



**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 2, 2017 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, Jimmy Boyd, Anita Charlton, Nina Coppinger, Ron Gillihan, Brenda Graham, Yvette Granger, Judy McAllister, Patricia Richmond, Becky Russell, Mona Sappenfield and Amy Tanksley. Not present Frank Gambuzza.

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

MINUTES-

Minutes for the August 7, 2017 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the August 7, 2017 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Paul Mitchell the School - Memphis, change in location:

Mr. Torres submitted a school change in location. The school is currently located in Bartlett and is moving to S. Highland in Memphis. The temporary facility floor plan, application and required fee were all received.

MOTION made by Amy Tanksley and seconded by Patricia Richmond to approve change in location pending an inspection by a board member and field inspector. Motion carried unanimously.

Paul Mitchell the School - Knoxville, New Barber School Application:

Mr. Anthony Elis and Ms. Machele Harvey appeared before the board for a New Barber School license for the facility that currently teaches the cosmetology curriculum. The business license, floor plan, enrollment agreement, student handout, application, fifteen tentative contracts and fee were all received timely. The school has a total of 13,700 square feet.

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.

Gould's Academy - New Cosmetology School and two Barber School Applications:

Mr. Paul Gould, Mr. David Gould and Garrett Gerlach appeared before the board for a total of three school licenses. Gould's Academy is applying for a new school location on US HWY 64 in Memphis. This location will have both a cosmetology and barbering school license with separate designated areas to service the public. Separately Gould's Academy is applying for a barber school license at the location on Ridgeway Rd. where the current school has been located since 2011. The business license, floor plans, enrollment agreement, student handout, applications, and fees were all received timely. The 15 tentative barber school contracts were also received.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve new cosmetology school license on US HWY 64 pending an inspection by a board member and field inspector. Motion carried unanimously.

MOTION made by Mona Sappenfield and seconded by Patricia Richmond to approve new barber school license on Ridgeway Rd. pending an inspection by a board member and field inspector. Motion carried unanimously.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve new barber school license on US HWY 64 pending an inspection by a board member and field inspector. Motion carried unanimously.

Faded University Barber College, New Barber School:

Mr. Marquise Martin appeared before the board for a New Barber School license. The business license, floor plan, enrollment agreement, student handout, application, fifteen tentative contracts and fee were received. Chairman Ron Gillihan abstained from the vote.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve new school license pending an inspection by a board member and field inspector. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Ina Draper, David Hollifield, Lakeisha Hooten, DeKarlos Johnson, Scarlett Nolan, Dontavius Richard, Tresta Stepp and Demequa Bonds. 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. Master Barber applicants may be denied if the felony affects the work they will perform in the industry. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel. The board requested that Lakeisha Hooten and Tresta Stepp inform the board of their current information as soon as they complete their sentence and start providing services to the public.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application from a reciprocity applicant with a felony in the State of Indiana. Mr. Aaron Coats presented his Court documents and otherwise qualifies for a reciprocal license.

Motion made by Kelly Barger and seconded by Patricia Richmond to approve application for reciprocity with a signed Agreed Order. Motion carried unanimously.

Application to test as a cosmetologist with hours from Brazil for Maria Evans. Ms. Evans provided translated certificate of completion showing 1,540 hours were completed between October 1982 and October 1983.

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

Application to test as an aesthetician with hours from Brazil for Larissa Santos. Ms. Santos provided a translated certificate of completion showing coursework for aesthetics completed in November 2012 with 1,200 hours.

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

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for manicurist license for Lynh Cao Nguyen. Ms. Nguyen passed her practical exam in August 2017. She previously held a license which was revoked in December 2016 because she did not obtain her education as required by Texas law. She appears to now have attended a school in Memphis between January 2017 and June 2017. She has passed both exams and is now asking for her license.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve request. Motion carried unanimously.

