



**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 June 4, 2018 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: Nina Coppinger, Brenda Graham, Yvette Granger, Patricia Richmond, Becky Russell, Mona Sappenfield and Amy Tanksley. Participating telephonically: Anita Charlton and Ron Gillihan. Not in attendance: Kelly Barger, Jimmy Boyd, Frank Gambuzza and Judy McAllister.

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

Statement of Necessity was read in to the record by attorney, Cherrelle Hooper.

### **MINUTES-**

Minutes for the May 7, 2018 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the May 7, 2018 minutes. Motion carried unanimously.

### **APPEAR BEFORE THE BOARD-**

#### **Global Beauty and Barber Institute – New Cosmetology School**

Mr. Elvin Mejia and Ms. Ciara Gordon appeared before the board for a cosmetology school license. The school is located in White House and is 4,200 square feet. The business license, curriculum, contingency plan, floor plan, application and fee were all received timely. This school intends to offer online education for the instructor hours. The system was demonstrated to

the board. The board requested that Becky Russell be given access to the online site and review the material, take a test and test the system. If the evaluation is complete she may report back her findings at the August meeting. Until then, the instructor online course could not be approved.

The school also intends to offer a loan agreement to students. The board request the student agreement be revised to take out the loan completely or, if offered, the interest rate must reflect a rate below 8.75%. All documents already available online and completed for students need to be submitted as part of license file.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve new school pending new documents meet boards requirements and an inspection by a field inspector and board member are completed. Motion carried unanimously.

#### **APPLICATIONS FOR EXAMINATION-**

Applications for examination for: Jessica Collins and Brent Hagy. The applicants have felonies within the last three years and/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.

Motion made by Amy Tanksley and seconded by Mona Sappenfield to approve application for examination with a signed Agreed Order. Motion carried unanimously.

#### **APPLICATIONS FOR RECIPROCITY-**

Application for reciprocity of cosmetology license from California for Whitney Swarthout. The State Board of California shared that they are investigating several schools and have reason for concern over fraudulent hours. This information was presented to the board at the May 7, 2018 board meeting. The board requested that all applicants for reciprocity and to test present transcripts to determine if they are coming from one of these schools. Ms. Swarthout stated that she completed school in 2007. The school she attended closed in 2010 and California no longer has proof of this schools information. She says she attended JerryLee Beauty College which is not one of the schools in question. Certification shows initial licensure in March 2017 with 1,600 hours and both exams.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetologist license from California for Guozhen Wang. The State Board of California shared that they are investigating several schools and have reason for concern over fraudulent hours. This information was presented to the board at the May 7, 2018 board meeting. The board requested that all applicants for reciprocity and to test present transcripts to determine if they are coming from one of these schools. Ms. Wang provided a transcript of her school and that school is on the list of schools being reviewed. Certification shows initial licensure in April 2017 with 600 hours by examination.

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

#### **MISCELLANEOUS REQUESTS –**

##### **Request for Waivers, Reconsiderations and Extensions:**

Request for approval of manicurist license for Chau Ngoc Pham. Ms. Pham was licensed by reciprocity from Texas in 2013. That licensed was revoked for failure to obtain licensure as the statute required. Since then he attended a school in middle Tennessee and passed both exams. The practical exam was passed in April 2018. Ms. Pham has also changed her name to Le.

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

#### **LEGAL REPORT- STAFF ATTORNEY**

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, June 4<sup>th</sup> to review the allegations of 52 complaints and make recommendations to the Board.

#### **COSMETOLOGY CASES**

##### **1. Case No.: COS-2018006851**

**First License Obtained:** 03/20/1997

**License Expiration:** 03/31/2019

**Complaint history:** None

Pursuant to inspection, the owner of the Respondent Shop Complaint No. 2018006821 was found to be providing services with expired license.

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

**Decision:** Approved.

**2. Case No.: COS-2018006821**

**First License Obtained:** 02/12/2018

**License Expiration:** 02/29/2020

**Complaint history:** None

This is the shop from the above Complaint No. 2018006851. At the time of inspection in January 2018 the shop did not have a license.

