



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 December 9, 2019 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, Anita Charlton, Frank Gambuzza, Ron Gillihan, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield and Amy Tanksley. Not in attendance: Nina Coppinger. Participating telephonically: Yvette Granger.

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

Director Gumucio introduced new public board member Susan Witcher.

MINUTES-

Minutes for the October 7, 2019 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Janie Ross to approve the October, 2019 minutes. Motion carried unanimously.

Roberts Rule of Order:

For 2020 the board needs to vote to adopt Roberts Rule of Order.

MOTION made by Patricia Parsons and seconded by Frank Gambuzza to adopt Roberts Rules. Motion carried unanimously.

Elect Board Chair and Vice Chair:

Pursuant to T.C.A. 62-4-105, the board shall annually elect a chair and vice chair.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to elect Ron Gillihan as Chair and Becky Russell as vice chair of the State Board of Cosmetology and Barber Examiners for 2020. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

The Nail Academy – New Specialty Manicure School

Ms. Rose Le Ho appeared before the board. The school is located in Cookeville and is a specialty manicure school with 1,200 sq. ft. The floor plan, five contracts, contingency plan, application and fees were all received timely.

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

The Master Academy of Barbering – Change in Location

Ms. Bianca Dyon appeared before the board. The school is located in Knoxville and is 4,800 sq. ft. The floor plan, applications and fees were all received timely.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve change in location pending an inspection by a field inspector and board member. Motion carried unanimously.

Brillare Beauty Institute – New Cosmetology School

Mr. Mike Smith appeared before the board for a new cosmetology school. The school is located in Chattanooga. The school is over 8,700 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, application, and fee were all received timely.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve the new school pending an inspection by a field inspector and a board member. Motion carried unanimously.

Bluff City Barber College – New Barber School

Mr. Myron Tate appeared before the board for a new barber school application. The school is located in Memphis. The school is 2,800 sq. ft. The curriculum, blank contract, floor plan, contingency plan, application and fee were all received. The 15 student contracts were turned in during the meeting and would be reviewed before proceeding with the board's decision for inspections.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons to approve new school pending an inspection by a field inspector and a board member. Motion carried by 12 board members. Ron Gillihan voted no.

New Pyramid Beauty School Inc. – New Barber and specialty Manicure School

Mr. Cleophus Bryant Jr. appeared before the board as requested by legal counsel. Mr. Bryant handed 15 barber contracts and 5 manicure contracts for the office to review at the October board meeting. The manicure contracts were determined to be incomplete. One of the manicure contract, for Thuy Thi Ngo, is a match to a person already licensed since 2015 who attended Pyramid Beauty when it was under prior ownership. Board members expressed concern for contracts submitted under those circumstances.

MOTION made by Kelly Barger and seconded by Becky Russell to deny new school pending an inspection by a field inspector and a board member. Motion carried unanimously.

2020 Continued Education Seminar Requests:

The University of Tennessee, Knoxville UT Conference Center submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, July 19 and Monday, July 20, 2020.

Motion made by Patricia Parsons and seconded by Frank Gambuzza to approve the 2020 session and requested dates. Motion carried unanimously.

Tennessee State University, Avon Campus: Ms. Tiffany Terrell appeared before the board with information for the instructor continuing education seminar. They are requesting to have the session on Sunday, August 9 and Monday, August 10, 2020.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve the 2020 session and requested dates. Motion carried unanimously.

PBC Inc. session: Ms. Pearl Walker and Ms. Celeste Harris participated telephonically and submitted their information for the instructor continuing education seminar for two dates to be held in Cordova. They are requesting the first session be approved for January 12 and 13, 2020 and the second one on September 20 and 21, 2020.

Motion made by Patricia Parsons and seconded by Janie Ross to approve the 2020 session and requested dates. Motion carried unanimously.

ExpertEase Consulting Edu. Corp: Ms. Ciara Gordon participated telephonically and submitted the information for the instructor continuing education seminar for two dates at two different locations: October 17th & 18th, 2020 in Goodlettsville and October 24th & 25th, 2020 in Chattanooga.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve the 2020 session and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown submitted the information for the instructor continuing education seminar for two sessions in Memphis: March 22nd & 23rd and October 25th & 26, 2020.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the 2020 session and requested dates. Motion carried unanimously.

DCI Academy: Ms. Destiny Cox appeared submitted the information for the instructor continuing education seminar for two dates at two different locations: May 17th & 18th, 2020 in Murfreesboro and November 8th & November 9th, 2020 in Memphis.

Motion made by Mona Sappenfield and seconded by Janie Ross to approve the 2020 session and requested dates. Motion carried unanimously.

Thomas James: Mr. James appeared before the board with information for the instructor continuing education seminar. He is requesting three different locations and dates for consideration:

Murfreesboro - March 15th & 16th, 2020

Johnson City - June 14th & 15th, 2020

Knoxville – September 13th & 14th, 2020

Motion made by Patricia Parsons and seconded by Frank Gambuzza to approve the 2020 session and requested dates. Motion carried unanimously.

Farouk Systems: Ms. Dixie Russel submitted information for the instructor continuing education seminar. This would be the group's first session offered to Tennessee instructors. They are requesting to have the session in Smyrna, on Saturday, October 17 and Sunday, October 18, 2020. This retreat starts on Friday but instructors can only receive 16 hours.

