



**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 January 28, 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 Gambuza, Yvette Granger, Ron Gillihan, Judy McAllister, Becky Russell, Amy Tanksley. Participating electronically Nina Coppinger, Mona Sappenfield, Patricia Parsons and Janie Ross. Not present Brenda Graham.

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

MINUTES-

Minutes for the December 10, 2018 board meetings were submitted for changes and/or approval.

Motion made by Judy McAllister and seconded by Amy Tanksley to approve the December 10, 2018 minutes. Motion carried unanimously.

Roberts Rule of Order:

For 2019 the board needs to vote to adopt Roberts Rule of Order.

MOTION made by Amy Tanksley and seconded by Judy McAllister 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 Judy McAllister to elect Ron Gillihan as chair of the State Board of Cosmetology and Barber Examiners for 2019. Motion carried unanimously.

MOTION made by Amy Tanksley and seconded by Judy McAllister to elect as Becky Russell as vice chair of the State Board of Cosmetology and Barber Examiners for 2019. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

2019 Continued Education Seminar Requests:

TSU, Avon Williams Campus sessions: Ms. Tiffany Terrell appeared before the board requesting approval for traditional session to be held August 11th and 12th, 2019. Ms. Terrell is new to the position and looking forward to making some changes to improve the presentation for instructors.

Motion made by Amy Tanksley and seconded by Yvette Granger to approve the 2019 session and requested dates. Motion carried unanimously.

KINCC Education Group: Ms. Kimberly Anderson appeared before the board requesting approval for two sessions to be held in Memphis June 16 – 17th and August 25 – 26th, 2019. This will be the first time this session is considered.

Motion made by Yvette Granger and seconded by Frank Gambuzza to approve the 2019 sessions and requested dates. Motion carried unanimously.

Beauty Educator's Leadership Conference: Ms. Destiny Cox appeared before the board requesting approval for a session to be held in Memphis November 10-11th, 2019. This will be the first time this session is considered.

Motion made by Yvette Granger and seconded by Judy McAllister to approve the 2019 sessions and requested dates. Motion carried unanimously.

DCI Academy – New Specialty School

Ms. Destiny Cox appeared before the board. The school is located in Memphis and is 1,100 square feet. The request is for a specialty aesthetics apprenticeship only school license. The business license, curriculum, blank contract, five tentative agreements, floor plan, application and fee were all received timely.

MOTION made by Yvette Granger and seconded by Amy Tanksley to approve new school pending an inspection by a field inspector. Motion carried unanimously.

Larry's Cosmetology Massage and Barber School – New School Licenses

Mr. Larry Roberts Jr. appeared before the board at the December meeting. At that time the board requested some updates to the contracts and corrections for the massage and aesthetics courses to better distinguish what the board can consider versus what the medical massage curriculum covers. Mr. Roberts submitted all the updated together for reconsideration.

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

Shear Perfection Academy – Change in Location

Mr. Elvin Mejia and Ms. Helen Tahiri appeared before the board for a change in location of the barber and the cosmetology school licenses. The school is currently located in Antioch and they are moving to Nashville. The school is 3,348 square feet. The floor plan, application and fee were received. They have a separate cosmetology school license that offers apprenticeship, which will continue to operate in Antioch.

MOTION made by Frank Gambuzza and seconded by Judy McAllister to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

Global Beauty and Barber Institute – Change in Location

Mr. Elvin Mejia and Ms. Ciara Gordon appeared before the board for a change in location of the cosmetology school licenses. The school is currently located in White House and they are moving to Goodlettsville. The school is 3,000 square feet. The floor plan, application and fee were received.

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

Master's Barber and Styling College – School Extension

Mr. Ron Gillihan, owner of the school appeared before the board for an extension to the existing location. This school has been licensed since 2005 in Old Hickory. The campus extension is next door to the main school building and is 1,450 sq. ft. They requested approval of the extension to provide students with better training in a larger environment. They do not plan to offer services to the public at this location. The floor plan, updated student enrollment agreement and the school catalogue were presented for the boards review.