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

**Decision:** Approved.

**3. Case No.: COS-2018006671**

**First License Obtained:** 10/15/2013

**License Expiration:** 09/30/2017

**Complaint history:** 2015021253, closed by Agreed Citation and payment of \$500.00 civil penalty

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

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

**Decision:** Approved.

**4. Case No.: COS-2018006711**

**First License Obtained:** 06/17/1999

**License Expiration:** 06/30/2019

**Complaint history:** None

This is the manager from the above Complaint No. 2018006671. The shop license was expired.

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

**Decision:** Approved.

**5. Case No.: COS-2018006861**

**First License Obtained:** 11/04/2010

**License Expiration:** 11/30/2014

**Complaint history:** None

Pursuant to inspection, the owner's license was found to be expired and has been expired since 2014. This Respondent would need to retest to have her license reinstated.

**Recommendation:** Close with letter to cease and desist providing services. Request re-inspection of owner's shop to confirm no services are being performed by the owner.

**Decision:** Approved.

**6. Case No.: COS-2018007791**

**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** 2017078561, Consent Order Proposed for \$3,000 civil penalty

This is a consumer complaint alleging unlicensed activity.

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

**Decision:** Approved.

**7. Case No.: COS-2018007371**

**First License Obtained:** 11/08/1996  
**License Expiration:** 08/31/2018  
**Complaint history:** 2005027231, closed by Consent Order and payment of \$1000 civil penalty; 200502195, closed by Consent Order and payment of \$800 civil penalty; 200502386; closed by Consent Order and payment of \$300.00; 2012021271, closed by Consent Order and payment of \$1,250 civil penalty; 20150216111, closed by the Consent Order and payment of \$500.00 civil penalty; 2016024741, closed w/no action

Pursuant to inspection, one individual was found to be providing services without a license. However, this shop has closed since the time of inspection and is currently under new ownership.

**Recommendation:** Closure

**Decision:** Approved.

**8. Case No.: COS-2018007191**

**First License Obtained:** 12/08/2006  
**License Expiration:** 09/01/2018  
**Complaint history:** 2007054751, Dismissed; 2007064711, closed with a letter of warning; 2009018991 closed with no further action; 2009020141, closed with no action; 2009022401 closed with no action; 2010009261, closed with no action; 2010016101, closed with no action; 2012016541 closed by consent order and \$500 civil penalty; 2016067441, closed; 2017015651, closure; 2017066681, closure

This is a student complaint asking for legal advice on whether the student can drop out and go to a different school. The student alleges that the school is “bullying” students but provided no proof of same. The school provided a response stating that the student never notified the school of any issues and received a suspension for not returning from lunch one day. The school denies any inappropriate behavior by any of its staff or instructors.

**Recommendation:** Closure

**Decision:** Approved.

**9. Case No.: COS-2018007811**

**First License Obtained:** 06/04/1991

**License Expiration:** 06/30/2019

**Complaint history:** None

This is a consumer complaint alleging that the owner keeps dogs in her salon. No photos were provided. The salon provided a response and of note has been licensed since 1991 with no complaints. The salon states that the person who filed the complaint is the mother of the disgruntled employee who was terminated. The Respondent does admit to having her small dog in the shop locked in the office a “few” times in 2017.

**Recommendation:** Closure with letter of warning regarding prohibition of animals in shops.

**Decision:** Approved.

**10. Case No.: COS-2018007911**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. The information received was sent out for inspection and the complaint was returned by the inspector as unfounded.

**Recommendation:** Closure

**Decision:** Approved.

**11. Case No.: COS-2018007951**

**First License Obtained:** 06/29/2015

**License Expiration:** 03/31/2020

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. The information received was sent out for inspection and the complaint was returned by the inspector as unfounded.

**Recommendation:** Closure

**Decision:** Approved.

**12. Case No.: COS-2018008001**

**First License Obtained:** 03/26/2014

**License Expiration:** 09/01/2018

**Complaint history:** 2014005651, closed with a Letter of Warning

This is a consumer complaint alleging unlicensed activity. The information received was sent out for inspection and the complaint was returned by the inspector as unfounded.

**Recommendation:** Closure

**Decision:** Approved.

**13. Case No.: COS-2018008441**

**First License Obtained:** 03/31/2017

**License Expiration:** 03/31/2019

**Complaint history:** None

Pursuant to inspection, one individual was found to be providing services without a license. This Respondent is the manager of the shop.