Request for cosmetology instructor license for Ms. Victoria Laquis Milligan. Ms. Milligan passed her practical exam on December 2, 2014 and applied for an instructor license shortly after. In 2015 the law changed for instructors to have experience in the industry prior to obtaining their license. Pursuant to Tenn. Code Ann. §62-4-110(c) and instructor must have three (3) years continuous licensure. That change meant many individuals had to wait to obtain their upgrade to instructor. The board discussed this early in 2015 and decided that the exams would be honored for those individuals going past the six months' time to obtain a license. The decision was also that those affected by not having continuous licensure, could also have their exams honored and the extension granted so they would not have to test again. It is very likely that the 2018 legislative session will include a change to this law and get rid of the word "continuous licensure" as the intent of the representative was not to hold back individuals who did not timely renew and allowed their license to expire. That is the case for Ms. Milligan. She was originally licensed in 0210 but because she did not renew timely she has only been licensed for three continuous years as of August 2017. The board extended this permission to the Executive Director moving forward.

MOTION made by Patricia Richmond and seconded by Amy Tanksley to approve request. Motion carried unanimously.

The board office received an increased number of applicants licensed in Pennsylvania, which requires 1,250 hours, but with hours from Virginia, with 1,500 hours. We started to ask questions and look into the pattern. As soon as the State Board in Pennsylvania and the Virginia Board were contacted, the applications stopped. An email from Virginia tells the full story about schools revoked, some with imposter test takers and other school that have fallen victims to their documents used in fraudulent ways with no proof that they are involved. Besides these schools there is reason to suspect at least one school in Georgia also involved in fraudulent hours. The board requested applicants from schools where documents or exams are questionable be denied until each State Board can certify that they are authentic and the investigation or complaint process continue.

MOTION made by Kelly Barger and seconded by Patricia Richmond to deny applicants from schools in question and present others for board consideration. Motion carried unanimously.

The three branches of Volunteer Beauty Academy closed in March 2017. So far the board office has only received one request from a student who attended in 2013 and at the time did not get her hours released. Ms. Amanda Laster completed 443 hours per the December 2013 hours report. The Executive Director was given authority to release hours only when they can be confirmed by the monthly hours report.

MOTION made by Nina Coppinger and seconded by Mona Sappenfield to approve releasing the hours once audited. 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 2nd to review thirteen (13) reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger, Ron Gillihan, Judy McAllister and Patricia Richmond. 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 aesthetician license with hours from Colorado for Maureen Brock. Certification shows initial licensure in March 2013 with 600 hours by examination. Ms. Brock provided an email explaining that she has experience in 2013 and 2014 but she only practiced periodically since 2015. She is requesting the board waive the additional 150 hours because it would be difficult for her to complete them and continue to not work in the industry.

Recommendation - is that the applicant take the Practical.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation. Applicant needs to take both exams. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Anne Dang. Certification shows initial licensure in May 1998 as a nail specialist with 240 hours and no examination. Ms. Dang provided a notarized letter explaining her experience in manicuring and aesthetics from 2010 – 2015. She also applied for an aesthetics license which was presented to the board at the

August 7, 2017 meeting and that application was approved for the exams since none are required in Florida.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Jonda DeLucca. Certification shows initial licensure in September 1986 with 1,200 hours and both exams since she was licensed prior to 1987. She provided a letter showing proof of experience between 1999 and 2006. Her letter says she sent other tax and work documents that we did not receive. She is in Tennessee and has a job waiting for her.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Minnesota for Kristin Harder. Certification shows license issued in August 2011 with 600 hours toward aesthetics by examination. Ms. Harder explained that she did not work in 2015 because she had a child. The letter from a dermatology practice shows she worked as an aesthetician in their practice since 2005 through 2014. The board was able to confirm the 2005 licensure date but the form was not added to review.