MOTION made by Frank Gambuzza and seconded by Judy McAllister to approve extension. The board will send a field inspector as a courtesy. Mr. Gillihan abstained from the vote. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Linda Bowling, Abraham Coleman, Teresa Crumley, Randall Forrest, Calvin Kinzer, Keila Reed and Emmanuel Taylor. 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 for all individuals listed above except Mr. Emanuel Taylor. A three year probationary Agreed Order was approved for Mr. Taylor.

Motion made by Amy Tanksley and seconded by Judy McAllister to approve application for examination with signed Agreed Orders. Motion carried unanimously.

Application to test as a cosmetologist with hours from Cuba for Guillermo Reyes Diaz. Mr. Reyes completed 720 hours in 2014. He provided many translated documents that support the hours received in between 2010 – 2014. The process in Cuba includes years of work in the industry along with traditional school hours.

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

Application to test as a master barber with hours from the Kurdistan Region for Kovan Ismael. Mr. Ismael completed 1,664 hours in 2014. He provided a translated and notarized certificate showing the hours and that they were completed in eight months.

Motion made by Frank Gambuzza and seconded by Yvette Granger to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as a master barber with hours from Damascus for Azar Mohammed. Mr. Mohammed completed 2,000 hours in 2016. He provided a translated and notarized certificate showing the hours.

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

APPLICATIONS FOR RECIPROCIITY-

Application for reciprocity of master barber license from Florida for Lindsay Brunner. Certification shows initial licensure in July 2014 with 1,200 hours and no practical exam. Ms. Brunner is a few months short of having five years' work experience.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetologist license from Pennsylvania for Stephanie Fitzgerald. Certification shows an initial license in June 2001 with 1,250 hours and both exams. Ms. Fitzgerald provided tax records for 2012 – 2014 and a written explanation of her work in the industry between 2001 and 2008.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to approve reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Jaclyn Oldham. Certification shows an initial license date of January 2011 with 1200 hours and both exams. Ms. Oldham provided tax records for 2012 – 2015 and a written explanation of more experience in the industry but unable to obtain paperwork because of her move.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of manicurist license from North Carolina for Thi Vo. Certification shows initial licensure in July 2014 with 300 international hours. North Carolina required the

applicant take both exams. Ms. Vo will not meet the five years of work experience but is only a few months short.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Kelly Barger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for release of cosmetology student hours for Ms. Keona Price. Office files reflect 1,500 hours were completed between 2011 and 2013 in a school that is no longer open. The information also stated that the hours were not to be released. The school had two campuses in the Memphis area with one closing in 2014, the other in 2015. The board may consider releasing the student to test.

MOTION made by Yvette Granger and seconded by Judy McAllister to approve the request. Motion carried unanimously.

Request for extension of continued education requirement from master barber instructor Daniel Heaston. Pursuant to Tenn. Code Ann. §62-3-124 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. Mr. Heaston emailed explaining he has been on military status keeping him from being able to complete the continued education before his expiration date of April 30, 2019. He obtained his instructor license in 2017 and this will be his first session.

MOTION made by Judy McAllister and seconded by Nina Coppinger to approve the request. Motion carried unanimously.

Request for extension of continued education requirement from master barber instructor Christopher Ingram. Pursuant to Tenn. Code Ann. §62-3-124 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. Mr. Ingram emailed explaining he will not be able to complete the continued education before his expiration date of February 28, 2019. He obtained his instructor license in 2013 and this will be his first request for an extension.

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

Request for extension of continued education requirement from cosmetology instructor Eugenia Johnson. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an

approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She explained that she was pursuing her associates' degree and just had a baby. She obtained her instructor license in 2017 and this will be her first session.

MOTION made by Amy Tanksley and seconded by Yvette Granger to approve the request. Motion carried unanimously.

Request for extension of continued education requirement from cosmetology instructor Nina Williams. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She explained that she thought she had taken her last session in 2017 and that it counted for this renewal. She obtained her instructor license in 2013 and this is her first request for an extension.

MOTION made by Yvette Granger and seconded by Frank Gambuzza to approve the request. Motion carried unanimously.

Request for approval of equipment change for a skin care shop license. Ms. Tillman is a licensed aesthetician working at the Wellness Tree. Her letter explains that she wants to offer facial services on a massage table instead of a facial chair. This has to do with the wellness concept they follow and their clientele.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to deny the request. Motion carried unanimously.