Motion made by Patricia Parsons and seconded by Frank Gambuzza to approve the 2020 session and requested dates. Motion carried unanimously. Mr. Ron Gillihan abstained from the vote.

KINCC Education Group: Ms. Kimberly Anderson appeared before the board with information for the instructor continuing education seminar. Ms. Anderson is requesting three different locations with four dates for consideration.

Memphis – March 8th & 9th and June 14th & 15th, 2020

Nashville – July 12th & 13th, 2020

Clarksville – August 9th & 10th, 2020

She also demonstrated how her online session would work and requested permission to offer it as well for the 16 hours of required continued education. Board members Ron Gillihan and Rebeca Russell offered to complete a chapter and test the system. The board agreed to consider their recommendation when they completed the evaluation.

Motion made by Amy Tanksley and seconded by Patricia Parsons to approve the 2020 in person sessions and requested dates. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: William Fester, Mario Johnson, Megan Johnson, Wayne Jones, William Sullivan, Amanda Tindell, and Julian Upshaw. 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 Judy McAllister and seconded by Amy Tanksley to approve application for examination with a signed Agreed Order. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of master barber instructor license from Wisconsin for Kristin Allison. Certification shows initial licensure in 2001 as a cosmetology instructor. Wisconsin includes “Barbering” in the hours and the services allowed for cosmetologists. Ms. Allison provided certificates of completion for the instructor program as well as a letter from the school she taught at since 2001 where it’s clear she was licensed for both disciplines and taught both cosmetology and barbering. She obtained her Tennessee cosmetology instructor license in August 2019. At that time she did not realize she would need both and that they were completely separate in Tennessee.

Recommendation - is that the applicant be approved for reciprocity barber instructor.

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

Application for reciprocity of hair stylist license from Colorado for Charita Brent. Certification shows initial licensure in September 2005 with 1,140 hours and both exams. Ms. Brent provided a letter showing at least five years’ work experience but the license is different.

Recommendation - is that the applicant take the practical exam.

MOTION made by Judy McAllister and seconded by Becky Russell to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Rubina Gillani. License lookup shows face specialist initial license issued in October 2008 with 260 hours and no exams. Ms. Gillani has also been licensed in Alabama since February 2014. She provided check stubs and letter proving experience for 2008, 2009 and between 2014 – May 2019.

Recommendation – is that the applicant take the practical exam.

MOTION made by Becky Russell and seconded by Patricia Parsons to deny recommendation. Motion carried unanimously.

Application for reciprocity of master barber license from Hawaii for Kapuanani Ho. License lookup shows initial licensure in December 2010 with 1,500 hours and only the theory exam. Ms. Ho provided tax records as proof of work in the industry from 2009 through 2018 as well as a letter showing experience between 2018 and 2019.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Illinois for Thu Thi Nguyen. Certification shows initial license date June 2012 with education from Vietnam and no exams. Ms. Nguyen has been licensed in the USA for more than five years but she is not interested in only obtaining a manicure license. She provided a written explanation that she only does nails and that Illinois allowed her to not test.

Recommendation - is that the applicant takes the Tennessee manicure exams.

MOTION made by Patricia Parsons and seconded by Becky Russell to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Diem Thi Phuong Nguyen. Certification shows initial license was issued in September 2014 with 1,550 hours and no exams. Ms. Nguyen is also licensed in North Carolina since October 2014. She provided a written explanation that she only does nails and that she does not have confidence in passing the cosmetology exams so she is asking to test as a manicurist.

Recommendation - is that the applicant takes the Tennessee manicure exams.

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

Application for reciprocity of manicurist license from Iowa for Samuel Joshua Sturgill. Certification shows initial license date of August 31, 2019 with 525 hours and both exams. His license status shows probation instead of active. Unfortunately, the office has not received an explanation for the reason in that status. Our research found a civil case still open under his name but no felony records.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Parsons and seconded by Judy McAllister to deny recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Thanh Thi Ngoc Vu. Certification shows initial licensure in July 2016 and both exams. Ms. Vu originally applied for reciprocity in 2017 and was told she needed to complete the additional 200 hours to substantially meet the requirements. She attended a school in Georgia and completed the 200 hours in 2018 and has now applied for licensure. Since then, the school she attended in California is one that is still under investigation therefore she was denied. Ms. Vu appears to have done what was asked of her and incurred additional expenses as well as lost time therefore she is asking for reconsideration.

Recommendation - is that the applicant take the practical exam.

MOTION made by Becky Russell and seconded by Patricia Parsons to approve recommendation. Motion carried unanimously.

The full board approved the committee reciprocity decisions:

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve committee's reciprocity decisions. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request to waive the need to retest pursuant to rule 0440-1-.10 which states an applicant must apply for and pay for the original license within six (6) months after passing the examination. The Board may, for good cause, waive this requirement. The board previously authorized the Director to approve these extensions past the six months but for only up to a year and for good cause. Ms. Shanel Harris passed her practical aesthetician exam on July 5, 2018. She provided an explanation for the delay which included difficulty with the system but also the license fee. She qualifies for the low income fee waiver.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve extension and approve her license. Motion carried unanimously.

Request for approval of manicurist license for Hien Kim Huynh. Ms. Huynh was licensed by reciprocity from Texas in 2011. That license was revoked in 2013 for failure to obtain licensure as the statute required. Since then he attended a school in Tennessee and passed both exams. Since then she completed hours in a school in Tennessee and passed the practical exam in August 2019.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve the license. Motion carried unanimously.