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 manicurist license from Florida for Kimberly Huffman. Certification shows license issued in 1999 with 240 hours and no exams. Ms. Huffman provided proof of work in the industry and ownership of a business since 2008. She is asking for a waiver of the exams since she has practiced for 18 years and only intends to be an independent product demonstrator.

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.

Application for reciprocity of cosmetology license from Florida for Tammy Keeton. Certification shows license issued in September 1998 with 1,200 hours and no practical exam. Ms. Keeton Provided proof of a shop license, tax record and letter explaining that she had to close in 2014 for health reasons. She has 19 years of experience in the industry.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of aesthetician license from Colorado for Beverly Kobus. Certification shows initial licensure in October 2015 with 600 hours by examination. Ms. Kobus Provided a transcript showing additional 54 hours in advanced aesthetics. She also completed the pending 150 hours at Tennessee School of Beauty in August 2017 and has a lease to open her own place as soon as she is approved.

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.

Application for reciprocity of cosmetology license from Florida for Rosina Nardone. Certification shows license issued in May 2003 with 1,200 hours and no practical exam. Ms. Nardone provided tax records from 2009 – 2014 but had nothing for 2013. In her letter she explains that she has a son with special needs and clients ready for her to work. She also listed her years of experience between 2003 until her move to Tennessee. She is only missing the practical exam.

Recommendation – open for the board to decide.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to require applicant take the theory exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from Illinois for Tina Park. Certification shows license issued in March 1998 by endorsement from Korea. Ms. Park provided translated transcript showing hours. She has been working and licensed in US for 19 years.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Stephanie Williams. Certification shows license issued in December 2009 with 260 hours and no exam. Ms. Williams provided a transcript showing she completed 725 hours in Florida. Her letter explains that in 2012 she had to close her shop but that she is very current in the industry.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Ron Gillihan and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from Utah for Melinda Sutton. Certification shows initial cosmetology license issued in January 1994 with 2,000 hours by examination. Ms. Sutton obtained her instructor license in 2010 by completing 400 formal hours and 400 on the job training hours and a theory exam. Utah does not require a practical exams.

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.

Application for reciprocity of cosmetology license from Virginia for Jennifer Bradley. Certification shows license issued in June 2013 by examination. Ms. Bradley provided a letter explaining that she only completed 1,014 hours but that Virginia does a competency based evaluation and they recognized her curriculum from the technical school as the equivalent to the 1,500 hours required in Virginia. She has also passed both exams

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation. Applicant must complete the 500 pending hours. Motion carried unanimously.

Application for reciprocity of cosmetology license from North Carolina for Phuc Van Dang. Certification shows license issued in June 2016 by examination. Mr. Dang was previously presented to the board in October 2016 and denied because his certification was not one issued

by North Carolina. At that time we could confirm he had a license but that State Board confirmed that they do not mail paper certifications therefore it was fraudulent.

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.

MOTION made by Ron Gillihan and seconded by Patricia Richmond for approval by the full board of all the reciprocity decisions. 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 2nd to review the allegations of 53 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS-2017017671

2. Case No.: COS-2017030821

First License Obtained: 12/16/2014

License Expiration: 12/31/2018

Complaint history: None

This is a complaint against a licensed medical assistant who is performing services in a medical spa. Based on the information provided the complaint should be referred to the Dept. of Health.

Recommendation: Closure with referral to Dept. of Health.

Decision: Approved.

3. Case No.: COS-2017020951

First License Obtained: 12/01/2004

License Expiration: 11/30/2018

Complaint history: 2008015511, 2010014181 & 2010029421, Closed by Amended Consent Order and payment of \$2,500 civil penalty; 2009017281, closed with a Letter of Warning; 2015008611, settled by an Agreed Order payment plan to pay \$2,000 civil penalty

This is a consumer complaint alleging confusion on the amount to be paid for services and confusion about appointment times and types of braids. The consumer alleged unsanitary conditions but same was refuted by the owner.

Recommendation: Closure with request for inspection regarding sanitary conditions.

