



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2515

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting June 3, 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, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield and Amy Tanksley.

Participating electronically Yvette Granger. Not present: Judy McAllister, and Nina Coppinger.

Others present were: Roxana Gumucio, Executive Director, Ashley Van Klein, temporary Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the April 1, 2019 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Kelly Barger to approve the April, 2019 minutes. Motion carried unanimously.

2019 Legislative Updates:

Ms. Ashley Van Klein updated the board on Public Chapter 195 and Public Chapter 207 that impact the industry directly and were signed into law in April, 2019. All licensees are encouraged to sign up for email notification to stay informed.

APPEAR BEFORE THE BOARD-

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

Mr. Cleophus Bryant Jr. appeared before the board. The school is located in Memphis and is 2,100 square feet. The request is for a two separate school licenses, one for a barber school and a separate license under the cosmetology statute for a specialty manicure school. The business license, curriculum, 15 barber contracts, five manicure contracts, floor plan, contingency plan, applications and fees were all received timely. The board requested number of barber instructor hours be correct form 450 to 300. The master barber contracts need to list the school fees. Other typos on documents are to be corrected and sent to the Director and attorney to review before the inspection is to be scheduled.

MOTION made by Patricia Richmond and seconded by Rebecca Russell to approve new school licenses pending an inspection by a field inspector. Motion carried unanimously.

Goshen Cosmetology School – New Cosmetology School

Ms. Latonya Bradley appeared before the board for a new cosmetology school. The school is located in Memphis. The school is 8 thousand or so square feet. This location was for a previously licensed cosmetology school. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received timely

MOTION made by Kelly Barger and seconded by Patricia Richmond to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

West TN College of Cosmetology – New Cosmetology School

Ms. Darlene Kitchen appeared before the board for a new cosmetology school. The school is located in Jackson. The school is 3,360 square feet. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received timely

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

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Roddrick Brown, Jacqueline Cohen, Cedric Grooms, Jeffery Grissom, Amanda Hutchison, Lindsey Lowe, Stephen Seward, Dominique Shields and Danielle Wilkinson. The applicants have felonies within the last three years and/or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

Request for release of student hours in the correct discipline for Tanyetta Garner. Office files reflect 611.5 hours on the monthly hours report for Tennessee Academy of Cosmetology in 2014. That school is now closed. Ms. Garner completed the affidavit stating her hours should be in manicure and not cosmetology. She would like to take her exams to get licensed.

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

Application to test as an aesthetician with a medical degree from Venezuela for Nayade Acosta. Dr. Acosta provided evaluated documents regarding her medical education as well as many certificates from the USA, Brazil, Spain and others. She is requesting to take the aesthetics exam and work in this industry now that she has moved to Tennessee. The executive director spoke to the administrator of the medical office that wishes to have Dr. Acosta join them.

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

Application to test as a cosmetologist with hours from India and Florida for Sejal Patel. Ms. Patel has a full specialist license in Florida. That license requires 500 hours and no exams. It appears that is the reason she had to do additional education but all of it was in the nail and skin care areas. Ms. Patel explains that in India she studied and worked between 1995 and 2011 doing cosmetology. No transcripts could be obtained.

Motion made by Patricia Richmond and seconded by Kelly Barger to deny request to take the Tennessee cosmetology exam. She is approved to take the aesthetics exam. Motion carried unanimously.

Application to test as a cosmetologist with hours from Columbia in the barbering discipline for Arcenio Valencia Segura. Mr. Valencia applied to the board in 2008. He completed 2,000 in Columbia and was finally approved to take the barber exam in May 2016. He is unable to pass the exam because of the language barrier. He requested the board allow him to take the cosmetology exam because it is offered in Spanish.

