran for Arezoo Balochgharaei. Ms. Arezoo provided translated documents stating 609 hours received in 2011. There is no official transcript but it would appear this applicant is at least missing 891 hours in the cosmetology discipline.

Motion made by Patricia Richmond and seconded by Judy McAllister to deny request to take the Tennessee exams until pending hours are completed. Motion carried unanimously.

Application to test as a cosmetologist with hours from Vietnam for Tai Anh Huynh. The applicant provided translated certificates and a transcript from World Nails School showing 1,680 hours received in 2016.

Motion made by Amy Tanksley and seconded by Mona Sappenfield to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a manicurist with hours from Vietnam for Trang Nguyen. The applicant provided translated certificates and a transcript from Ngoc Anh Trading Services Training showing 2,000 hours received between June 2013 and June 2014 in what appears to be the full cosmetology program. She clearly marked a request to test for manicuring.

Motion made by Mona Sappenfield and seconded by Nina Coppinger to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a manicurist with hours from Vietnam for NhaThi Pha, The applicant provided a translated diploma and certificate of completion showing 714 hours received at World Nail School in 2015.

Motion made by Amy Tanksley and seconded by Judy McAllister to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a cosmetologist with hours from the United Kingdom for Allie Orsatti. Ms. Orsatti provided translated documents stating 937 hours received in 2016. This applicant has at least 563 hours pending to complete the cosmetology discipline.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to deny request to take the Tennessee exams until pending hours are completed. Motion carried unanimously.

Application to test as a master barber with hours from the Dominican Republic for Jorge Mercedes. The applicant provided translated documents showing he attended Infotep and completed 1,800 hours between 2012 and 2014. In 2003 it appears he completed an additional 236 hours and possibly another 450 hours at night school.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a manicurist with hours from Vietnam for Truc Tran. The applicant provided a translated diploma and certificate of completion showing 714 hours received at World Nail School in 2014.

Motion made by Amy Tanksley and seconded by Judy McAllister to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a master barber with hours from the Jordan for Ismail Aysheh. The applicant provided a certificate showing he attended Habawwal Academy for cosmetology and completed 120 hours in 2003. It appears he needs an additional 1,380 hours to meet the minimum requirements. The hours go back beyond the seven years now allowed for barbers to complete the program.

Motion made by Patricia Richmond and seconded by Judy McAllister to deny request to take the Tennessee exams until student completes the entire 1,500 master barber hours. Motion carried unanimously.

Application to test as a cosmetologist with hours from South Korea for Eunjeong Choi. The applicant provided translated documents stating 2,600 hours received between June 2014 and January 2016.

Motion made by Amy Tanksley and seconded by Kelly Barger to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a cosmetologist with hours from India for Anjali Patel. The applicant provided translated documents stating 652 hours received in 2015.

Motion made by Patricia Richmond and seconded by Judy McAllister to deny request to take the Tennessee exams until pending hours are completed. Motion carried unanimously.

Application for master barber license from Joe De Lucia. Applicant passed the theory exam in August 2010 and somehow was allowed to take the practical exam in August 2016. The rules of the board and PSI state that after three years' time, if both exams are not passed, the individual must pass both exams again. Mr. De Lucia should have had to take the theory exam in August 2016. Given that it appears to be a mistake on PSI's part, it would not be fair to penalize him for the recent exam he just passed. The passing score for the theory exam should be null and void given how old it is. The recommendation is to accept the practical passing score of 76% and only require him to take the theory.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve request. Motion carried unanimously.

Application for manicurist license from Clarissa Mason. Applicant passed the practical exam in September 2015 and failed to submit the application or the verification eligibility form. She communicated with different individuals and because she is a licensed aesthetician there was confusion about what she was trying to do. Pursuant to rule 0440-1-.10 the applicant must obtain their original license within six (6) months after passing the examination. The recommendation is to accept the exams and allow her the exception because she submitted the fee and application in March, which was considered timely, but she missed the verification eligibility and did not follow up until after the August board meeting.

Motion made by Amy Tanksley and seconded by Judy McAllister to approve request. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request from Allison Myers for an extension of the time period for completion of coursework. Pursuant to Tenn. Code Ann. § 62-4-123 students have seven (7) years from the original enrollment date to complete the required courses. The board may require the student complete additional hours or for good cause historically they have considered extensions of time. Ms. Myers submitted a detailed letter explaining that she went down other educational paths and as a result the seven years will lapse in August 2017. She has a total of 786 hours in the cosmetology curriculum and is asking for an extension so she may continue and complete her education by December 2017.

MOTION made by Nina Coppinger and seconded by Kelly Barger to approve request. Motion carried unanimously.

On August 24, 2016, PSI completed an incident report for cheating during a theory exam. As the agreement with the board office requires, they sent all the information not the board office and have a freeze on this candidate being allowed to test until the office tells them otherwise. The candidate was Ms. Shirley Maribel Arias taking a Spanish manicurist exam. Recommendation is to not allow testing for a minimum of one year and to have Ms. Arias appear before the board before a license may be approved.

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

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, October 3rd to review XXX (25) reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger and Ron Gillihan. Also present were Roxana Gumucio, Executive Director, Cherrelle Hooper, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The applications reviewed consisted of the following:

Application for reciprocity of cosmetology license from North Carolina for Phuc Dang. Certification shows initial licensure in June 2016 with 1,500 hours. The certification was further questioned because the office has received other like it and the state board confirmed that the certification was false. The office has at least one other applicant at this time with the except false document.

Recommendation - is that the applicant be denied a cosmetology reciprocal license.