Request for approval of manicurist license for Anh Kim Nguyen. Ms. Nguyen was licensed by reciprocity and had that license revoked. She reapplied again by reciprocity from Texas in 2013. That case went before an administrative law Judge. She attended one of the schools under investigation in Texas and the conclusion was that she lived in Tennessee and could not have attended school. That license was revoked effective November 2019. During 2017, while still holding the license recently revoked, she attended a school in Memphis. She passed the practical exam in September 2019.

MOTION made by Patricia Parsons and seconded by Frank Gambuzza to deny the license. Hours need to be audited and Ms. Nguyen is to appear before the board. Motion carried unanimously.

Request for approval of manicurist license for Luu Phuong Tran. Mr. Tran was licensed by reciprocity from Texas in 2013. That license was revoked in November 2019 for failure to obtain licensure as the statute required. While the case was going on he attended a school in Lebanon in 2018. He passed the practical exam in October 2018. It appears he did not realize the case was still open and that completing school again and passing the exams could have gotten things resolved in 2018. The board had to also consider accepting the old exams pursuant to rule 0440-1-.10, or he would need to retest.

MOTION made by Amy Tanksley and seconded by Kelly Barger to approve the license. Motion carried unanimously.

PSI incident: On October 14, 2019, the Nashville theory site had a cheating incident that involved Ms. Thi My Duyen Cao. Ms. Cao failed the theory exam before and was using index cards to record the questions. The Director has contacted the school to advice of the incident. The schools decision had already been made that this student would need to follow a traditional track if they wish to complete their hours. In prior cases of cheating the board decided to block testing for one year and have the applicant appear in person if they wish to continue the exam process.

MOTION made by Patricia Parsons and seconded by Judy McAllister to have applicant appear before the board 12 months to continue testing. Motion carried unanimously.

DIRECTOR'S REPORT:

The final numbers for fiscal year 2019 show a surplus of \$284,184. This leaves the program with a reserve of \$899,060. Between July and October, an additional \$154,265 was added to the surplus putting the board at just over a million.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:00 to review the allegations of 92 complaints and make recommendations to the Board.

Attending were Board members, Ron Gillihan, Frank Gambuzza, Becky Russell and Amy Tanksley.

COSMETOLOGY CASES

1. Case No.: COS-201905511

First License Obtained: 06/18/2018
License Expiration: 09/01/2020
Complaint history: 2019036861, closure

This is a student instructor complaint alleging that the school did not report hours. The Complainant also alleges that the school does not have an instructor present during school hours and that only junior instructors are present. The complainant alleges issues with payroll and lack of supervision. The Respondent provided a response denying the allegations. The Complainant has no documentation other than text messages.

Recommendation: Closure

Decision: Approved

2. Case No.: COS- 2019055641

First License Obtained: 12/19/2016
License Expiration: 09/01/2020
Complaint history: 2017070461, closure

This is a student complaint alleging unprofessional conduct by the teachers and administrators at the school. The school responded and stated that there is no one enrolled at the school with the Complainant's name. The school responded to the allegations denying any unprofessional conduct and denying each allegation as alleged by the "student".

Recommendation: Closure

Decision: Approved

3. Case No.: COS- 2019055921

First License Obtained: 07/29/2014
License Expiration: 05/31/2021
Complaint history: 201703194, closed by Agreed Citation and payment of \$100.00

This is a consumer complaint alleging that the salon opened for business without finishing the construction phase. The Respondent provided a response and stated that the consumer is actually the contractor for the build out who did not complete the work. The Respondent provided photos of the shop as finished and the Respondent has a current license.

Recommendation: Closure

Decision: Approved

4. Case No.: COS-2019056201

First License Obtained: N/A
License Expiration: N/A

Complaint history: None

Pursuant to a consumer complaint alleging unlicensed activity, an inspection was performed and no violations were found as the Respondent has applied for a license and it did not appear that the shop was open for business.

Recommendation: Closure

Decision: Approved

5. Case No.: COS- 2019056271

First License Obtained: 01/05/2017

License Expiration: 01/31/2019

Complaint history: None

This is a consumer complaint alleging a bad result with salon services. The complainant also alleges unsanitary conditions of the shop but this complaint is against the stylist. The complainant did not provide the name of the shop.

Recommendation: Closure

Decision: Approved

6. Case No.: COS- 2019056401

First License Obtained: 09/13/2007

License Expiration: 09/30/2019

Complaint history: 2017061391, closure

This is an anonymous complaint alleging that the Respondent is working outside the scope of her license. The Respondent provided a response to the complaint and explained all services provided and denied any services are being provided that are outside the scope of the licenses held by the shop.

Recommendation: Closure

Decision: Approved

7. Case No.: COS-2019056321

First License Obtained: 06/07/2017

License Expiration: 06/30/2021

Complaint history: 2017049781, closure; 2019034711, closure

This is a consumer complaint alleging unsanitary conditions and a bad result from services. Shop was inspected in June 2019 and no violations were found

Recommendation: Closure

Decision: Approved

8. Case No.: COS-2019056781

First License Obtained: 01/29/2019

License Expiration: 01/31/2021

Complaint history: 201901355, closed by Agreed Citation and payment of \$1,000 civil penalty

This is a consumer complaint alleging a bad result with a pedicure. The Respondent provided a response acknowledging that the nail tech was new to the industry and apologized to the consumer.