Request for consideration of completed hours past the seven year requirement. Mr. Michael Dickerson completed his master barber hours between May 2006 and August 2014. Pursuant to Tenn. Code Ann. §62-3-112 a barber student must complete the hours with seven years. This law went into effect in 2015. Mr. Dickerson explains he made poor decisions in his life and is only now ready to pursue his passion in barbering. He is requesting the hours be accepted so he can take the exams.

MOTION made by Nina Coppinger and seconded by Yvette Granger to approve the request. Motion carried unanimously.

Request for extension of the rule for original license. Ms. Diyana Franco Jibi passed her cosmetology practical exam in October 2017. She did not have her status for the verification eligibility entitlement act in order therefore the board was unable to release her license. Pursuant to Rule 0440-01-.10 an applicant must obtain their original license within six (6) months after

they are notified of having passed the examination. The board has given the executive director up to one year permission for such extensions with good cause. Ms. Jibi was just confirmed and approved on January 7, 2019. Without the board's approval she would need to take both exams again.

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

Request for extension of the rule for original license. Ms. Leigh Gardner passed her aesthetics practical exam in June 2015. She was diagnosed with Lupus before starting school but she had it under control. Her situation changed very quickly and she had to put her career on hold. She is asking for consideration of the exams so she can obtain her first license.

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

PSI had a security incident at their Memphis location on January 2, 2019. The candidate, Ms. Thi Kim Lien Trinh, attempted to bribe the proctor after starting the exam process by asking for help with the exam. The report and photos were provided to the board and PSI has flagged the applicant until further notice from the board.

Similar cheating incidents have been handled by the board denying the applicant an opportunity to continue testing for a set amount of time of one to two years.

MOTION made by Frank Gambuzza and seconded by Judy McAllister to deny testing and have applicant appear before the board in January 2021 if they wish to test again. Motion carried unanimously.

Request for approval of manicurist license for Hieu Nguyen. Ms. Nguyen was licensed by reciprocity from Texas in 2013. That licensed was revoked in 2016 for failure to obtain licensure as the statute required. Since then he attended a school in Tennessee and passed both exams. The practical exam was passed in November 2018.

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

Request for approval of manicurist license for Thoa Nguyen. Ms. Nguyen was licensed by reciprocity from Texas in 2013. That licensed was revoked in 2016 for failure to obtain licensure

as the statute required. Since then she completed the apprenticeship program at a school in Tennessee and passed both exams. The practical exam was passed in November 2018.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve the request for license. Motion carried unanimously.

DIRECTOR'S REPORT:

Financial information for fiscal year 2019 through November shows a deficit of \$16,196. The last three months had higher than usual expenses.

Two new complaint information reports were presented.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:30 AM on Monday, January 28th to review the allegations of 73 complaints and make recommendations to the Board.

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

COSMETOLOGY CASES

1. Case No.: COS-201806266

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

This respondent is a student who was allegedly working in a salon without supervision. However, the inspector found no violations on the date of the visit to the salon and the student was not present on the day of the inspection.

Recommendation: Closure

Decision: Closure with request for inspection.

2. Case No.: COS-2018062631

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

This is a consumer complaint opened pursuant to allegations of procuring fraudulent hours from San Diego Beauty College and Atlanta Beauty Academy.

This Respondent denies obtaining any fraudulent hours but admits to being unable to pass the State exam and is providing services without a license.

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

Decision: Approved

3. Case No.: COS- 2018062681

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint opened pursuant to allegations of procuring fraudulent hours from San Diego Beauty College and Atlanta Beauty Academy. However, this person is not licensed with our agency and was not at the salon on the date of the inspection.

Recommendation: Closure

Decision: Approved

4. Case No.: COS- 2018062761

First License Obtained: 06/29/2018

License Expiration: 06/30/2020

Complaint history: None

This complaint alleges a bad result with services received. The respondent provided a response and offered to resolve the issue with the Complainant.

Recommendation: Closure

Decision: Approved

5. Case No.: COS- 2018062611

First License Obtained: 10/28/2011

License Expiration: 09/01/2019

Complaint history: 2017038071, closure

This is a complaint against a school from a parent of a student alleging that the student had not been allowed to take the licensing exam. The school responded and stated that they cannot release information to the parent for privacy reasons but that the student graduated and registered to take the exam with PSI in September 2018.