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

Application for reciprocity of cosmetology license from Virginia for Mr. Jin Dang. Certification shows initial licensure in December 2015 with 1,500 hours by examination. In March 2014 Mr. Dang surrendered his license after an audit opened complaints against individuals who could not provide documentation and assure that they met the minimum requirements. After surrendering his license, it appears Mr. Dang attended school and got licensed in Virginia. To the best of our knowledge all this information appears to reflect that he has followed the proper steps this time.

Part of the revocation or surrendering process included explaining to individuals that if they completed school and passed both exams, that it would be at the board's discretion to approve them for licensure.

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

Application for reciprocity of aesthetician license from Ohio for Givseppa Finocchiaro. Certification shows initial licensure in October 2004 with 600 hours and both exams. The applicant submitted some work experience information, including having worked at a medical esthetics practice. Between 2010 and 2013 she had to leave the industry to survive but has experience prior to 2010.

Recommendation - is that the applicant be approve for reciprocity.

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

Application for reciprocity of cosmetology license from New York for Brittany Holmes. Certification shows initial licensure in February 2012 with 1,000 hours by examination. Ms. Holmes was approved for a Tennessee master barber license in July 2016. She provided employment information reflecting that she has worked as both cosmetologist and master barber since 2011.

Recommendation - is that the applicant be approve for reciprocity.

MOTION made by _____ and seconded by _____ to approve/deny recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from California for Cynthia Kennedy. Certification shows initial licensure in July 1996 with 1,600 hours by examination for a cosmetologist license. California is one of a handful of States that does not issues a separate instructor license but allows individuals to legally teach with their discipline. Ms. Kennedy has already been approved for a cosmetology license so she could start working. She provided letters of recommendation stating that she has been assisting in Shelby County schools as an intern/apprentice for eight years. California issued her a certificate good from 2004 through 2007 as an instructor but they do not offer the instructor license.

Recommendation - is that the applicant be approve for instructor reciprocity license.

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

Application for reciprocity of manicurist license from Ohio for Duong Le. Certification shows initial licensure in June 2010 with 200 hours by examination. Applicant provided tax records supporting work experience but all of it for the last five years reflect an address in Tennessee.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from Missouri for Kim Van Leriche. Certification shows initial licensure in May 2000 by reciprocity with hours from Vietnam and no examination. Her application states she received 900 hours and she provided tax records showing proof of work experience.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity with manicurist hours from Vietnam for Truyen Huynh. The applicant provided a translated diploma and certificate of completion showing 714 hours received at World Nail School in 2014.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity cosmetology license from Florida for Eric Miller. Certification shows initial licensure in July 2012 with 1,200 hours and no practical exam. Mr. Miller appeared before the board to explain his experience. He obtained an additional 200 hours in 2014. The board approved his master barber reciprocity request at the May 2016 meeting and required he pass both exams. Mr. Miller passed the theory on May 4th and the practical on May 20th getting his master barber license in August. He had a letter from an employer stating he had worked in the industry since 2011. At this time he is asking for the cosmetology license in order to be dually licensed.

Recommendation - ??? question about the hours

MOTION made by _____ and seconded by _____ to approve/deny reciprocity license. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from California for Bryden Mugleston. Certification shows initial licensure in April 2006 with 1,600 hours by examination for a cosmetologist license. California is one of a handful of States that does not issues a separate instructor license but allows individuals to legally teach with their discipline. Mr. Mugleston has already been approved for a cosmetology license so he could start working. He provided letters of recommendation from Bellus Academy stating he worked as a full time instructor between July 2009 through March 2016.

Recommendation - is that the applicant be approve for instructor reciprocity license.

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

Application for reciprocity of cosmetology license from New Jersey for Dina Nakhla. Certification shows initial licensure in January 2014 with 2,500 hours from Egypt and no exams.

Recommendation - is that the applicant takes the Tennessee exams.

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

Application for manicurist license by examination for Barbara Nguyen. Ms. Nguyen originally obtained a license by reciprocity in March 2012. An audit revealed that the license was obtained by fraudulent means and a complaint was opened. In March 2015, Ms. Nguyen signed the Order to revoke her license. It appears she later attended a school in Memphis starting in August 2015 and completing the 600 hours on November 18, 2015. She took and passed the theory and practical exams and is now requesting to be reinstated.

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

Application for manicurist license with hours from Vietnam for Yen Ngo. The applicant provided a translated diploma and certificate of completion showing 714 hours received at World Nail

School in 2016. She has a manicurist license from Texas since August 2016 by reciprocity but it appears no exams were requested.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for manicurist license by examination for Thuy Nguyen. Ms. Nguyen originally obtained a license by reciprocity in November 2011. An audit revealed that the license was obtained by fraudulent means and a complaint was opened. In March 2013, Ms. Nguyen signed the Order to revoke her license. It appears she later attended a school in Nashville starting in August 2015 and completing the 600 hours on March 1, 2016. She took and passed the theory and practical exams and is now requesting to be reinstated.

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

Application for manicurist license with hours from Vietnam for Truc Nguyen. The applicant provided a translated diploma and certificate of completion showing 714 hours received at World Nail School in 2013.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity with hours from Iran for Lida Pourpakchashm. The applicant provided translated technical and vocational skills certificates of completions between 2010 and 2013 showing 1,469 hours received.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of cosmetology license from Puerto Rico for Sally Ramirez. Certification shows initial licensure in July 2016 with 1,200 hours. The board office researched

the license information and that license number belongs to a different individual. The board has had problems in the past with licenses and documents from Puerto Rico therefore documents always have to be verified.

Recommendation - is that the applicant be denied. And flag her application as well.