Recommendation: Closure

Decision: Approved

9. Case No.: COS-2019056901

First License Obtained: 08/29/2017

License Expiration: 07/31/2021

Complaint history: 2018023731, close and flag

This is a consumer complaint alleging a bad result with a pedicure. The Respondent provided a response acknowledging that the nail tech was new to the industry and apologized to the consumer. This complaint is related to 2019056781 as same ownership and nail tech was moved to this salon for additional training and within the same month the consumer entered this salon and witnessed the individual providing services.

Recommendation: Closure

Decision: Approved

10. Case No.: COS-2019057061

First License Obtained: 12/01/1994

License Expiration: 12/31/2020

Complaint history: None

Pursuant to inspection, this individual was found to be providing services with an expired license.

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

Decision: Approved

11. Case No.: COS-2019057031

First License Obtained: 10/11/2018

License Expiration: 05/31/2020

Complaint history: None

Pursuant to inspection the shop was found to be allowing one individual to provide services with expired license and no manager present.

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

Decision: Approved

12. Case No.: COS-2019058121

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

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

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

Decision: Approved

13. Case No.: COS- 2019058221

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

14. Case No.: COS-2019057251

First License Obtained: 11/13/2017

License Expiration: 11/30/2019

Complaint history: None

This is a complaint alleging that a dog was in the salon acting aggressive. The Respondent provided a response stating that the animal is a service dog and was not acting aggressive but performing its trained duties.

Recommendation: Closure with request proof that animal is service dog for our records within 30 days.

Decision: Approved

15. Case No.: COS-2019057751

First License Obtained: 05/03/2017

License Expiration: 05/31/2021

Complaint history: 2017046681, closure; 2018028481, closed; 2018044351, closure

Pursuant to an employee complaint alleging unlicensed activity, an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

16. Case No.: COS-2019057811

First License Obtained: 09/28/2018

License Expiration: 09/30/2020

Complaint history: None

Pursuant to an employee complaint alleging unlicensed activity, an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

17. Case No.: COS-2019058561

First License Obtained: 01/07/2013

License Expiration: 12/31/2020

Complaint history: 20150213651, executed Consent Order to pay \$500.00 civil penalty – only paid \$250, and as such, the matter was sent to collections; 2017002241, closed by Consent Order and payment of \$100.00 civil penalty

Pursuant to inspection, the shop was found to be providing services not authorized by the license.

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

Decision: Approved

18. Case No.: COS-2019058581

First License Obtained: 02/11/2009
License Expiration: 02/28/2021
Complaint history: 201502136671, executed Consent Order to pay \$500.00 civil penalty – only paid \$250, and as such, the matter was sent to collection

This is the owner of the above salon in complaint No. 2019058561

Recommendation: Closure

Decision: Approved

19. Case No.: COS-2019058491

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The respondent admits that she has been providing services as a trainee but offers no further explanation as to what exact services are being performed

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty reduced to zero if the Respondent provides proof of hair wrapping exemption.

Decision: Approved

20. Case No.: COS-2019058991

First License Obtained: 07/27/2005

License Expiration: 05/31/2021

Complaint history: 2012003751, closed by Consent Order and payment of \$500.00 civil penalty; 2014022191, Letter of Warning; 20150217401, closed by Consent Order and payment of \$500.00 civil penalty; 2018021911, close

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

Recommendation: Closure

Decision: Approved

21. Case No.: COS-2019059521

First License Obtained: 06/22/1994

License Expiration: 05/31/2021

Complaint history: 2010019571, closed by Consent Order and payment of \$2,000 civil penalty; 2011022951, closed by Consent Order and payment of \$500.00 civil penalty

Based on a consumer complaint, an inspection was performed and no violations were found.

Recommendation: Closure

Decision: Approved

22. Case No.: COS-2019059191

First License Obtained: 05/31/2018

License Expiration: 09/01/2020

Complaint history: 2018027341, closed with Letter of Instruction;

2019036461, closure

This is a contract dispute between a student and the school concerning whether the student is owed a refund.

Recommendation: Closure

Decision: Approved

23. Case No.: COS-2019060081

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. There was no evidence provided by the consumer that any services were provided.

Recommendation: Closure with request for follow-up inspection.

Decision: Approved

24. Case No.: COS-2019060471

First License Obtained: 06/13/2013

License Expiration: 06/30/2021

Complaint history: 2017066641, closure

This is an employee/employer complaint regarding a contract dispute.

Recommendation: Close for lack of jurisdiction.

Decision: Approved

25. Case No.: COS-2019060851

First License Obtained: 06/14/1994

License Expiration: 03/31/2020

Complaint history: 2010017541, closed by Consent Order and payment of \$500.00 civil penalty

Pursuant to inspection, the shop owner/manager was found to be providing services with expired license. Due to expired license shop was cited for no manager present

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

Decision: Approved

26. Case No.: COS-2019060711

First License Obtained: 02/06/2018

License Expiration: 02/29/2020

Complaint history: 201905816, closed by Agreed Citation and payment of \$1,000 civil penalty

This is a consumer complaint alleging unsanitary conditions which led to the consumer developing an infection. The consumer provided no medical proof that the infection was caused by the services received at the salon.

Recommendation: Closure

Decision: Approved

27. Case No.: COS- 2019061101

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The Respondent provided a response and acknowledges failure to test in a timely manner due to life issues.

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

Decision: Approved

28. Case No.: COS- 2019061461

First License Obtained: 10/16/2002

License Expiration: 10/31/2020

Complaint history: None

This is a consumer complaint whereby the complainant alleging a bad result with services provided. The consumer is anonymous.