Recommendation: Closure

Decision: Approved

6. Case No.: COS- 2018062671

First License Obtained: 11/01/2016

License Expiration: 11/30/2020

Complaint history: 2017064351, close and flag

This is a consumer complaint alleging this Respondent fraudulently procured hours from two out of state schools, San Diego Beauty College and Atlanta Beauty Academy. The respondent is not employed at the salon listed in the complaint.

Recommendation: Closure

Decision: Approved

7. Case No.: COS-2018062801

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

8. Case No.: COS- 2018063301

First License Obtained: 07/17/2017

License Expiration: 07/31/2019

Complaint history: None

Pursuant to inspection based on a consumer complaint alleging unlicensed activity, no violations were found.

Recommendation: Closure.

Decision: Approved

9. Case No.: COS-2018063401

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint, an inspection was performed to determine if this Respondent was working unlicensed at the salon listed in the consumer complaint. No unlicensed activity was found.

Recommendation: Closure

Decision: Approved

10. Case No.: COS- 2018064011

First License Obtained: 03/03/2003

License Expiration: 02/28/2019

Complaint history: None

This is a consumer complaint alleging unsanitary conditions against the Respondent individual but no shop information was provided.

Recommendation: Closure

Decision: Approved

11. Case No.: COS- 2018064311

First License Obtained: 08/23/2011

License Expiration: 08/31/2019

Complaint history: 2015015981, closed by Agreed Citation and payment of \$1,000 civil penalty; 2015022678, closed by Agreed Citation and payment of \$750.00 civil penalty

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

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

Decision: Approved

12. Case No.: COS- 2018064601

First License Obtained: 09/19/2018

License Expiration: 09/30/2020

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The shop opened after making application but without first passing inspection. The Respondent provided a response to the complaint and explained her confusion about the application process.

Recommendation: Letter of warning.

Decision: Approved

13. Case No.: COS- 2018064971

First License Obtained: 08/26/2004

License Expiration: 08/31/2020

Complaint history: None

This is a consumer complaint alleging a bad result with skin care services. The service was performed in March 2017 but the complaint was not filed until September 2018. The Respondent provided a response and denies any wrongdoing.

Recommendation: Closure

Decision: Approved

14. Case No.: COS- 2018065561

First License Obtained: 09/24/2008

License Expiration: 05/31/2020

Complaint history: None

This is a consumer complaint alleging that a customer brought a dog into the salon. No pictures were provided.

Recommendation: Closure with letter of instruction

Decision: Approved

15. Case No.: COS- 2018065521

First License Obtained: 09/26/2017

License Expiration: 09/30/2019

Complaint history: None

Based on a consumer complaint alleging unlicensed activity an inspection was performed. No unlicensed activity was found but no manager was present at the time of inspection.

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

Decision: Approved

16. Case No.: COS- 2018065801

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

17. Case No.: COS- 2018066481

First License Obtained: 01/29/1990

License Expiration: 04/30/2020

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The Respondent provided a response denying any wrongdoing and states she does not operate a salon out of her home.

Recommendation: Closure with request for inspection.

Decision: Approved

18. Case No.: COS-2018066351

First License Obtained: 09/26/2017

License Expiration: 09/30/2019

Complaint history: None

Pursuant to consumer complaint alleging use of straight razors, an inspection was performed. This is a dually licensed shop and no use of straight razors were observed during the inspection but photographs were taken of the straight razors located in the shop and the disposal system for used straight razors was also noted.

Recommendation: Closure with letter of instruction.

Decision: Approved

19. Case No.: COS-2018066591

First License Obtained: 06/23/2017

License Expiration: 05/31/2019

Complaint history: None

Pursuant to consumer complaint alleging unlicensed activity, an inspection was performed but no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

20. Case No.: COS-2018066451

First License Obtained: 11/21/2014

License Expiration: 09/01/2019

Complaint history: 2018040351, closure

This is a consumer complaint alleging unprofessional conduct and failure to supervise. The owner provided a response stating that the customer has been receiving services at the school from over a year and until recently was always satisfied with the services received. In addition, the owner explained the process used to supervise the students and denied any unprofessional conduct.

Recommendation: Closure

Decision: Approved

21. Case No.: COS-2018066211

First License Obtained: 05/25/2016
License Expiration: 05/31/2020
Complaint history: 2018025061, close.