Decision: Approved.

4. Case No.: COS-2017022481

First License Obtained: 03/04/2013
License Expiration: Revoked
**Complaint history: 2016041461, closed by signing a Consent Order
for voluntary license revocation**

Pursuant to inspection, this Respondent was found to be providing manicure services on a revoked license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

5. Case No.: COS-2017023181

First License Obtained: 08/26/2016
License Expiration: 06/30/2018
Complaint history: None

Pursuant to inspection, one individual who is the manager was found to have an expired individual license. However, no services were being provided at the time of inspection.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

6. Case No.: COS-2017023741

First License Obtained: 02/11/2013
License Expiration: 01/31/2019
Complaint history: 2014004681, closed with a letter of warning

This is a consumer/employee complaint alleging violations of the wage and hour laws. The shop responded and denied any allegations of violations of the wage and hour laws and stated their policy regarding breaks and food in the salon.

Recommendation: Closure

Decision: Approved.

7. Case No.: COS-2017025901

First License Obtained: 04/02/2012

License Expiration: 03/31/2018

Complaint history: 20120219651, closed with no further action;

This is a consumer complaint alleging unlicensed activity. An inspector was sent out to the facility to investigate and no violations was issued, however, the owner stated that she allows students who have completed school to “train” at her facility however, again no specific violations were found.

Recommendation: Closure with Letter of Instruction.

Decision: Approved.

8. Case No.: COS-2017024341

First License Obtained: 10/17/2014

License Expiration: 10/31/2018

Complaint history: None

Pursuant to inspection, the shop was found to be open and operating with an expired shop license outside of the grace period.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

9. Case No.: COS-2017025231

First License Obtained: 10/08/2015

License Expiration: 10/31/2017

Complaint history: None

This is a consumer complaint alleging unlicensed activity. However, an inspection was performed and no unlicensed activity was substantiated.

Recommendation: Closure

Decision: Approved.

10. Case No.: COS-2017026951

First License Obtained: 12/18/2014
License Expiration: 12/31/2018
Complaint history: None

This is a consumer complaint alleging sanitation violations. Based on the complaint an inspection was requested and no sanitation violations were noted.

Recommendation: Closure

Decision: Approved.

11. Case No.: COS-2017026341

First License Obtained: 11/13/1991
License Expiration: 01/31/2019
Complaint history: None

Pursuant to inspection, the shop was found to be operating on an expired license.

Recommendation: Authorize formal charges. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

12. Case No.: COS-2017026691

First License Obtained: 06/04/2009
License Expiration: 05/31/2019
Complaint history: 2011007001, closed with letter of warning;
2013005341, closed with letter of warning;
2015003901, closed by Consent Order and payment of \$500.00 civil penalty; 2016014351, sent an inspector to observe sanitation practices

Pursuant to an investigation from allegations of unlicensed activity and sanitation violations. The investigation concluded no unlicensed activity was found at the time of the investigation, however, the skin care room was dirty, and it appeared that the wax applicators were been reused. Several instruments used to perform manicures were found to be “left out” and exposed in unoccupied work stations. Also, there was no visible sign that customers could “opt out” from have the drill applied during their manicure.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

13. Case No.: COS-2017027111

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

This is a consumer complaint filed against an unlicensed shop alleges unlicensed activity. An inspector was sent out to the facility to investigate and found that the shop was open for business and two individuals were providing services (braiding). The inspector stated that the shop has a business county license, but no shop license or individual licenses issued by the Board were posted in the shop. The inspector states that the unlicensed individuals would not provide any form of identification. The inspector issued a Notice of Violation to the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty for each violation which totals \$3000.00.

Decision: Approved.

14. Case No.: COS-2017027711

15. Case No.: COS-2017032371

First License Obtained: 04/19/2017
License Expiration: 04/30/2019
Complaint history: 2017020141, closed w/no action

This is a salon suites owner complaint against a current tenant based on complaints from other tenants regarding whether a Licensed Medical Aesthetics' RN can perform eyelash extensions without first obtaining a cosmetology license.