Recommendation: Closure

Decision: Approved

29. Case No.: COS-2019062221

First License Obtained: 12/28/2016

License Expiration: 12/31/2020

Complaint history: None

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

Recommendation: Closure

Decision: Approved

30. Case No.: COS- 2019062531

First License Obtained: 01/15/2016

License Expiration: 09/01/2019

Complaint history: 2019044741, closure

This is a former student complaint alleging that the student attended the school in February 2013 and during that time the school started to lose instructors. Further, the Complainant alleges that she noticed her hours were being miscalculated which caused her graduation date to be wrong. Additionally, the Complainant alleges that she received a 2013 ledger with a balance of \$1,618.58. The Complainant did not provide any documentation in support of her claims. The school was under a different ownership in 2013 and the new ownership took place in January 2016 and closed for business on September 18, 2018.

Recommendation: Closure

Decision: Approved

31. Case No.: COS-2019062841

First License Obtained: 09/26/2017

License Expiration: 09/30/2021

Complaint history: 2018082291, closed by Agreed Citation and payment of \$500.00

Pursuant to a consumer complaint alleging unlicensed activity an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

32. Case No.: COS-2019062801

First License Obtained: 10/25/2017

License Expiration: 10/31/2019

Complaint history: None

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

Recommendation: Closure

Decision: Approved

33. Case No.: COS-2019062951

First License Obtained: 09/26/2017

License Expiration: 09/30/2019

Complaint history: 2018065521, Formal Charges Authorized

Pursuant to inspection, two individuals were found to be providing services in the Respondent shop without a license. There was also no manager present.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2500.00 civil penalty.

Decision: Approved

34. Case No.: COS-2019063301

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is an anonymous consumer complaint alleging an unknown respondent of unprofessional behavior.

Recommendation: Closure

Decision: Approved

35. Case No.: COS-2019063501

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint alleging unlicensed activity an inspection was performed and no unlicensed activity could be substantiated at the time of the inspection.

Recommendation: Closure

Decision: Approved

36. Case No.: COS- 2019063521

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint, alleging unlicensed activity by this individual, an inspection was performed but no unlicensed activity could be substantiated at the time of inspection.

Recommendation: Closure

Decision: Approved

37. Case No.: COS-2019063921

First License Obtained: 03/11/2015
License Expiration: 03/31/2019
Complaint history: None

Pursuant to inspection, this shop was found to have moved suites same physical address without first notifying the board.

Recommendation: Letter of warning.

Decision: Approved

38. Case No.: COS-2019064561

First License Obtained: 01/17/2002
License Expiration: 09/30/2020
Complaint history: 2005038781, closed by Consent Order and payment of \$1,000 civil penalty; 2005027201, closed with a Letter of Warning; 200502262, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging unsanitary conditions and states that the salon locked the door so that the consumer was unable to leave because she had not paid for the service. The respondent acknowledges that the employee locked the door due to the fact that the consumer had not paid for the services provided.

Recommendation: Closure with Letter of warning and request for inspection.

Decision: Approved

39. Case No.: COS-2019066301

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

40. Case No.: COS-2019066341

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

41. Case No.: COS-2019065731

First License Obtained: 11/16/2012
License Expiration: 09/30/2020
Complaint history: 2014007421, closed by Consent Order and payment of \$750.00 civil penalty

Based on a consumer complaint alleging unsanitary conditions, an inspection was performed and no violations were found.

Recommendation: Closure

Decision: Approved

42. Case No.: COS- 2019065871

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no unlicensed activity was substantiated.

Recommendation: Closure

Decision: Approved

43. Case No.: COS-2019066161

First License Obtained: 09/05/2008

License Expiration: 12/31/2018

Complaint history: None

This is a consumer complaint alleging a bad result with a hair service.

Recommendation: Closure

Decision: Approved

44. Case No.: COS- 2019067521

First License Obtained: 10/17/2018

License Expiration: 10/31/2020

Complaint history: None

Pursuant to a consumer complaint, an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

45. Case No.: COS-2019067001

First License Obtained: 03/07/2008

License Expiration: 03/31/2020

Complaint history: None

This is a consumer complaint alleging a bad result with services and allegations of no valid license. The respondent has a current license.

Recommendation: Closure

Decision: Approved

46. Case No.: COS-2019067251

First License Obtained: 12/19/2016

License Expiration: 09/01/2020

Complaint history: 2017070461, closure

This is a student complaint alleging that the school failed to teach the basics causing the student to not be prepared for the state exam. The school responded and explained how the classes are taught and explained the prep course for the state exam.

Recommendation: Closure

Decision: Approved

47. Case No.: COS-2019067871

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The address provided does not exist.

Recommendation: Closure

Decision: Approved

48. Case No.: COS- 2019067691

First License Obtained: 02/27/2006

License Expiration: 06/30/2021

Complaint history: 2008003291, closed by Consent Order and \$2,500 civil penalty; 2008014771, closed by Consent Order and payment of \$2,000 civil penalty; 2012011641, closed by Consent Order and payment of \$1,000 civil penalty

This is a consumer complaint alleging unlicensed activity. The salon responded and stated that the person listed in the complaint does not provide services.