This is a consumer complaint alleging that the consumer witnessed two other customers being discriminated against because the salon refused those services. Legal has no identifying information for the two other customers and the consumer has no first-hand knowledge of the discrimination.

Recommendation: Closure

Decision: Approved

22. Case No.: COS-2018067431

First License Obtained: 10/17/2007
License Expiration: 09/01/2019
Complaint history: 2008016261, close with a Letter of Warning;
2009025801, closed with no further action;
2009020041, close with no action

This is a student complaint alleging that that the student was wrongly dismissed from the school for violations of the social media policy. The school initially demanded payment of the full tuition due to the length of time that the student had been enrolled in the program. The student has retained an attorney.

Recommendation: Litigation monitoring

Decision: Approved

23. Case No.: COS-2018066661

First License Obtained: 01/31/2018
License Expiration: 09/01/2019
Complaint history: None

This is a student complaint alleging that the hours the student received were not released to another school. The school provided a response with proof of the hours received being released.

Recommendation: Closure

Decision: Approved

24. Case No.: COS-2018067451

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2017074481, closure

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and the shop was found to be open and operating without a license and one person with no identifying information was found to be providing services.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.

Decision: Approved

25. Case No.: COS-2018067711

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. This Respondent was not present in the salon at the time of inspection and shop denied that the Respondent is employed by the salon.

Recommendation: Closure

Decision: Approved

26. Case No.: COS-2018068021

First License Obtained: 01/13/2016

License Expiration: 09/01/2019

Complaint history: 2016064021, Closure. contract discloses overage rates; 2016048961, Closure. Contract fully discloses overage rates. Records reflect student's low attendance records resulting in the overage hours and multiple attempts by the school to encourage the student to increase attendance, which would have resulted in a smaller overage; 2017022241; closure; 2017056441, Letter of Warning; 2018052571, closure

This is a student complaint alleging misuse of Federal Student Loan funds. The student graduated and the school is closed. The school provided a response showing the details of payment for tuition from the Federal Student Loan office.

Recommendation: Closure

Decision: Approved

27. Case No.: COS-2018067931

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 stating that she provided eyelash extensions under the supervision of a medical provider and provided proof of same.

Recommendation: Closure

Decision: Approved

28. Case No.: COS-2018069471

First License Obtained: N/A

License Expiration: N/A

Complaint history: 20150224531, closed by Consent Order for \$4,000 civil penalty – only paid \$400.00 and has an outstanding balance due of \$3,600 civil penalty

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no unlicensed activity was found on the day of the inspection due to the fact that the salon was not open for business but photographs were taken which show that the shop is set up to provide services and the consumer states that she did receive services at this salon.

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

Decision: Approved

29. Case No.: COS-2018070311

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 one by the Respondent's name was found to be providing services without a license.

Recommendation: Closure

Decision: Approved

30. Case No.: COS-2018070391

First License Obtained: 07/26/2011

License Expiration: 06/30/2019

Complaint history: 201605870, closed by Agreed Citation and payment of \$1,000 civil penalty

Pursuant to inspection, two individuals who were unable to be identified were found to be providing services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.

Decision: Approved

31. Case No.: COS-2018070481

First License Obtained: 07/03/2018

License Expiration: 07/31/2020

Complaint history: None

This is a consumer complaint alleging that the salon was providing educational opportunities. In response, the Respondent provided information that cannot be disproved as legal is unable to substantiate anything other than demonstrations occurred at the salon.

Recommendation: Closure

Decision: Approved

32. Case No.: COS-2018071031

First License Obtained: 09/06/2013

License Expiration: 08/31/2019

Complaint history: 201402534, closed by Agreed Citation and payment of \$1,000 civil penalty; 2016040561, closure; 2016041861, closed by Consent Order and payment of \$4,500 civil penalty

Pursuant to inspection regarding allegations of unlicensed activity and unsanitary conditions, no violations were found on the day of the inspection.

Recommendation: Closure

Decision: Approved

33. Case No.: COS-2018071021

First License Obtained: 01/31/2012
License Expiration: 01/31/2020
Complaint history: None

This is a consumer complaint alleging a bad result in the placement of a wig.