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

**Decision:** Approved.

**14. Case No.: COS-2018008841**

**First License Obtained:** 12/12/2003

**License Expiration:** 12/31/2019

**Complaint history:** 201601463, closed by Agreed Citation and payment of \$1000 civil penalty

Pursuant to inspection, the owner was found to be providing services with expired license. The owner is also the manager. The shop was also offering services not authorized by the license.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty.

**Decision:** Approved.

**15. Case No.: COS-2018008421**

**First License Obtained:** 03/28/2014

**License Expiration:** 03/31/2018

**Complaint history:** 2016045041, closed by Agreed Citation and payment of \$2,500 civil penalty

Pursuant to inspection, this shop was found to have one individual providing services without a license.

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

**Decision:** Approved.

**16. Case No.: COS-2018008661**

**First License Obtained:** 08/15/2016

**License Expiration:** 09/01/2018

**Complaint history:** None

This is a former student complaint alleging that the owner of the school was making false accusations about her to future coworkers. The student alleges that when she was a student there were sanitary issues. The school provided a response and denies making any derogatory comments about the student and denies in sanitation issues.

**Recommendation:** Closure

**Decision:** Approved.

**17. Case No.: COS-2018009391**

**First License Obtained:** 08/15/2016

**License Expiration:** 09/01/2018

**Complaint history:** None

This is a student complaint alleging that after the student withdrew from the school that her name was forged on sign in sheets. The school responded and provided proof that there was not forgery and further that the student falsified records regarding absentees.

**Recommendation: Closure**

**Decision: Approved.**

**18. Case No.: COS-2018008871**

**First License Obtained: 06/26/2014**

**License Expiration: 06/30/2018**

**Complaint history: 201705371, closed by Agreed Citation and payment of \$1000 civil penalty**

Pursuant to inspection, one individual was found to be providing services without a license.

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

**Decision: Approved.**

**19. Case No.: COS-2018009021**

**First License Obtained: 04/17/2002**

**License Expiration: 04/30/2018**

**Complaint history: None**

This is a consumer complaint alleging a bad result from a facial. Both the Complainant and Respondent provided photos which show different results.

**Recommendation: Closure**

**Decision: Approved.**

**20. Case No.: COS-2018008971**

**First License Obtained: 01/31/2017**

**License Expiration: 12/31/2018**

**Complaint history: 2017039251, closure; 201701567, closed by an Agreed Citation and payment of \$1,000 civil penalty**

Pursuant to inspection, four individuals were found providing services without a license. Also, no shop manager was present and sanitation violations were found.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$4500.00 civil penalty and warning with regard to the sanitation violations.**

**Decision: Approved.**

**21. Case No.: COS-2018009891**

**First License Obtained: 08/05/2011**

**License Expiration: 08/31/2019**

**Complaint history: 2014018621, closed by Letter of Warning; 2015003061, closed by Consent Order and payment of \$1000 civil penalty; 201702089, closed by Agreed Citation and payment of \$1,100 civil penalty**

Pursuant to inspection, one individual was found to be providing services without a license.

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

**Decision:** Approved.

**22. Case No.: COS-2018009851**

**First License Obtained:** 02/05/2013

**License Expiration:** 12/31/2018

**Complaint history:** 2014018561, Letter of Warning; 2015003051, closed by Consent Order and payment of \$1,000 civil penalty; 201702087, closed Agreed Citation and payment of \$100.00 civil penalty

Pursuant to inspection, one individual was found to be providing services without a license.

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

**Decision:** Approved.

**23. Case No.: COS-2018009461**

**First License Obtained:** 08/05/2013

**License Expiration:** 07/31/2019

**Complaint history:** None

Pursuant to inspection, no manager was present and the shop license was expired.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty.

**Decision:** Approved.

**24. Case No.: COS-2018011441**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

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

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

**Decision:** Approved.

**25. Case No.: COS-2018010891**

**First License Obtained:** 11/26/2013

**License Expiration:** 11/30/2019

**Complaint history:** 2014025861, closed by Consent Order and payment of \$500.00 civil penalty

Pursuant to inspection, one person was found to be providing services without a license. No manager was present and the shop license was expired.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$1600.00 civil penalty.