Recommendation: Closure

Decision: Approved

49. Case No.: COS-2019068601

First License Obtained: 02/15/2017

License Expiration: 02/28/2019

Complaint history: None

This is a consumer complaint alleging unlicensed activity. Based on the complaint an inspection was performed but no unlicensed activity could be substantiated.

Recommendation: Closure

Decision: Approved

51. Case No.: COS-2019069221

First License Obtained: 12/20/2010

License Expiration: 11/30/2020

Complaint history: 2013011411, 2016003401, 2017061711, 2018036941, closed with no action;

This is a consumer complaint alleging unsanitary conditions. The salon was inspected in August 2019 and no violations were found.

Recommendation: Closure

Decision: Approved

52. Case No.: COS-2019069251

First License Obtained: 08/20/2013

License Expiration: 08/31/2017

Complaint history: None

Pursuant to a complaint alleging unlicensed activity, an inspection was performed and the Respondent appears to be operating a salon but was not open on the date of the inspection.

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

Decision: Closure with request for re-inspection.

53. Case No.: COS- 2019069951

First License Obtained: 10/09/2018

License Expiration: 10/31/2020

Complaint history: None

This is a consumer complaint alleging unlicensed activity but the Respondent maintains a current license.

Recommendation: Closure

Decision: Approved

54. Case No.: COS- 2019069931

First License Obtained: 01/24/2018

License Expiration: 12/31/2029

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

55. Case No.: COS-2019070981

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no violations could be substantiated.

Recommendation: Closure

Decision: Approved

56. Case No.: COS-2019071111

First License Obtained: 09/11/2019

License Expiration: 09/30/2021

Complaint history: None

This is a consumer complaint alleging unlicensed activity. An inspection was performed and found the salon opened for business but the owner disputes the findings of the inspection and states no services were being performed at the time of inspection and that the salon was not providing services at the time of inspection and is now licensed with the Board.

Recommendation: Closure

Decision: Approved

57. Case No.: COS-2019084951

First License Obtained: 01/27/2009

License Expiration: 01/31/2021

Complaint history: None

58. Case No.: COS-2019081871

First License Obtained: 12/26/2012

License Expiration: 06/30/2020

Complaint history: None

Pursuant to inspection, this shop was found to be allowing one individual to provide services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against the shop. Close complaint against the owner.

Decision: Approved

59. Case No.: COS-2019083121

First License Obtained: 03/29/1985

License Expiration: 11/30/2020

Complaint history: None

60. Case No.: COS-2019083091

First License Obtained: 12/01/1994

License Expiration: 10/31/2020

Complaint history: None

Pursuant to inspection, this shop was found to have an expired license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty against the shop and closure against the owner.

Decision: Approved

BARBER CASES

61. Case No.: BAR- 2019060811

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2019002511, Formal Charges Authorized

This is a complaint alleging unlicensed activity. The Respondent has another complaint in litigation. No Notice of violation was issued as this complaint was referred directly to legal.

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

Decision: Approved

62. Case No.: BAR-2019062691

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to a consumer complaint alleging unlicensed activity, an inspection was performed and no violations were found.

Recommendation: Closure

Decision: Approved

63. Case No.: BAR-2019063421

First License Obtained: N/A

License Expiration: N/A
Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no violations were found.

Recommendation: Closure

Decision: Approved

64. Case No.: BAR- 2019063611

First License Obtained: 04/13/2012

License Expiration: 03/31/2020

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no violations were found.

Recommendation: Closure

Decision: Approved

65. Case No.: BAR-2019065481

First License Obtained: 02/28/2003

License Expiration: 02/28/2017

Complaint history: 2015009451, closed by Initial Order and assessment of \$100.00 civil penalty and \$187.50 hearing costs; 2018042531, Formal Charges Authorized

66. Case No.: BAR-2019065511

First License Obtained: 01/03/2002

License Expiration: 01/31/2018

Complaint history: 2015009461, closed by Initial Order and assessment of \$100.00 civil penalty and \$187.50

Pursuant to inspection, the shop and the owner/manager were found to have expired license. Shop cited for no manager present.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$700.00 civil penalty (\$100.00 to individual and \$600.00 to shop)

Decision: Approved

67. Case No.: BAR- 2019068081

First License Obtained: 03/09/2006

License Expiration: 09/30/2021

Complaint history: 2007063831, closed by Consent Order and payment of \$250.00 civil penalty; 2010010821 & 2011008461, closed by Consent Order and payment of \$500.00 civil penalty

68. Case No.: BAR-2019068101

First License Obtained: 03/25/1998

License Expiration: 03/31/2020

Complaint history: None

Pursuant to inspection, this shop was found to be operating with expired license.

Recommendation: Closure as shop renewed same day of inspection.

Decision: Approved

69. Case No.: BAR-2019068391

First License Obtained: 04/11/2016

License Expiration: 04/30/2020

Complaint history: None

This is a consumer complaint alleging issues with the prices for the services performed.

Recommendation: Closure

Decision: Approved

70. Case No.: BAR-2019070631

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no violation was found.

Recommendation: Closure

Decision: Approved

REPRESENTS

71. Case No.: COS-2017042731

First License Obtained: 03/28/2008

License Expiration: 03/31/2018

Complaint history: None

This complaint was opened against a shop that was allowing two individuals to provide services without a current license. One expired license and the other had been revoked. According to the Board records, the shop is now closed due to a change of ownership. The owner has no prior disciplinary history.

Recommendation: Letter of Warning to be sent to the shop owner.