Recommendation: Closure

Decision: Approved

34. Case No.: COS-2018071051

First License Obtained: 09/25/2015
License Expiration: 09/30/2019
Complaint history: None

This is a consumer complaint alleging a bad result with a nail service and unprofessional conduct which rose to the level of the police being called to the salon.

Recommendation: Closure with Letter of warning.

Decision: Approved

35. Case No.: COS-2018071251

First License Obtained: 02/04/1993
License Expiration: 02/28/2018
Complaint history: 201703073, closed by Agreed Citation and payment of \$100.00 civil penalty

This is the Respondent owner of the respondent salon listed below in Complaint No. 2018071211. The Respondent/Owner was found to be providing services with an expired licensed.

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

Decision: Approved

36. Case No.: COS-2018071211

First License Obtained: 09/23/2009
License Expiration: 08/31/2015
Complaint history: 201703071, closed by Agreed Citation and payment of \$100.00 civil penalty

This is the shop from the above complaint. The Shop license has been expired since August 2015 therefore considered unlicensed.

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

Decision: Approved

37. Case No.: COS- 2018071741

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

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

Recommendation: Closure

Decision: Approved

38. Case No.: COS- 2018071981

First License Obtained: 06/29/2018

License Expiration: 06/30/2020

Complaint history: None

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

Recommendation: Closure

Decision: Approved

39. Case No.: COS- 2018071681

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. Based on the information provided the Respondent is attempting to teach cosmetology techniques without a license.

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

Decision: Approved

40. Case No.: COS- 2018072401

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

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

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

Decision: Approved

41. Case No.: COS- 2018072861

First License Obtained: 02/10/2006

License Expiration: 02/29/2020

Complaint history: 2014006131, close this case as not a violation.

Pursuant to inspection, this 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

42. Case No.: COS- 2018072831

First License Obtained: 02/15/2018

License Expiration: 02/29/2020

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.

Decision: Approved

43. Case No.: COS-2018072601

First License Obtained: 12/06/1996

License Expiration: 12/31/2018

Complaint history: None

This is a consumer complaint alleging that this Respondent provided unprofessional services. The Respondent provided a response stating that the client was disrespectful in the presence of other clients.

Recommendation: Closure

Decision: Approved

44. Case No.: COS-2018073931

First License Obtained: N/A

License Expiration: N/A

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

45. Case No.: COS-2018076451

First License Obtained: 07/29/1991

License Expiration: 02/29/2020

Complaint history: None

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

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

Decision: Approved

46. Case No.: COS-2018076611

First License Obtained: 08/10/2016

License Expiration: 08/31/2020

Complaint history: None

This is a competitor complaint alleging that the Respondent is providing services not authorized by the license.

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

Decision: Approved

47. Case No.: COS-2018076711

First License Obtained: 07/22/1985

License Expiration: 08/31/2020

Complaint history: None

Pursuant to inspection, the shop was found to be operating with expired license. This Respondent is the owner and the shop was cited in a separate complaint.

Recommendation: Closure

Decision: Approved

48. Case No.: COS-2018078271

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, the shop owner admitted to allowing this employee to provide services without a license.

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

Decision: Approved

49. Case No.: COS- 2018078111

First License Obtained: 03/21/1994

License Expiration: 09/01/2018

Complaint history: 2005031451, Dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation; 2018043371, closure

This is a student complaint alleging various issues at the school including issues with the practical portion of their studies by stating that students are not allowed to practice on other students, not allowed to study in the cafeteria, and having instituted a dress code policy. The school responded providing details about each one of the issues complained upon by the student.

Recommendation: Closure

Decision: Approved

50. Case No.: COS- 2018079361

First License Obtained: 03/31/2016

License Expiration: 03/31/2020

Complaint history: 2017070141, closure with request for inspection

This is a consumer complaint alleging a bad result.

Recommendation: Closure

Decision: Approved

51. Case No.: COS-2018079671

First License Obtained: 04/20/1988

License Expiration: 11/30/2020

Complaint history: None

This is a consumer complaint alleging that the customer was discriminated against on the basis of a disability. The manager and owner state there was a disagreement between the customer

and stylist but that the stylist is no longer employed and the customer has returned to the salon for future services without issue.

Recommendation: Letter of warning to the individual stylist.