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

Application for reciprocity of manicurist license from Georgia for Lisa Tran. Certification shows initial licensure in February 2011 by examination with 525 hours. Ms. Tran tax records from 2011 with an address in Georgia but since 2012 her tax records indicate that she has been working in Tennessee. A letter from her employer located in Mt. Juliet states she has been working there since May 2011. When the Director contacted Ms. Tran to discuss what exactly she did at the shop, it was clear that she has been working unlicensed as the manager since that time.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from North Carolina for Trang Tran. Certification shows initial licensure in February 2006 with 300 hours and both exams. Ms. Tran provided tax records showing work in the industry for the last five years. The only issue is with the school hours. North Carolina records show her hours were not obtained in their State but Ms. Tran insists that they were.

Recommendation - ?????? is that the applicant be approved for reciprocity.

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

Application for reciprocity of hair stylist license from Colorado for Chastine White. Certification shows initial licensure in July 2006 as a Hair Stylist which is not exactly the same as a cosmetology license. That license requires 1,200 hours and both exams. Ms. White provided a notarized letter from her employer stating she employed and also had her as a booth renter since 2006. From the letter, it would appear that Ms. White did all the services Tennessee includes in the cosmetology discipline.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of cosmetology instructor license from Pennsylvania for Queyounoe Zleh. Certification shows initial licensure in July 2015 by examination with 1,260 hours. Ms. appeared before the board to explain her work experience and how the hours are applied in that State. The law in Tennessee currently requires an individual be licensed in the field they will teach for a minimum of three continuous years there is some flexibility with reciprocity but the work experience is not there to justify and approve the instructor license.

Recommendation - is that the applicant be approved for a cosmetology license by reciprocity.

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

The committee meeting adjourned at 10:05 AM.

As a whole, the board discussed the recommendations and decisions.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve all decisions made by the reciprocity committee as amended. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:30 AM on Monday, October 3rd to review the allegations of 69 complaints and make recommendations to the Board.

Attending were Board members Bobby Finger and Amy Tanksley and Ron Gillihan. Not in attendance Frank Gambuzza.

NEW CASES

Barber Cases

1. **Case No.: BAR- 2016034501**
First License Obtained: 05/27/2014
License Expiration: 05/31/2018
Complaint history: None

2. **Case No.: BAR - 2016034611**
First License Obtained: 04/07/2014
License Expiration: 04/30/2018

Complaint history: None

Pursuant to an inspection, it was determined that the shop license had expired. The manager is not the owner. The manager stated he was out of town for two weeks due to a death and was unaware of the license being expired. He was the only one in the shop at the time of the inspection.

Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing \$250 civil penalty to shop and \$250 civil penalty to manager.

Decision: Authorized both cases for formal hearing. Authorized settlement by consent order assessing \$100 civil penalty to shop and \$100 civil penalty to manager.

3. Case No.: BAR - 2016037831

First License Obtained: 02/18/1999

License Expiration: 04/30/2014

Complaint history: None

Case No.: BAR - 2016037851

First License Obtained: 02/05/1991

License Expiration: 11/30/2016

Complaint history: None

Pursuant to an inspection, it was determined that the barbershop license had expired. At the time, the master barber was present and had a client. The owner was informed in March 2016 that the license would need to be renewed if company was going to provide barber services (no barber services were being provided on that date). The barber license expired on or about April 30, 2014. Manager is not the owner.

Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing \$250 civil penalty to shop and \$250 civil penalty to manager.

Decision: Authorized both cases for formal hearing. Authorized settlement by consent order assessing \$100 civil penalty to shop and \$100 civil penalty to manager.

4. Case No.: BAR - 2016039871

First License Obtained: 07/29/2008

License Expiration: 05/28/2017

Complaint history: 2009020101, closed with Letter of Warning; 2010031411, closed with Letter of Warning; 2013008341, closed with Letter of Information; 2014020381, Dismissed - the investigation revealed that allegations made against the school are either untrue or unprovable; 2015012431, closed and sent an

inspector to count the ratio of students to teachers. Referred the financial aid issues to the Department of Education.

The barber school allowed their license to expire on May 28, 2016 and continued to teach. The executive director of the board left a message regarding the severity of the situation in early June 2016, but the license was not renewed until July 13, 2016. The school submitted June 2016 hours in July 2016.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$1,000 civil penalty.

Decision: Approved

5. Case No.: BAR - 2016043751

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A complaint was made regarding an unlicensed barber providing services. Subsequent to the complaint, the complainant rescinded the complaint on the basis of mistaken identity. This appears to be a residential address based on a search of the property.

Recommendation: Send a letter of instruction to respondent. Close case given that complaint was rescinded.

Decision: Approved

6. Case No.: BAR- 2016047571

First License Obtained: 08/30/1966

License Expiration: 07/31/2018

Complaint history: None

NOV issued when inspector entered the shop, which was open for business and discovered that the shop license was expired. There was an employee providing services the day of the inspection. Said employee stated that the manager was not present and called the owner's wife to provide information to the inspector. It is now Respondent's position that said employee was in fact the manager.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalties of \$500, which includes \$250 for unprofessional conduct related to improperly informing inspector that no manager was present and \$250 for expired shop license.

Decision: Authorized case for formal hearing. Authorized settlement by consent order assessing civil penalties of \$350, which includes \$250 for unprofessional conduct related to improperly informing inspector that no manager was present and \$100 for expired shop license.