Recommendation: Closure

Decision: Approved.

16. Case No.: COS-2017028321

First License Obtained: 04/13/2015
License Expiration: 03/31/2019
Complaint history: 2016054291, closed – this complaint deals with complainant's dissatisfaction with the aesthetic appearance of her eyebrows

Based on a consumer complaint alleging animals inside a shop and offering services not authorized by license, the inspector observed bird cages inside the salon and the owner admitted to performed micro blading services in a separate room. No violations were given to the shop at the time of the inspection.

Recommendation: Closure with referral to Dept. of Health

Decision: Approved.

17. Case No.: COS-2017028551

First License Obtained: 04/09/2013

License Expiration: 07/31/2018

Complaint history: None

Pursuant to inspection, the shop was found to be open without a designated manager present and one person was performing barber services in a shop that at the time only possessed a cosmetology shop license. No notice of violation was issued to the employee. The owner acknowledges the mistake and has received a dual shop license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty.

Decision: Approved.

18. Case No.: COS-2017028951

First License Obtained: 01/18/2017

License Expiration: 12/31/2018

Complaint history: None

This is a competitor complaint alleging another salon owner was providing services at a "fair". However, the complainant does not have any proof that the Respondent provided any services at the fair and the Respondent filed a response to this complaint denying that any services were performed at the fair.

Recommendation: Closure.

Decision: Approved.

19. Case No.: COS-2017028831

First License Obtained: 03/31/2016

License Expiration: 03/31/2018

Complaint history: None

This is a consumer complaint alleging a bad result from a full facial wax. The Complainant has not provided any medical proof of damage to her face however there is litigation pending.

Recommendation: Litigation monitoring.

Decision: Approved.

20. Case No.: COS-2017029511

First License Obtained: 11/10/2003
License Expiration: 11/30/2017
Complaint history: None

This complaint was opened administratively due to confusion about two individuals with similar names providing proof of SSN as one individual has SSN ending 1877 and the other ends in 3516. These are two different individuals with the same first and last name but different SSNs. SSN ending 1877 has a current license with the board. SSN ending 3516 is applying for reciprocity.

Recommendation: Discussion

Decision: Close if proof of identity is provided by Respondent licensee.

21. Case No.: COS-2017030321

First License Obtained: 08/12/1993
License Expiration: 03/31/2019
Complaint history: None

This is a consumer complaint alleging sanitation violations. As a result of the complaint an inspection was performed and no violations were noted during the inspection. There was one sink that was not in working order, but no notice of violation was issued.

Recommendation: Closure

Decision: Approved.

22. Case No.: COS-2017030791

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

Pursuant to inspection, this Respondent was found to be performing services as a manicurist without a license. The shop paid their fine for this violation.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

23. Case No.: COS-2017030551

First License Obtained: 09/20/2002
License Expiration: 09/30/2018
Complaint history: 200418781, dismissed; 200502352, closed by Consent Order and payment of \$500 civil penalty;

2005017721, Letter of Warning; 2007088541, closed w/no action; 2017017631, closed by Agreed Citation and payment of \$100 civil penalty;

This is a consumer complaint alleging that too much pressure was applied to a callus during a pedicure which caused it to bleed. The Respondent issued a refund to the complainant. The complainant does not want to participate in a hearing.

Recommendation: Closure

Decision: Approved.

24. Case No.: COS-2017031531

First License Obtained: 12/05/2016

License Expiration: 12/31/2018

Complaint history: None

This is an anonymous consumer complaint alleging that the Respondent licensee has been arrested and charged with misdemeanor theft. The Respondent entered into a diversion program which does not constitute a conviction.

Recommendation: Litigation monitoring with recommendation for closure if probation is complete without incident as probation ends May 2018.