**Decision:** Approved.

**26. Case No.: COS-2018011221**

**First License Obtained:** 11/01/1995

**License Expiration:** 05/31/2019

**Complaint history:** 2007057441, closed by Consent Order and payment of \$750.00 civil penalty;

Pursuant to a consumer complaint regarding unsanitary conditions, an inspection was performed and no violations were found.

**Recommendation:** Closure

**Decision:** Approved.

**27. Case No.: COS-2018011661**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Pursuant to inspection, this Respondent was found to be providing services without a license.

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

**Decision:** Approved.

**28. Case No.: COS-2018011771**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Pursuant to inspection, this Respondent was found to be providing services without a license.

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

**Decision:** Approved.

**29. Case No.: COS-2018011971**

**First License Obtained:** 11/13/2017

**License Expiration:** 11/30/2019

**Complaint history:** None

This is a disgruntled employee complaint alleging that the shop has no manager. Pursuant to inspection, no violations were found and the shop is operating with a manager.

**Recommendation:** Closure

**Decision:** Approved.

**30. Case No.: COS-2018012561**

**First License Obtained:** 11/29/2012

**License Expiration:** 10/31/2018

**Complaint history:** None

This is a consumer complaint alleging a bad result with nail services.

**Recommendation:** Closure

**Decision:** Approved.

**31. Case No.: COS-2018012251**

**First License Obtained:** 05/13/2014

**License Expiration:** 04/30/2018

**Complaint history:** None

This is consumer complaint alleging a bad result from a salon services.

**Recommendation:** Closure

**Decision:** Approved.

**32. Case No.: COS-2018013691**

**First License Obtained:** 10/28/2016

**License Expiration:** 10/31/2018

**Complaint history:** None

Pursuant to inspection, the shop license was found to be expired. This Respondent is the manager of the shop.

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

**Decision:** Approved.

**33. Case No.: COS- 2018013671**

**First License Obtained:** 03/02/2012

**License Expiration:** 01/31/2020

**Complaint history:** 2012015841, closed by a Cease and Desist letter and follow up inspection in 30 days; 2012009191, closed by Letter of Warning

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

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

**Decision:** Approved.

**BARBER CASES**

**34. Case No.: BAR-2018009051**

**First License Obtained:** 06/29/2017

**License Expiration:** 05/31/2019

**Complaint history:** None

This is a consumer complaint alleging that the shop took a video of a client without her permission. The shop responded and provided copies of photos prior to the video that the customer had consented to and the shop has signs posted that photos may be shared with social media.

**Recommendation:** Closure

**Decision:** Approved.

**35. Case No.: BAR-2018010071**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2008015201, closed with no action; 2015011001, closed by Agreed Order and assessment of \$550 civil penalty plus costs – sent to collections

Pursuant to inspection, the shop was found to be operating without a license and three individuals were found inside the shop providing services without a license. The shop was also found to be dirty and allegations of drug use by a customer have been filed with the Dept. since the date of the inspection.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$4000.00 civil penalty and referral to authorities regarding alleged drug use.

**Decision:** Approved.

**36. Case No.: BAR-2018010511**

**First License Obtained:** 03/10/2003

**License Expiration:** 03/31/2009

**Complaint history:** 2015011011 closed by Agreed Order and assessment of \$550 civil penalty plus costs – sent to collections

This Respondent is the owner of the above Complaint No. 2018010071.

**Recommendation:** Closure as the above recommendation cites the owner \$1000.00 for unlicensed activity.

**Decision:** Approved.

**37. Case No.: BAR-2018010541**

**First License Obtained:** 08/26/2003

**License Expiration:** 08/31/2013

**Complaint history:** None

This Respondent is one of the unlicensed persons found providing services without a license at the above shop. Complaint No. 2018010071.

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

**Decision:** Approved.

**38. Case No.: BAR-2018010241**

**First License Obtained:** 03/14/2005

**License Expiration:** 02/28/2017

**Complaint history:** None

Pursuant to inspection, this shop was found to be open and providing services with expired license.