COSMETOLOGY CASES

7. Case No.: COS-2016017291

First License Obtained: 01/05/2006

License Expiration:

09/01/2016

Complaint history:

2008015181, closed with Letter of Warning; 2008016441, closed after informal conference; 2009009761 combined w/2012011561, closed by Consent Order and payment of \$1,000 civil penalty; 2010007331, closed with no action; 2010007341, closed with no action; 201023701, closed; 201029181, closed

A former student filed a complaint after she was expelled from the school. Her complaint had to do with unprofessional conduct, violations of sanitation requirements, and violations of school rules. This student previously filed a written complaint to the school's corporate department along with another student, which was submitted prior to the expulsion. A few days later, she and the other student were called into the office of the owner. An instructor that had recently been disciplined for making inappropriate racial comments directed towards complainant was present for the meeting. The complainant, a minority, was expelled during this meeting for allegedly exhibiting an attitude described as "challenging" or "very disrespectful", but the other student (non-minority) was not expelled. The school responded to the complaint. Specificity was not provided by the school detailing the specific conduct or the school's policy to help explain the expulsion. An inspection revealed no findings regarding the alleged sanitation violations. Unprofessional conduct is present with both the racist remarks by the instructor who was disciplined for such and the unsupported expulsion shortly thereafter.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$500 for each count of unprofessional conduct, resulting in a total of \$1,000.

Decision: Approved

8. Case No.: COS- 2016032301

First License Obtained:

06/30/2008

License Expiration:

05/31/2016

Complaint history:

None

Pursuant to an inspection, it was discovered that the license for the establishment was expired. Two individuals were providing services to clients at the time of the inspection. The owner was present and indicated he was unaware of the expired license and apologized. The owner is the manager.

Recommendation: Authorize case for formal hearing. Authorize agreed consent order only since citation has been paid, but agreed citation order has not been signed.

Decision: Approved

9. Case No.: COS-2016033241

First License Obtained: 08/30/2012
License Expiration: 11/30/2017
Complaint history: None

10. Case No.: COS- 2016033281

First License Obtained: 11/21/2011
License Expiration: 11/30/2017
Complaint history: None

Pursuant to an inspection, it was discovered that the license for the establishment was expired. Owner was providing services to client at the time of the inspection. The owner was present and indicated she was unaware of the expired license and would renew. The owner is the manager.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing a civil penalty of \$250.

Decision: Authorized case for formal hearing. Authorized settlement by consent order assessing a civil penalty of \$100.

11. Case No.: COS- 2016034431

First License Obtained: 06/17/2010
License Expiration: 05/31/2018
Complaint history: None

Pursuant to an inspection, it was discovered that the license for the establishment expired. Multiple individuals were providing services to clients at the time of the inspection. The owner was present and indicated he was unaware of the expired license and would renew. The owner is the manager.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing a civil penalty of \$250.

Decision: Authorized case for formal hearing. Authorized settlement by consent order assessing a civil penalty of \$100.

12. Case No.: COS-2016036841

First License Obtained: 04/06/2010
License Expiration: 05/31/2018
Complaint history: None

13. Case No.: COS- 2016036871

First License Obtained: 10/30/2001
License Expiration: 10/31/2017
Complaint history: None

Citation issued for an expired shop license. License expired on May 31, 2016. Citation issued on June 24, 2016. No facts provided regarding legal violation.

Recommendation: Closure. No facts to prove a legal violation based on the NOV.

Decision: Approved

14. Case No.: COS- 2016037301
First License Obtained: 10/01/2008
License Expiration: 02/28/2018
Complaint history: None

15. Case No.: COS- 2016037321
First License Obtained: 12/17/1990
License Expiration: 11/30/2017
Complaint history: None

Pursuant to an inspection, it was discovered that the license for the establishment was expired. License expired on February 28, 2016. Inspection took place on June 30, 2016. Manager was providing services to client at the time of the inspection. The manager initially said the owner forgot to bring in the current license, but it was verified during the inspection that the license had not been renewed. The inspector explained the online renewal process to the manager. Owner is not manager.

Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing \$250 civil penalty to shop and \$250 civil penalty to manager.

Decision: Authorized both cases for formal hearing. Authorized settlement by consent order assessing \$100 civil penalty to shop and \$100 civil penalty to manager.

16. Case No.: COS- 2016037931
First License Obtained: 07/13/2001
License Expiration: 09/30/2016
Complaint history: 2005023271, closed by Consent Order and payment of \$300 civil penalty

Multiple employees were providing services; however, the manager was not present. All the employees stated that no manager was present.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$500 civil penalty. ** recommendation orally amended at meeting to closure based upon the submission of the agreed citation along with payment on September 28, 2016.

Decision: Amended Recommendation Approved

17. Case No.: COS- 2016040561
First License Obtained: 09/06/2013
License Expiration: 08/31/2017
Complaint history: 201402534, closed by Agreed Citation and payment of \$1,000 civil penalty; 201600309, closed by Agreed Citation and payment of \$1,000 civil penalty;

Anonymous complainant alleged that her toe was scraped during a pedicure. As a result of the injury, she alleges she had to go to the emergency room on the same

date. The following day, she went to see a foot specialist. It took her 6 to 8 months to heal, and she alleges it is the reason she dropped out of school. She included graphic pictures of the injury.

Recommendation: Closure. The complaint was submitted anonymously. We have no way of proving the violations.

Decision: Approved

18. Case No.: COS- 2016041861

First License Obtained: 09/06/2013

License Expiration: 08/31/2017

Complaint history: 201402534, closed by Agreed Citation and payment of \$1,000 civil penalty; 201600309, closed by Agreed Citation and payment of \$1,000 civil penalty;

An inspection took place on July 21, 2016. At the time of the inspection, there were four individuals rendering services to clients. No one was wearing an identification badge. The manager was not present. The floors were not clean. The shampoo bowls were not clean and were not working properly. The tools at the work station were not properly cleaned, and there were dirty buffers and files. There were dirty towels at workstations. Product containers were not properly labeled.