Decision: Approved.

25. Case No.: COS-2017031741

First License Obtained: 06/24/2015

License Expiration: 06/30/2019

Complaint history: None

This is an administrative complaint regarding allegations of fraudulently attempted to secure a duplicate license and possible unlicensed activity. A request for an inspection was made and found all employees to be licensed but the licenses were not displayed properly and were wallet size.

Recommendation: Letter of warning and repeat inspection to ensure licenses are properly displayed and proper size and licensure confirmed.

Decision: Approved.

26. Case No.: COS-2017032371

First License Obtained: 06/28/2010

License Expiration: 05/31/2018
Complaint history: None

27. Case No.: COS-2017032391

First License Obtained: 06/14/2000
License Expiration: 06/30/2018
Complaint history: None

Pursuant to inspection, the shop license and one individual employee license was found to be expired. The employee license is the subject of Case No. 2017032411 below. The shop license has now been renewed. The owner and manager are the same individual.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$200.00 civil penalty to shop for two licenses expired at the time of inspection.

Decision: Approved.

28. Case No.: COS-2017032411

First License Obtained: 02/14/2005
License Expiration: 02/28/2019
Complaint history: None

This is the individual from the above Case No. 201703271. This individual has renewed her license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

29. Case No.: COS-2017031981

First License Obtained: 08/06/2014
License Expiration: 07/31/2016
Complaint history: 2015016671, closed by an Agreed Order and payment of \$100 civil penalty

Pursuant to an inspection, the shop license was found to be expired. Further investigation of this matter revealed that the shop is out of business as of July 31, 2017 according to the area inspector.

Recommendation: Closure

Decision: Approved.

30. Case No.: COS-2017032851

First License Obtained: 05/02/2016

License Expiration: 05/31/2018

Complaint history: None

This is an administrative complaint with regard to an individual attempting to fraudulently obtain a license. We do not have any information about the individual who requested the license.

Recommendation: Closure

Decision: Approved.

31. Case No.: COS-2017032671

First License Obtained: 03/30/2011

License Expiration: 03/31/2017

Complaint history: None

This is a consumer complaint alleging a bad result from a hair style/weave. One issue is the hair appointment was in January 2017 and the complaint was not received until May 2017. The Respondent filed a response explaining that some shedding occurred as a result of the treatment and that follow up appointment were provided and the issues have been addressed.

Recommendation: Closure

Decision: Approved.

32. Case No.: COS-2017033431

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging a student agreed to perform hair services outside of the school for a fee. The consumer alleges a bad result. The student admits to performing services off school property and not supervised by an instructor.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

33. Case No.: COS-2017033051

First License Obtained: 02/22/2005
License Expiration: 02/28/2019
Complaint history: None

Pursuant to inspection, the Respondent was found to be performing services with an expired license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

34. Case No.: COS-2017033011

First License Obtained: 09/30/2008
License Expiration: 01/31/2018
Complaint history: 2011013291 & 2012003581, closed w/no action;
2013003791, closed with Letter of Warning

Pursuant to inspection, one employee was found to be performing services with an expired license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

BARBER CASES

35. Case No.: BAR-2017023271

First License Obtained: 07/27/2016
License Expiration: 07/31/2018
Complaint history: None

36. Case No.: BAR-2017023361

First License Obtained: 07/19/2001
License Expiration: 07/31/2017
Complaint history: 201601963, closed by Agreed Citation and payment of \$100 civil penalty

37. Case No.: BAR-2017023381

First License Obtained: 02/24/1993
License Expiration: 07/31/2018
Complaint history: None

Pursuant to an inspection, a licensed barber shop and its manager were found to be allowing a cosmetologist to perform services on a client with an expired cosmetologist license. The shop does not have dual licensure, and only holds a barber shop license. The Respondents submitted a response to the complaints stating that the individual has a license and he paid his license renewal fees on the same day of the inspection.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty to shop and manager and \$100 civil penalty to the Respondent employee.