Decision: Approved

52. Case No.: COS-2018079921

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The consumer received services in the Respondent's home.

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

Decision: Approved

53. Case No.: COS- 2018081171

First License Obtained: 02/03/2016

License Expiration: 02/29/2020

Complaint history: None

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

Recommendation: Closure

Decision: Approved

54. Case No.: COS- 2018082921

First License Obtained: 09/17/2007

License Expiration: 09/30/2017

Complaint history: 2009016971, closed with no further action; 2013019241, closed by an Amended Consent Order and payment of \$750.00 civil penalty; 20150226521, closed by Consent Order and payment of \$125.00

Pursuant to inspection, the Respondent shop was found to be open and providing services with expired license. In addition, one individual confirmed that she was providing services without a license. Two other individuals vacated the salon and inspector was unable to confirm their names or licenses. The manager/owner was not present at the time of inspection.

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

Decision: Approved

55. Case No.: COS-2018082351

First License Obtained: 03/28/2011

License Expiration: 09/01/2019

Complaint history: 2014002441, close the case for lack of proven disciplinary grounds; 2014002371, close the case for lack of proven disciplinary grounds; 2016045771, closed by Consent Order and payment of \$250.00 civil penalty

This is a student complaint alleging that the student was dropped from the program and owes a balance of tuition to the school. The school responded and stated that the student balance was calculated utilizing the refund policy after certain funds were refunded to the US. Dept. of Education. The student only attended 60.83 of the scheduled 144 hours and at no time was it stated that the Board office advised anyone at the school to drop the student from enrollment.

Recommendation: Closure

Decision: Approved

56. Case No.: COS-2018083861

First License Obtained: 09/15/2015

License Expiration: 09/30/2019

Complaint history: 2017068371, closed by Consent Order and payment of \$250.00 civil penalty

This is a consumer complaint alleging a bad result.

Recommendation: Closure

Decision: Approved

57. Case No.: COS- 2018084711

First License Obtained: 10/04/2004

License Expiration: 10/31/2020

Complaint history: None

58. Case No.: COS- 2018084671

First License Obtained: 05/19/2014

License Expiration: 05/31/2020

Complaint history: None

Pursuant to inspection, this owner/manager was found to be providing services with expired license. Due to the fact her license was expired, no manager was present.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty against the owner and \$500.00 civil penalty against the shop.

Decision: Approved

BARBER CASES

59. Case No.: BAR- 2018069611

First License Obtained: 08/17/2015

License Expiration: 08/31/2019

Complaint history: None

60. Case No.: BAR- 2018069621

First License Obtained: 12/22/2017

License Expiration: 12/31/2019

Complaint history: None

The Respondent's individual license is currently under summary suspension and the Respondent's criminal charges remain pending with new court dates in March 2019. The shop is closed and owner's license is under summary suspension.

Recommendation: Individual license in litigation monitoring and closure of the shop complaint.

Decision: Approved

61. Case No.: BAR- 2018069931

First License Obtained: 02/03/1994

License Expiration: 02/04/2019

Complaint history: 9094, closed; 2007054861, Letter of Warning; 2010001341, close with no action; 2010001451, close with no action; 2010001841, Letter of Warning

This is a student complaint alleging unprofessional conduct. Specifically, alleging that instructors were engaging in sexual intercourse with students, hours not reported correctly, students not being supplied with kits, and financial aid issues. The Respondent provided a response with affidavits from employees denying all of the allegations and explaining the schools process in reporting hours, supplying students with kits and denying any financial aid issues. The school was recently inspected in July 2018 and received no deductions.

Recommendation: Closure

Decision: Approved

62. Case No.: BAR-2018071101

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

63. Case No.: BAR-2018071081

First License Obtained: 12/09/2013

License Expiration: 11/30/2019

Complaint history: 2017035331, closure

Pursuant to inspection, this Respondent who is the owner/manager of the shop, was found to be providing services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against the individual respondent and \$500.00 against the shop for no manager present.

Decision: Approved

64. Case No.: BAR- 2018074881

First License Obtained: 05/25/2010

License Expiration: 05/31/2016

Complaint history: 2014012641, closed with request for inspection; 2016914651, closed by an Amended Consent Order and payment of \$3,000 civil penalty

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

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

Decision: Approved

65. Case No.: BAR- 2018074921

First License Obtained: 03/21/2011

License Expiration: 03/31/2015

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services without license as the license has been expired since March 2015.