Recommendation: Authorize case for formal hearing. Authorize settlement for consent order assessing civil penalties in the amount of \$4500, which consists of \$1000 for no manager present (previously cited for such), \$500 for no identification badges and \$500 for each count of sanitation violations. This is the second inspection this year resulting in findings of multiple sanitation violations.

Decision: Approved

19. Case No.: COS-2016040991

First License Obtained: 08/27/2013

License Expiration: 08/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

20. Case No.: COS-2016041011

First License Obtained: 05/29/2013

License Expiration: 05/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. Individual states that he/she intended to attend the class in Texas, but a family emergency prevented the student from doing so. Individual indicates someone sent lessons to study at home for approximately five months prior to the exam.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

21. Case No.: COS- 2016041161

First License Obtained: 08/27/2013

License Expiration: 08/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. Individual responded and indicated she registered for the class and finished it.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

22. Case No.: COS- 2016041211

First License Obtained: 08/21/2013

License Expiration: 08/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. This individual alleges that he moved to Texas at the beginning of July 2012 to March 2013 and completed the classes, including all hours. He produced a letter from his Aunt stating such along with a Texas driver's license issued in April 2013 as well as bank statements dated March 2013 showing the Texas address. The Texas order shows he allegedly completed his classes between July 2012 and October 2012. He produced no proof of residency for the time period he allegedly attended school.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

23. Case No.: COS- 2016041321

First License Obtained: 07/23/2013

License Expiration: 07/31/2015

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. Mail returned as undeliverable.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

24. Case No.: COS- 2016041401

First License Obtained: 11/13/2013

License Expiration: 11/30/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. Mail returned as undeliverable.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

25. Case No.: COS-2016041441

First License Obtained: 04/16/2013

License Expiration: 04/30/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. Individual has responded by indicating it is a mistake on the part of the Texas school or Texas Board of Cosmetology.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

26. Case No.: COS- 2016041541

First License Obtained: 10/09/2013

License Expiration: 10/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this

individual has engaged in fraud in procuring a license and unprofessional conduct. Mail returned as undeliverable.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

27. Case No.: COS- 2016041621

First License Obtained: 08/23/2011

License Expiration: 08/31/2017

Complaint history: 2013010281, close the case.

Certification of licensure received from reciprocal state.

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. This individual submitted a letter with a significant amount of details regarding his alleged school attendance along with receipts from Texas establishments during the alleged enrollment period. The individual admits there were no utility bills in his/her name.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

28. Case No.: COS- 2016042551

First License Obtained: 12/16/2002

License Expiration: 12/31/2016

Complaint history: 2011003401, closed with a Letter of Warning.

During an inspection, unlicensed activity was discovered. The inspector witnessed the manager and another unidentified individual run to the back of the shop upon discovering the inspector was present. The unidentified individual disappeared and never returned. The owner only had two licenses posted, but had three people working in the shop. The manager signed the NOV. The purported manager denies being the manager of the shop and indicates the owner is actually the manager and cites past inspection reports as proof. Shop has settled by agreed citation.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$500, for manager failing to ensure all employees are licensed.

Decision: Approved

29. Case No.: COS- 2016042591

First License Obtained: 10/15/2015

License Expiration: 10/31/2017

Complaint history: None

30. Case No.: COS-2016042631
First License Obtained: 06/06/2012
License Expiration: 06/30/2018
Complaint history: None

31. Case No.: COS- 2016042651
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

An unlicensed individual was discovered displaying a copy of a fraudulent aesthetician license. This individual stated that she was waiting on reciprocity and thereby admitted to the fraud. This individual left the shop when the inspectors stepped out of the shop momentarily. The owner has responded and indicated she is a new business owner and that the individual perpetuated the fraud on her as well. The owner alleges that she initially informed the individual that she would have to wait until the reciprocity process was complete and refused to allow the individual to work, but about one week later the individual showed up and indicated she had received her license in the mail from the board. The owner claims the license appeared to be legitimate and has further indicated that she has put new processes in place to check the licenses and to ensure license renewal procedures are followed.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$1,000 for unlicensed activity to shop/owner and \$1,000 to the individual for practicing without a license.

Decision: Authorized case for formal hearing. Authorized settlement by consent order assessing civil penalty of \$500 for unlicensed activity to shop/owner and \$1,000 to the individual for practicing without a license.

32. Case No.: COS-2016042921
First License Obtained: 01/27/2010
License Expiration: 01/31/2018
Complaint history: None

Complainant indicates the high school diploma that was used to obtain the license is a fraudulent document and the individual did not graduate from high school. Respondent indicates that she did graduate from high school and has been a licensed cosmetologist for approximately seven years. She included a copy of her high school diploma, which did not appear to be fraudulent. The complainant did not submit any supporting information or documentation regarding her allegations.

Recommendation: Closure.

Decision: Approved

33. Case No.: COS-2016043771
First License Obtained: 03/21/1994
License Expiration: 09/01/2016

Complaint history: 2006041861, closed with Letter of Warning; 2009018731, closed w/no action

It was discovered that the school has been in continuous operation since the manager's mother passed away four years ago. There was a failure to comply with laws regarding changing ownership of the school. Manager alleges she was improperly told how to change the name of the school four years ago and as recently as late July 2016. In other words, manager says she did not know the law and relied on advice allegedly from the board.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$1,000 for unlicensed activity.