Decision: Approved

72. Case No.: BAR-2017029961

First License Obtained: 02/15/2007

License Expiration: 04/30/2021

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.*

Update: Legal recently contacted the court to check on the status of the Respondent's criminal case and was advised that the Respondent's criminal case has been expunged and that there is no felony case found in criminal court office for Respondent.

New Recommendation: Closure

Decision: Approved

73. Case No.: COS-2017028831

First License Obtained: 03/31/2016

License Expiration: 03/31/2020

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.

Update: The consumer's case has settled but no additional information was provided and consumer resides outside of the State of Tennessee.

New Recommendation: Closure

Decision: Approved

74. Case No.: BAR-2018041331

First License Obtained: 12/03/2010

License Expiration: 07/31/2019

Complaint history: 2018006811, Formal Charges Authorized

75. Case No.: BAR-2018041351

First License Obtained: 11/04/2010

License Expiration: 11/30/2014

Complaint history: 2018006861, closed with Letter of Warning

These matters were previously presented at the November 5, 2018 meeting as follows: *Pursuant to an inspection on June 21, 2018, the owner of the shop was found to be providing barbering services with an expired master barber license which had been expired for more than three years.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against the owner/shop.

Decision: Approved.

Update: Board records indicate that the shop is now closed for business.

New Recommendation: Closure

Decision: Approved

76. Case No.: COS- 2019016931

First License Obtained: 11/23/2011

License Expiration: 11/30/2019

Complaint history: None

This matter was previously presented at the June 3, 2019 meeting as follows: *Pursuant to inspection, this owner/manager was found to be allowing one individual to provide services without a license*

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

Decision: Approved.

Update: A Consent Order was sent to the Respondent. In response, the Respondent provided copy of proof of payment of \$1,500 civil penalty paid by Respondent for the abovementioned violation in complaint No. 201901695 against the Respondent's shop.

New Recommendation: Closure
Decision: Approved

77. Case No.: BAR-2019016271

First License Obtained: 05/16/2017

License Expiration: 05/31/2021

Complaint history: None

This matter was previously presented at the June 3, 2019 meeting as follows: *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

Update: A Consent Order was sent to the Respondent. In response, the Respondent contacted the Department and indicated that he has paid for this violation. Further review of this matter revealed that the Respondent had already paid \$1,500 civil penalty for the abovementioned violation in complaint No. 201901625 against the Respondent's shop owner and manager.

New Recommendation: Closure

Decision: Approved

78. Case No.: BAR-2017046961

First License Obtained: 06/19/2012

License Expiration: 06/30/2018

Complaint history: None

Pursuant to inspection on July 14, 2017, this shop owner was found to have moved locations without requesting a change of address from the Board. No other violations were found. The Respondent did apply for a change of location which was received on July 25, 2017 and same was approved on August 7, 2017.

Recommendation: Discussion.

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

Update: Board records indicate that the shop that caused this complaint to be opened is now closed for business. Counsel recommends that this matter be closed.

New Recommendation: Close.

Decision: Approved

79. Case No.: BAR-2018006811

First License Obtained: 12/03/2010

License Expiration: 07/31/2019

Complaint history: 2018041331, Formal Charges Authorized

Pursuant to inspection, the owner was found to be providing services with expired license and the owner was operating as the manager with expired license.

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

Decision: Approved

Update: Board records indicate that this shop is now closed for business.

New Recommendation: Close.

Decision: Approved

80. Case No.: L15-COS-RBS- 20150213551
First License Obtained: 02/11/2005
License Expiration: 02/28/2019
Complaint history: None

81. Case No.: L15-COS-RBS-20150213601
First License Obtained: 12/18/2009
License Expiration: 12/31/2019
Complaint history: None

This matter was previously re-presented to the Board at its December 18, 2018 meeting as follows: *This complaint alleges that the owner of this shop allowed the spouse of the shop owner to work on a fraudulently obtained license in violation of Tenn. Code Ann. § 62-4-119 (1). The spouse subsequently agreed to the revocation of the fraudulent license and the spouse was further named as a person receiving a fraudulent license in a statement by a former employee who admitted to being involved in a scheme to fraudulently obtain cosmetology licenses in violation of Tenn. Code Ann. § 62-4-127(b)(1). Case 20150213551 is against the owner of the shop, who holds an individual cosmetology license, and case # (case number) is against the shop itself.*

Recommendation: Authorize each complaint for formal hearing with authority to settle each case by consent order for revocation of the shop owner's personal cosmetology license and the shop's license, respectively.

Decision: Accepted

Update: These cases were set for hearing in December, however, opposing counsel filed a motion to continue and request for mediation. The judge granted the continuance and recommended that legal speak to the client regarding the request for mediation.

New Recommendation: Legal recommends the parties attend mediation and authorize the Executive Director, Roxana Gumucio, to attend the mediation on the board's behalf and authorize settlement of this matter with authority to settle with new settlement terms as to be decided at mediation.

Decision: Approved.

Update: The shop is closed. The parties attended mediation and the ALJ had concerns about this case moving forward. Legal recommends closure of the shop complaint and letter of warning to the Respondent shop owner.

New Recommendation: Closure of the shop complaint and Letter of Warning to the Respondent shop owner.

Decision: Approved

82. Case No.: COS-2019053781

First License Obtained: 12/15/2006
License Expiration: 12/31/2020
Complaint history: 2019008901, closure with request for re-inspection

This matter was previously presented to the Board at its October 7, 2019 meeting as follows: Pursuant to inspection, this Respondent who is the shop manager was found to be allowing a person to provide services without a license.