Decision: Approved.

38. Case No.: BAR-2017023821

First License Obtained: 06/12/2015

License Expiration: 05/31/2019

Complaint history: None

This is a consumer complaint against a licensed barber shop alleges unlicensed activity. An inspector was sent out to the facility to investigate and no unlicensed activity or violations were found during the inspection.

Recommendation: Closure

Decision: Approved.

39. Case No.: BAR-2017029961

First License Obtained: 02/15/2007

License Expiration: 04/30/2019

Complaint history: None

This complaint was opened administratively by the Board office alleges that an anonymous complaint was received alleges that the Respondent, a licensed barber and also an owner of a barber shop, was arrested and charged with aggravated assault with a deadly weapon for getting into a fight at the shop and stabbing an individual. The complaint also alleges unlicensed activity at the shop.

Recommendation: Litigation monitoring

Decision: Approved.

40. Case No.: BAR-2017030391

First License Obtained: 07/20/2009

License Expiration: 12/31/2018
Complaint history: None

41. Case No.: BAR-2017030411

First License Obtained: 04/30/2001
License Expiration: 04/30/2019
Complaint history: None

42. Case No.: BAR-2017030431

First License Obtained: 06/28/1996
License Expiration: 06/30/2018
Complaint history: None

Pursuant to an inspection, a licensed barber shop and its manager were found to be allowing the owner of the shop to perform services on an expired master barber license. The owner's license has been now renewed.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

43. Case No.: BAR-2017031301

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

This is an anonymous complaint alleging unlicensed activity. An inspector was sent out to the facility to investigate and could not determine the type of services being provided at the shop due to the shop was closed in several different occasions. There is no licensed shop for this address.

Recommendation: Closure and open new complaint for shop located at 382 East H. Crump Blvd. Memphis, TN.

Decision: Approved.

44. Case No.: BAR-2017033031

First License Obtained: 11/21/1996
License Expiration: 11/30/2018
Complaint history: None

Pursuant to an inspection, the Respondent, a barber manager, was allowing an individual to practice on an expired cosmetologist license in dual licensed shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

REPRESENTS

45. Case No.: COS- 2016051241

First License Obtained: 07/31/2015
License Expiration: 06/30/2017
Complaint history: None

46. Case No.: COS- 2016051261

First License Obtained: 09/10/2008
License Expiration: 09/30/2018
Complaint history: None

At the November 2016 meeting, the Board authorized a civil penalty in the amount of \$1000 against the shop and its owner for allowing an individual to work on a client without a license. A Consent Order was sent to the Respondent, but no response has been received. Further investigation of this matter revealed that the Respondent's shop is now closed. The owner is a manicurist licensee.

Recommendation: Closure for the complaint against the shop. Close the complaint against the owner with a Letter of Warning.

Decision: Approved.

47. Case No.: COS-2016030041

First License Obtained: 02/10/2004
License Expiration: 01/31/2018
Complaint history: Closed and sent an inspector to observe sanitation practices

48. Case No.: COS-2016030111

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

This matter was presented to the Board at its August 8, 2016 meeting as follows: shop and employee were both cited pursuant to an inspection. At the time of inspection there was no manager or owner present, the shop's license wasn't posted, and there were various sanitation issues. The one employee present was not licensed and after speaking with the owner on the phone, she told the inspector that the owner had told her to lie about being licensed. The Board previously authorized settlement by Consent Order for \$1000 civil penalty to the individual and \$3000 civil penalty to the shop.

Update: Consent Orders were sent to the shop and the unlicensed individual – letters returned back marked “Unable to forward”. Further investigation of this matter revealed that the shop is now closed.

Recommendation: Close the complaint against the shop. Close the complaint against the individual with a Letter of Warning.

Decision: Approved.