Decision: Approved

34. Case No.: COS-2016044281

First License Obtained: 08/22/2013

License Expiration: 05/31/2017

Complaint history: 2013011851, closed by Consent Order and payment of \$250 civil penalty; 2014032641, closed by Consent Order and payment of \$1000 civil penalty; 20150226931, closed by Consent Order and payment of \$1000 civil penalty;

NOV issued after inspector entered the shop while it was open to the public and saw an individual braiding a patron's hair. This individual admitted she did not have a license and would not sign the NOV. Inspector included a picture of the individual engaging in the act. There was no manager present.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$2,000 civil penalty, which consists of \$1,000 for no manager present (second offense) and \$1,000 for unlicensed activity (fourth offense).

Decision: Approved

35. Case No.: COS-2016046121

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**

Pursuant to an annual inspection, an inspector discovered approximately four individuals providing services to patrons. The shop manager was not present. The shop license had expired. These four individuals were practicing without a natural hair care license. They refused to provide identification and refused to sign the NOV.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$5,250, which consists of \$250 to shop for suspended shop license, \$1,000 for second offense of manager not being present, and \$4,000 for each count of unlicensed activity (second offense).

Decision: Authorized case for formal hearing. Authorized settlement by consent order assessing civil penalty of \$5,100, which consists of \$100 to shop for suspended shop license, \$1,000 for second offense of manager not being present, and \$4,000 for each count of unlicensed activity (second offense).

36. Case No.: COS- 2016046331

First License Obtained: 04/15/2013
License Expiration: 03/31/2017
Complaint history: None

37. Case No.: COS- 2016046351

First License Obtained: 01/30/2003
License Expiration: 01/31/2017
Complaint history: None

NOV issued after inspector discovered an unlicensed individual practicing manicuring. The manager admitted that the individual was unlicensed. Manager is not the owner.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$1,000 civil penalty to shop for unlicensed activity and \$500 civil penalty to manager for failing to ensure employees are properly licensed.

Decision: Approved

38. Case No.: COS- 2016046691

First License Obtained: 01/06/2016
License Expiration: 01/31/2018
Complaint history: 2016025131, closed

Complainant alleges that the individual who did her nails did not provide her with a license as requested after services were rendered. The owner indicates there are no individuals practicing without a license in the shop and he has no record of the complainant's name on the sign in sheet. Owner thinks it is a false complaint by competitor. Owner states that all licenses are posted next to the customer's waiting area.

**Recommendation: Authorize a warning letter to be sent to the respondent.
Closure.**

Decision: Approved

39. Case No.: COS- 2016047351

First License Obtained: 10/16/2008
License Expiration: 10/31/2016
Complaint history: 2011030651, closed by Consent Order and payment of \$1500 civil penalty; 2014032491, closed by Consent Order and payment of \$1000 civil penalty; 2014032581, dismissed

Pursuant to an annual inspection, multiple violations were discovered. Manager not present. One individual practicing manicuring without a license. Foot bath, tools, equipment not clean and disinfected properly. No covered area for soiled towels and no enclosed area for clean towels.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$2,000, which consists of \$500 for manager not being present, \$1,000 for unlicensed activity (second offense), and \$500 for sanitation violations.

Decision: Approved

40. Case No.: COS- 2016049821

First License Obtained: 03/10/2008
License Expiration: 02/28/2018
Complaint history: 2009014091, closed by Consent Order and payment of \$1000 civil penalty; 2011026181, closed with Letter of Warning

Complainant alleges that manager was rude and pulled out a used buffer and file. Complainant suggests that she did not have the procedure done as a result. Owner alleges that complainant was happy with the services, but called the shop a couple of days later requesting a full refund because a couple of her nails had fallen off and were not filed evenly.

Recommendation: Closure.

Decision: Approved

41. Case No.: COS- 2016051051

First License Obtained: 03/10/2015
License Expiration: 12/31/2016
Complaint history: 20150220811, closed by Consent Order and payment of \$1000 civil penalty

42. Case No.: COS- 2016051071 (Sang Thien Le #unlicensed)

First License Obtained: N/A

License Expiration: N/A
Complaint history: 20150220831, closed by Consent Order and payment of \$1000 civil penalty

Pursuant to an inspection, an inspector discovered the same unlicensed individual previously cited working on a client. The manager acknowledged the individual was still unlicensed by indicating that the reason the individual is still unlicensed is because he is too old to go to school.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$1,000 to shop for unlicensed activity and \$1,000 to individual for unlicensed activity.

Decision: Approved

43. Case No.: COS-2016040951

First License Obtained: 04/10/2013
License Expiration: 04/30/2017
Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

44. Case No.: COS-2016041031

First License Obtained: 01/02/2013
License Expiration: 01/31/2017
Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

45. Case No.: COS-2016041061

First License Obtained: 03/20/2013
License Expiration: 03/31/2017
Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this

individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

46. Case No.: COS- 2016041091

First License Obtained: 02/04/2013

License Expiration: 02/28/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

47. Case No.: COS-2016041111

First License Obtained: 08/19/2013

License Expiration: 08/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

48. Case No.: COS-2016041231

First License Obtained: 04/04/2013

License Expiration: 04/30/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

49. Case No.: COS-2016041281
First License Obtained: 10/29/2013
License Expiration: 10/31/2017
Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

50. Case No.: COS-2016041361
First License Obtained: 03/20/2013
License Expiration: 03/31/2017
Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

51. Case No.: COS-2016041381
First License Obtained: 04/04/2013
License Expiration: 04/30/2017
Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

52. Case No.: COS-2016041461
First License Obtained: 03/04/2013
License Expiration: 03/31/2017
Complaint history: 2014025891, closed by Consent Order and payment of \$1000 civil penalty

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

53. Case No.: COS-2016041481

First License Obtained: 10/24/2013

License Expiration: 10/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

54. Case No.: COS-2016041521

First License Obtained: 03/12/2013

License Expiration: 03/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

55. Case No.: COS-2016041591

First License Obtained: 07/25/2013

License Expiration: 07/31/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

56. Case No.: COS-2016041561

First License Obtained: 04/16/2013

License Expiration: 04/30/2017

Complaint history: None

This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. No response.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.