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

Decision: Approved

Update: After this case was presented in October 2019, it was discovered that the Respondent had already accepted the Agreed Citation and paid \$1500.00 civil penalty to settle this matter.

Recommendation: Close this case with the signed Agreed Citation and the civil penalty payment.

Decision: Approved

83. Case No.: COS-2018011441

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its June 4, 2018 meeting as follows: *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.*

Update: Unable to obtain service on the Respondent for purposes of litigation.

New Recommendation: Close and flag.

Decision: Approved

84. Case No.: BAR-2018003301

First License Obtained: 08/19/2003

License Expiration: 08/31/2017

Complaint history: None

This matter was previously presented to the Board at its May 7, 2018 meeting as follows: *Pursuant to inspection, this Respondent 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*

Update: Unable to obtain service on the Respondent for purposes of litigation.

New Recommendation: Close and flag.

Decision: Approved

85. Case No.: BAR-2017059061

First License Obtained: 11/09/2012

License Expiration: Revoked

Complaint history: 2013021421, closed by Final Order for revocation of Respondent's master barber license and the assessment of \$3,000 civil penalty and hearing costs of \$225.00

This matter was previously presented to the Board at its December 11, 2017 meeting as follows: *This is an administrative complaint which was opened due to the fact that the Respondent continues to work as a barber after his license has been revoked and also allows his minor son to perform services as a barber who has no license and is under the age to obtain a license.*

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

Decision: *Approved*

Update: Unable to obtain service on the Respondent for purposes of litigation.

New Recommendation: Close and flag.

Decision: Approved

86. Case No.: COS-2019053881

First License Obtained: 12/19/1990

License Expiration: 06/30/2020

Complaint history: None

This matter was previously presented to the Board at its October 7, 2019 meeting as follows:
Pursuant to inspection, the shop license was found to be expired. This Respondent is the manager.

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

Decision: Approved

Update: Legal has received written confirmation that this Respondent is not the manager of the shop.

New Recommendation: Closure

Decision: Approved

87. Case No.: COS-2017053031

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its December 11, 2017 meeting as follows:
Pursuant to inspection, this salon was not open for business at the time of inspection but has business license and appears to be operating as a salon.

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

Decision: Approved

Update: Further review of this matter for purposes of litigation revealed that at the time of the inspection the shop was under construction and no services were provided. As such, Legal recommends closure of this matter.

New Recommendation: Closure

Decision: Approved

88. Case No.: COS-2016073321

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its March 6, 2017 meeting as follows:
Pursuant to inspection, this shop was found to be operating without a license and the owner and one individual were providing services without a license.

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

Decision: Approved.

Update: All attempts at service of the consent order have been returned as undeliverable.

New Recommendation: Closure with request for inspection.

Decision: Approved

89. Case No.: COS-2016073341

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

This matter was previously presented to the Board at its March 6, 2017 meeting as follows:
Pursuant to inspection, this individual was providing services without a license.

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

Decision: Approved.

Update: This is the Respondent from Complaint No. 2016073321. All attempts at service of the consent order have been unsuccessful.

New Recommendation: Closure

Decision: Approved

90. Case No.: COS-2017062051

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

This matter was previously presented to the Board at its January 29, 2018 meeting as follows:
Pursuant to inspection, this Respondent was found to be performing services without a license.

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

Decision: Approved

Update: This Respondent is licensed out of state and all attempts at service of the consent order have been unsuccessful.

New Recommendation: Closure

Decision: Approved

91. Case No.: COS-2017046621

First License Obtained: 11/23/2011
License Expiration: 08/31/2019
Complaint history: None

This matter was previously presented to the Board at its December 11, 2017 meeting as follows:
Pursuant to inspection, the shop was found to be operating without a valid license. The shop closed in 2016 and never made application to reopen. The owner was present in the salon and providing services. The owner maintains a valid license.

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

Decision: Approved

Update: This shop was originally licensed in 2016 then the shop closed but was re-instated in 2017. The shop license is currently expired.

New Recommendation: Closure with request for inspection.

Decision: Approved

92. Case No.: COS-2017078421

First License Obtained: 03/10/1980
License Expiration: 03/31/2018
Complaint history: None

Pursuant to inspection, the shop license was found to be expired, no shop manager was present, and one individual providing services with expired license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$700.00 civil penalty.

Decision: Approved

Update: Board records indicate that the shop is now closed for business.

New Recommendation: Closure

Decision: Approved

The meeting adjourned at 9:22 AM.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza for approval of the Legal Report as amended. Motion carried unanimously.

MOTION made by Patricia Parsons and seconded by Judy McAllister for approval by the full board of the Legal Report as amended. Motion carried unanimously.

NEW BUSINESS:

Advanced Aesthetics:

Ms. Gumucio explained that the board received an increased number calls and emails regarding aestheticians working above what their license prepares them for and what the statute allows them to do in licensed skin care or cosmetology shops. Under Rule 0440-02-.16 Skin peeling and invasive procedures refers to only the uppermost layers of facial skin and only for purposes of beautification. Pursuant to Tenn. Code Ann. §62-4-109 Physicians, nurses, aides or similar personnel acting solely in their professional capacities are exempt from the cosmetology chapter. This has in the past given aestheticians a path with which to work under that professions umbrella.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Janie Ross and seconded by Patricia Richmond. Motion carried unanimously.