49. Case No.: BAR-2016070371

First License Obtained: 05/20/2016
License Expiration: 05/31/2018
Complaint history: None

This matter was presented to the Board at its January 30, 2017 meeting as follows: Pursuant to inspection in November 2016, the Respondent shop was found to have changed locations without notifying the board. The shop owner and manager are the same person. The owner stated that the reason for the move was due to a flood which caused the shop to have to move into another suite in the same shopping center. The Board authorized settlement by Consent Order with a civil penalty of \$1,000.

Update: A Consent Order was sent to the Respondent, but returned back marked “Vacant”. Board records indicate the shop is now out of business per the area inspector.

Recommendation: Closure.

Decision: Approved.

50. Case No.: COS-2017001671

First License Obtained: 06/16/1990
License Expiration: 10/31/2018
Complaint history: None

This matter was presented to the Board at its April 3, 2017 meeting as follows: pursuant to inspection, Respondent was found to be providing services with expired shop license. The license has been renewed. The owner and manager are the same individual. The Board

authorized settlement by Consent Order with \$100 civil penalty. Update: Further investigation of this matter revealed that the shop is now closed.

Recommendation: Closure.

Decision: Approved.

51. Case No.: COS-2017021921

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The Board previously authorized settlement by a Consent Order with a civil penalty in amount of \$1,000 against the Respondent for operating a hair salon out of her home without a personal or shop license. Update: a Consent Order was sent to the Respondent and the Respondent responded saying that she does not do hair services for the public, only friends and family and that she does not have a price list and does not charge for services.

The former disciplinary counsel who previously had this matter discussed the case with the Executive Director that, based on the Respondent's response, this could falls under the exemption in TCA § 62-4-109.

Recommendation: Close with a Letter of Warning.

Decision: Approved.

52. Case No.: COS- 2016047021

First License Obtained: 08/06/2015

License Expiration: 07/31/2017

Complaint history: None

At the January 30, 2017 meeting, the Board authorized a civil penalty in the amount of \$1,500 for unlicensed activity and no manager present. Further investigation of this matter revealed that the shop is now out of business per the area inspector.

Recommendation: Closure.

Decision: Approved.

Robyn Ryan

REPRESENT

53. Case No.: COS- 2016049731

First License Obtained: 05/02/2005
License Expiration: 09/01/2018
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, 2015020701, 2014019041, 2014018211, 2014030621, Resolved in Agreed Order and Compliance plan at Formal Hearing; 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.

Update:

This matter was opened administratively after an applicant submitted an application for original license with a withdrawal form for which hours could not be verified. Respondent initially responded that student attended school a second time for same course and those are the hours that should be reflected in the withdrawal form.

This matter, together with the above referenced matter that was in litigation, was resolved through an Agreed Order and Compliance Plan so that issues of proper records will be reviewed and resolved on a timely basis and such records will be then available for any inspection or review by the Board. As these facts were some of the ones considered in the resolved litigation matter mentioned in the complaint history above, it was a part of the review for that agreed order which provides for timely and accurate record keeping.

Recommendation: Dismiss.

Decision: Approved.

Attending were Board members Ron Gillihan, Becky Russell and Amy Tanksley. Not in attendance Frank Gambuzza.

The meeting adjourned at 9:00 AM.

MOTION made by Ron Gillihan and seconded by Amy Tanksley 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.

Cosmetology Consent Orders – July - Totaling \$13,056

NEW BUSINESS

2018 meeting dates presented and approved.

MOTION made by Patricia Richmond and seconded by Nina Coppinger for approval of 2018 meeting dates. Motion carried unanimously.

The August board meeting covered preliminary work on updating the equipment and student kits and other cleanup items for cosmetology and the barber rules. A work session was led by attorney for the board, Cherrelle Hooper who started by reviewing the prior suggestions. The schools equipment and student kits were reviewed and updated. The work session will be continued at the November board meeting.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Patricia Richmond and seconded by Nina Coppinger. Motion carried unanimously.