Decision: Approved

57. Case No.: COS-2016052071

First License Obtained: 03/16/2016

License Expiration: 03/31/2018

Complaint history: None

Two inspectors went to the property and observed multiple individuals providing services without a license. Three individuals were videotaped abruptly leaving the premises from the back exit. The remaining three individuals who were providing services admitted that they were not licensed. Individual licenses were not properly posted. The inspection sheet was not posted. Individuals were not wearing name tags. There was no manager present. Also, containers were improperly labeled and there was no covered container for soiled towels.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing civil penalty of \$7,000, which consists of \$250 for inspection sheet not being posted, \$500 for no manager present, \$250 for sanitation violations and \$6,000 for each count of unlicensed employees.

Decision: Approved

58. Case No.: COS- 2016049731

First License Obtained: 05/02/2005

License Expiration: 09/01/2017

Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action; 2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter of Warning; 2009010121, dismissed;

2014003171, 2014019051, 2014030611,
2014030631, 2015020711, Formal
Hearing Set; 2016013981, closed

In 2014, the school provided a notarized Record of Completion for hours completed in 2014. However, the school never submitted the student's information on the hourly report for any of the student's enrollment period, which covered four reports.

Recommendation: Authorize case for formal hearing. Authorize consolidation of this case with ongoing litigation.

Decision: Approved

59. Case No.: COS-2016026751
First License Obtained: 06/29/2010
License Expiration: 09/01/2017
Complaint history: None

60. Case No.: COS-2016026771
First License Obtained: 06/29/2010
License Expiration: 09/01/2017
Complaint history: None

61. Case No.: COS-2016027081
First License Obtained: 06/29/2010
License Expiration: 09/01/2017
Complaint history: None

62. Case No.: COS-2016032151
First License Obtained: 06/29/2010
License Expiration: 09/01/2017
Complaint history: None

Students allege that the school has engaged in unprofessional conduct by having a systemic issue with their clock in/clock out procedures. Students allege unprofessional conduct by the school due to a systemic issue with staff turnover. Students allege they have had approximately thirteen (13) instructors since beginning the program. There was an extended period of time during which there was no campus manager. Students allege issues with their purportedly completed evaluations showing as incomplete. One of the students alleges sexual misconduct by an instructor. In addition, another student alleges an improper student-to-instructor ratio at workstations. The school has indicates that the staff turnover is high. The school indicates there were multiple incidents of their time clock system going down, resulting in students having to follow special procedures in order to have their hours counted. The school acknowledges investigating the instructor who engaged in sexual misconduct and indicates they took prompt and effective remedial action. Furthermore, the school acknowledges that it improperly had multiple students sharing workstations for a period of time.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$1,500 civil penalty, which shall consist of \$500 civil

penalty for unprofessional conduct related to sexual misconduct by instructor; \$1,000 civil penalty for violating the ratio applicable to student workstations.

***** Recommendation orally amended at meeting to revocation only- no civil penalties.**

Decision: Amended Recommendation Approved

Represented Cases

63. Case No.: COS- 2016013441

First License Obtained: N/A

License Expiration: N/A

Complaint history: N/A

This complaint was opened against a company that offers a web-based platform for licensees to advertise their services, which are performed at the customer's location of choice as opposed to a licensed shop. There were no complaints received against any individual licensee for their potential action of performing services at a customer's location. The complaint provided no facts or proof to support a specific instance in which a licensee conducted services at the customer's location. This company likely does not fit the definition of a "cosmetology shop" because the services are not provided or advertised to be provided at that location. A detailed legal analysis suggests that this type of company is outside of the board's jurisdiction to regulate. This is a web-based technology company that allows individuals to book and pay for the services of the board's licensees. It would be difficult to prove that this company constitutes a shop.

Recommendation: Close with a letter of instruction stating that the complaint is being closed against the company but stating that if any individual licensee performs services at a customer's location that does not meet the exceptions found in T.C.A. 62-4-109(a) and 62-4-125(d)(2), the licensees would be subject to discipline by the board.

Decision: Approved

64. Case No.: COS- 2016008371

First License Obtained: N/A

License Expiration: N/A

Complaint history: N/A

This complaint was opened against a company that offers a web-based platform for licensees to advertise their services, which are performed at the customer's location of choice as opposed to a licensed shop. There were no complaints received against any individual licensee for their potential action of performing services at a customer's location. The complaint provided no facts or proof to support a specific instance in which a licensee conducted services at the customer's location. This company likely does not fit the definition of a "cosmetology shop" because the services are not provided or advertised to be provided at that location. A detailed legal analysis suggests that this type of company is outside of the board's jurisdiction to

regulate. This is a web-based technology company that allows individuals to book and pay for the services of the board's licensees. It would be difficult to prove that this company constitutes a shop.

Recommendation: Close with a letter of instruction stating that the complaint is being closed against the company but stating that if any individual licensee performs services at a customer's location that does not meet the exceptions found in T.C.A. 62-4-109(a) and 62-4-125(d)(2), the licensees would be subject to discipline by the board.

Decision: Approved

65. Case No.: COS-2016026501

First License Obtained: 08/16/2011

License Expiration: 07/31/2017

Complaint history: 2012001241, closed by a Letter of Warning

This shop was cited pursuant to an inspection. At the time of inspection there were five employees. One was working with a client but only threading her eyebrows. There was no manager present at the time. This is a licensed cosmetology shop. **The previous approved recommendation by the board was to close this case with a letter of warning. However, the licensee submitted the previous agreed citation order along with payment.**

Recommendation: Accept the agreed citation order along with payment since licensee voluntarily submitted such.