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

**Decision:** Approved.

**39. Case No.: BAR-2018011561**

**First License Obtained:** 03/19/2018

**License Expiration:** 03/31/2020

**Complaint history:** None

Pursuant to inspection, the shop was found to be operating without a license.

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

**Decision: Approved.**

**40. Case No.: BAR-2018012091**

**First License Obtained: 03/21/2001**

**License Expiration: 05//31/2019**

**Complaint history: 2014015571, closed by Agreed Order and payment of \$750 civil penalty and \$200 costs; 201800555, closed by Agreed Citation and payment of \$100 civil penalty**

This is a consumer complaint alleging that the shop was operating without a license. However, the shop has had a license since 2001.

**Recommendation: Closure**

**Decision: Approved.**

**41. Case No.: BAR-2018013011**

**First License Obtained: 03/25/1994**

**License Expiration: 06/30/2019**

**Complaint history: None**

This is a consumer complaint against an instructor alleging unprofessional behavior. The complaint does not provide sufficient details and Complainant has not returned the Department's telephone calls.

**Recommendation: Closure**

**Decision: Approved.**

**REPRESENTS**

**42. Case No.: BAR-20150221971**

**First License Obtained: 10/29/2009**

**License Expiration: 10/31/2015**

**Complaint history: None**

This matter was presented to the Board at the March 7, 2016 meeting as follows: *Respondent was cited pursuant to an inspection. At the time of inspection the respondent was serving a customer. At that time his license was suspended. Authorization: authorize for formal hearing. Allow authority to settle by consent order assessing \$500.*

**Update: This Respondent's license has been expired for three years which will require retest in order for him to renew his license.**

**Recommendation: Close and flag.**

**Decision: Approved.**

**43. Case No.: BAR-2016013501**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history:** None

This matter was presented to the Board at the June 6, 2016 meeting as follows: *Respondent was cited after an inspector went to and unlicensed barber shop. The respondent was practicing barbering at the time of inspection. Neither the respondent nor the shop was licensed. Respondent was issued \$1000 Agreed Citation and has not responded.* **Authorization:** authorize for civil penalty. Allow authority to settle by consent order assessing \$1000.

**Update:** Unable to locate this Respondent.

**Recommendation:** Close

**Decision:** Approved.

**44. Case No.: BAR-2017066781**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2017031301, closure with opening new complaint against Respondent shop

This matter was presented to the Board at the March 5, 2018 meeting as follows: *Pursuant to inspection, this shop was found to be operating without a license and the owner was providing services without a license.* **Authorization:** Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty against the shop.

**Update:** A Consent Order was sent to the Respondent shop via U.S. Certified and First Class Mail, both of which returned back marked "Vacant".

**Recommendation:** Close

**Decision:** Approved.

**45. Case No.: COS-2017023181**

**First License Obtained:** 08/26/2016

**License Expiration:** 06/30/2018

**Complaint history:** None

This matter was presented to the Board at the October 7, 2017 meeting as follows: *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.* **Authorization:** Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

**Update:** Further investigation of this matter revealed that the Respondent's shop is now out of business and the shop is in "CLOSED" status.

**Recommendation:** Close

**Decision:** Approved.

**46. Case No.: COS-2017035191**

**First License Obtained:** 10/20/2000

**License Expiration:** 10/31/2016

**Complaint history:** None

This matter was presented to the Board at the November 6, 2017 meeting that pursuant to inspection in June 2017, this individual was found to be performing services with an expired license. **Authorization:** authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

**Update:** The Respondent's license remains in an expired status and the shop where the Respondent was found to be practicing has been closed as of August 20, 2017.

**Recommendation:** Close

**Decision:** Approved.

**47. Case No.: COS-2017057961**

**First License Obtained:** 01/05/2001

**License Expiration:** 08/31/2018

**Complaint history:** 200502079, closed by Consent Order and payment of \$300.00 civil penalty

This matter was presented to the Board at the December 11, 2017 meeting as follows: *Pursuant to inspection, the manager/owner was not present and one unlicensed individual was found to be providing services without a license. In response the salon states it closed in April 2017. However, the shop is not closed in CORE and the shop was open for business on the date of the inspection. Authorization: Authorize formal hearing. Authorize settlement by consent order with \$1500.00*

**Update:** Further investigation of this matter revealed that the Respondent's shop is now out of business and the shop is in "CLOSED" status.