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

Decision: Approved

66. Case No.: BAR- 2018075731

First License Obtained: 04/03/2000

License Expiration: 04/02/2019

Complaint history: 2009022031, closed w/Letter of Warning; 2010009401, closed w/Letter of Warning; 2010015871, dismissed w/no action; 2010020781, dismissed w/ no action; 2012002681, closed w/ no action; 2014018971, close the case for lack of disciplinary grounds

This is a student complaint alleging that the school has failed to release hours. The school responded and showed that the student has financial obligations due and owing to the school which is why the hours have not been released.

Recommendation: Closure

Decision: Approved

67. Case No.: BAR- 2018075341

First License Obtained: 08/16/2018

License Expiration: 08/31/2020

Complaint history: None

This is a consumer complaint alleging that one individual within the shop was operating without a license. No license for this individual was found in CORE.

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

Decision: Approved

68. Case No.: BAR- 2018077291

First License Obtained: 05/23/2018

License Expiration: 05/31/2020

Complaint history: None

This is a consumer complaint alleging that students are working in this Respondent shop. The shop recently opened and passed inspection and no additional proof that students are providing services in the salon.

Recommendation: Closure

Decision: Approved

69. Case No.: BAR-2018077561

First License Obtained: 02/05/2016

License Expiration: 06/30/2019

Complaint history: None

Pursuant to request for inspection regarding unlicensed activity, an inspection was performed and no violations were found.

Recommendation: Closure.

Decision: Approved

70. Case No.: BAR-2018078601

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2008015201, closed with no action; 2015011001, closed by an Agreed Order and sent for collection for failure to pay \$650.00 civil penalty and costs for this complaint

Pursuant to inspection, this shop was found to be operating without a license and three individuals operating without a license. The shop was found to be unsanitary but no specifics were listed in the NOV and no manager present.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$4500.00 civil penalty.

Decision: Approved

71. Case No.: BAR-2018079681

First License Obtained: 11/06/2012

License Expiration: 07/31/2020

Complaint history: None

This is a consumer complaint alleging that cosmetologists are being allowed to use straight razor without proper license. The shop is a dually licensed shop and in response admits the mistake of allowing cosmetologist to utilize straight razor which is not authorizing by the license.

Recommendation: Letter of warning.

Decision: Approved

72. Case No.: BAR- 2018080031

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint an inspection was performed at the located where this Respondent was alleged to be an employee but no such person was found on the date of the inspection.

Recommendation: Closure

Decision: Approved

73. Case No.: BAR- 2018080331

First License Obtained: 03/06/2006

License Expiration: 03/31/2020

Complaint history: None

This is a consumer complaint alleging that the consumer contracted ring worm as a result of the service received. No additional proof was provided.

Recommendation: Closure

Decision: Approved

The meeting adjourned at 9:40 AM.

MOTION made by Frank Gambuzza and seconded by Kelly Barger for approval by the full board of the Legal Report as amended. Motion carried unanimously.

Summary Suspension – Feras Yasser Hdaib, license #145755

Litigating attorney for the board, Pamela Spicer, submitted a notice of summary suspension of Feras Yasser Hdaib, cosmetology license #145755 on January 22, 2019. She explained the process to the board along with the details to of the charges and facts for the board to act on. Mr. Hdaib participated telephonically. An interpreter was provided and communicated back and forth in Arabic to assure Mr. Hdaib understood the process, explained his case and asked questions.

The board approved the summary suspension by roll call vote unanimously.

NEW BUSINESS:

Ms. Hooper presented a sample procedure for the board to consider for cases where a licensed school is being suspended or revoked. Board made a few changes and requested that legal and the office follow these steps moving forward.

The attorney for the board, Cherrelle Hooper, presented a new set of rules that will remove the need for an apprenticeship student to be supervised by an experienced professional that is both a master barber and an instructor. The proposed rule eliminates the need for this person to have an instructor designation as well. This makes the rule identical to the cosmetology rule.

MOTION to change rule made by Nina Coppinger and seconded by Patricia Parsons.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Yvette Granger and seconded by Judy McAllister. Motion carried unanimously.