Decision: Approved

66. Case No.: COS-20140051811

First License Obtained: 05/06/2010

License Expiration: 04/30/2012

Complaint history: N/A

This complaint alleges that on March 12, 2014, an inspector found that this shop had moved without notifying the board and that the respondent's license was expired. The Board originally authorized settlement with a civil penalty of \$500. Formal charges were filed on July 21, 2016. Legal was unable to effect service by certified mail, so an investigator attempted to locate Respondent and serve him personally. The shop was found closed and padlocked.

Recommendation: Because we have been unable to serve Respondent, I recommend the matter be dismissed.

Decision: Approved

67. Case No.: L16-RBS-COS- 2016013901

First License Obtained: 10/03/2007

License Expiration: 02/28/2017

Complaint history: 2009001401, closed by Consent Order and payment of \$1,000 civil penalty; 2012011661, closed by Consent Order

and payment of \$500 civil penalty;
2012015701, closed by Consent Order
and payment of \$750 civil penalty;

68. Case No.: L16-RBS-COS- 2016013921
First License Obtained: 05/16/2011
License Expiration: 05/31/2017
Complaint history: None

This shop was inspected after a consumer complaint was filed. Respondent was cited on her shop and personal license. At the time of the inspection, the shop was open for business and the investigator observed customers coming and going. The investigator then entered the shop. There was only one person there who told the investigator he could give his wife a manicure. The person was unlicensed. This is the third time this shop is being cited for unlicensed activity, though the last time was in 2012. The Board originally assessed revocation of this shop license. Since then, Respondent has made a written request for the Board to reassess this case. He said he was unaware that there was a rule requiring managers or owners to be present at all times and thought he was allowed to run an errand during the day. He also stated that the unlicensed person had a license from another state and thought that he could work in the shop while he was trying to get reciprocity. He said he takes full responsibility for these violations, but would like to be given the chance to pay a fee instead of revocation.

Recommendation: Re-authorize for formal hearing. Allow authority to settle by consent order assessing \$1,500, which consists of \$500 for no manager present and \$1,000 for unlicensed activity.

Decision: Approved and must flag shop for future inspection!

The meeting adjourned at 9:10 AM.

MOTION made by Ron Gillihan and seconded by Nina Coppinger for approval of the Legal Report as amended. Motion carried unanimously.

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

Rules

Cherrelle Hooper, legal counsel for the board, and Anthony Glandorf, chief counsel for regulatory boards presented emergency rules for the board to consider again. An explanation was provided regarding why some rules are treated as emergency and the importance of moving them timely. The board reviewed the two set of rules. The board had no questions. The Statement of Necessity was read and the board voted.

MOTION made by _____ and seconded by _____ for approval of both sets of emergency rules and the Statement of Necessity. Motion carried by roll call.

Cosmetology Consent Orders – August and September- Totaling \$23,750

MOTION made by Amy Tanksley and seconded by Mona Sappenfield for approval of all consent orders. Motion carried unanimously.

Agreed Citations – August and September - Totaling \$13,000

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

Letters of warning

During the month of August and September there were two letters of warning issued.

201605512
201605514

MOTION made by Amy Tanksley and seconded by Mona Sappenfield for approval of all letters of warning. Motion carried unanimously.

NEW BUSINESS

Final number for Fiscal year 2015 – 2016 shows the board ended the year with a shortage of -\$112,184. The final reserve balance for the board is \$282,315. Several factors played a role in creating the shortage. As previously addressed, the board has been running extremely close each year given that fees had not been reviewed or increased in over a decade. The board voted approved rules to approve new fees that make sense for all the professions. To date those fee changes have not been implemented. In June 2015, the board took in fees for future months that normally would not have been collected that far in advance. This was because the Division did not want the new computer system to possibly inconvenience licensees so early renewals were encouraged. The board has, like all other boards, picked up a large expense for the new technology and a great customer focused center that handles calls and emails. Fees for the legal costs were also much higher than previous years. All these reasons account for the shortage but as soon as the fee changes go into effect the board should see the revenue increase and give some sort of a cushion.

Additional Questions:

Motion to adjourn

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Judy McAllister and seconded by Kelly Barger. Motion carried unanimously.


Brenda Graham

Nina Coppinger

Judy McAllister


Kelly Barger

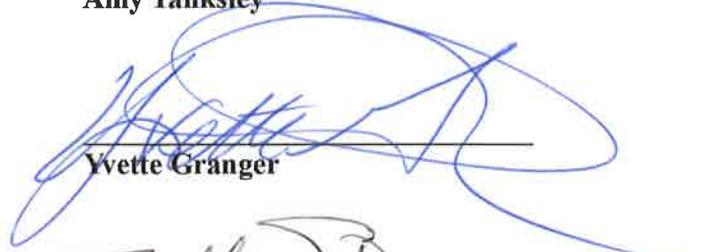

Patricia J. Richmond


Mona Sappenfield

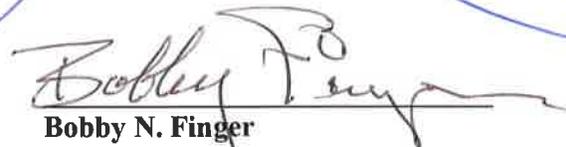

Frank Gambuzza

Amy Tanksley


Anita Charlton


Yvette Granger


Ron R. Gillihan


Bobby N. Finger