**Recommendation:** Close

**Decision:** Approved.

**48. Case No.: COS-2017016831**

**First License Obtained:** 07/26/2011

**License Expiration:** 06/30/2015

**Complaint history:** None

This matter was presented to the Board at the June 5, 2017 meeting as follows: *Upon inspection on March 10, 2017, the inspector observed that the shop license was expired and had been since June 30, 2015, and the owner's individual cosmetology license was expired and had been expired since March 31, 2016. No clients were present at the time of the inspection. Authorization: Authorize case for formal charges. Authorize settlement for a civil penalty of \$100 for expired shop license.*

**Update:** The shop is basically the individual and the license has been expired since 2015. No services were being performed at the time on inspection.

**Recommendation:** Close with re-inspection to determine if shop is still in business.

**Decision:** Approved.

**49. Case No.: L15-COS-RBS- 20150213571**

**First License Obtained:** 05/19/1983

**License Expiration:** 03/31/2019

**Complaint history:** None

This matter was previously presented to the Board at the October 5, 2015 meeting as follows: *This respondent is a former employee of the board and holds a cosmetology license. Respondent admitted to the Department to referring three separate people to buy fraudulent licenses and to receiving payment from one of those persons. Her actions are all in violation of Tenn. Code Ann. § 62-4-127(b)(2). Authorization: Authorize for formal hearing. Allow authority to settle beforehand with a consent order assessing revocation of her license \$34,000. (\$1000 per act of*

*unprofessional conduct plus \$1000 per month that the licenses were in effect before she made her statement)*

**Recommendation:** This Respondent is willing to cooperate and provide testimony with regard to two other cases where the shop and owner participated in the purchasing of fraudulent license scheme. The Respondent is willing to surrender her individual license and Legal is recommending settlement with a reduction in the amount of the civil penalty to \$3000.00 in exchange for her agreement to provide testimony in the other cases. Legal cannot proceed with the other cases without this Respondent's testimony.

**Decision:** **Approved.**

**Kelsey J. Bridges**

**REPRESENTS**

**50. Case No.: COS-2016035761**

**First License Obtained:** 10/09/2015  
**License Expiration:** 10/31/2017  
**Complaint history:** None

**51. Case No.: COS-2016035781**

**First License Obtained:** 06/02/2016  
**License Expiration:** 06/30/2018  
**Complaint history:** None

**52. Case No.: COS-2016035581**

**First License Obtained:** 10/09/2015  
**License Expiration:** 10/31/2017  
**Complaint history:** None

These matters were previously presented to the Board at its August 8, 2016 meeting as follows: *The first three complaints are against shops that are all owned by the same person, they are licensed with this board as well as the massage therapy board. The 4<sup>th</sup> complaint is the manager of two of the shops, and the fifth is an employee of the shop. This department was notified by a municipal police department that the three shops had been under investigation for prostitution and solicitation. Undercover cops report that they were offered sexual acts in exchange for money when they were receiving massages. During the conclusion of the investigation it was determined that prostitution was occurring in the three shops and that the two licensed individuals in complaints 4 and 5 were accused of prostitution. **Authorization:** Authorize for formal hearing. Allow authority to settle by consent order assessing revocation of all the licenses.*

**Update:** Board records indicate that the complaints against the shop manager and the employee were closed by signed Consent Order and Agreed Order for voluntary license revocation respectively and the shops are now closed for business.

**Recommendation:** **Close and flag the complaints against the shops.**

**Decision: Approved.**

Attending were Board members Ron Gillihan, Becky Russell and Amy Tanksley, and Frank Gambazza was not present.

The meeting adjourned at 9:25 AM.

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

**NEW BUSINESS:**

Financial information presented through April 2018 reflects an estimated surplus \$243,281 for fiscal year 2018.

The proposed rules updating the equipment and student kits for shops and schools were last worked on and discussed in December 2017. The attorney for the board, Cherrelle Hooper updated the board on the status and plans to present the revised version at the August board meeting.

**Additional Questions:**

**Motion to adjourn**

MOTION to adjourn made by Patricia Richmond and seconded by Yvette Granger. Motion carried unanimously.