Motion made by Amy Tanksley and seconded by Frank Gambuzza to approve request to take the Tennessee cosmetology exam. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Pennsylvania for Kathryn Dawe. Certification shows initial licensure in 1987 with 1,250 hours and no practical exam. Ms. Dawe explained she could not provide the last two years of taxes because she has been living in Tennessee.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Oregon for Ellie Dyer. Certification shows an initial license type of Hair Design issued August 2018 by examination. Ms. Dyer's application says she did 2,300 hours but could not provide a transcript.

Recommendation - is that the applicant takes the Tennessee Exams.

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

Application for reciprocity of aesthetics license from Florida for Nubia Echevarria. Certification shows an initial license date of April 2019 as a facial specialist which requires only 260 hours and no exam. Ms. Echevarria provided proof that she had a Florida license since 2004 but at some point after 2007 did not renew it. She submitted tax records for 2004 - 2007

Recommendation - is that the applicant takes the Tennessee Exams.

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

Application for reciprocity of cosmetology license from Pennsylvania for Alexandra Kagiavas. Certification shows initial licensure in August 2010 with 1,250 hours and no practical exam. Ms. Kagiavas provided work experience between May 2010 and September 2013 and a statement that she moved to MS and the TN and stopped working in the industry. Her application and work information missed the April board meeting. It was reviewed and she was approved to take the practical exam. Request is that once she passes the practical exam her license be approved.

Recommendation - is that the applicant take the Tennessee Practical Exam.

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

Application for reciprocity of cosmetology license from Nevada for Tara McClain. Certification shows an initial license type of Hair Designer with 1,200 hours issued March 2006 by examination. She moved to Tennessee with her family in 2012 and took time off to have children.

Recommendation - is that the applicant takes the Tennessee Exams.

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

Application for reciprocity of cosmetologist license from Louisiana and Florida for Rebecca Sievers. Certification shows initial licensure in Florida in 2015 where she obtained 1,200 but did not need the practical exam. The Louisiana certificate does not say when it is issued but it is active. She does not have five years works experience She provided tax records for 2015 and 2016. In January 2019 she was hired by a company that does photo shoots and special events and they want her to have her cosmetology license to use her experience with color.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Indiana for Kristina Thomas. Certification shows initial licensure in April 2011 with 1,500 hours and both exams. Ms. Thomas has a probationary license because of had a felony on her record. Because it is not an active license the board needs to consider her approval. The summary on the case was provided showing the offense took place in 2008. It appears that the expiration of her parole sentence is May 2019. The felony is more than three years old therefore she would not need an agreed order for probation in Tennessee.

Recommendation - is that the applicant take the practical exam.

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

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for release of master barber student hours for Mr. Andre Bell. Mr. Bell appeared before the board as requested at the April meeting. He submitted an affidavit stating he completed all 1,500 hours between 2006 and 2008. The school he attended closed in 2018 without letting the board know they were closing. The 2008 hours reports submitted did not include months between May and late fall. The last month Mr. Bell said he attended is August. He provided a copy of the hours log showing he had 1,476.5 hours at that time. Mr. Bell explained he made a mistake he made by obtaining a fraudulent license in 2010 which was revoked in May 2014.

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

Request for extension of continued education requirement from cosmetology instructor Morris Walker. 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. Mr. Walker explained that he was under medical care in 2017 when he would have done the continued education. A Doctors letter was provided. He took a session in 2018 not realizing it was past the renewal period and that it would not count and had not been approved by the board. He asked for consideration of the "up to one additional year extension" so that his 2018 course would count and he not need to test.

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

Request for extension of continued education requirement from cosmetology instructor Reda Cunningham. 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 first obtained her instructor license in 2015 and has attended one session.

MOTION made by Kelly Barger and seconded by Patricia Richmond to approve the request. Motion carried unanimously.

DIRECTOR'S REPORT:

Financial information for fiscal year 2019 through March shows a surplus of \$147,743.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:30 to review the allegations of 77 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-2018083001

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

2. Case No.: COS- 2019002501

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

3. Case No.: COS- 2019003501

First License Obtained: 01/16/2015
License Expiration: 01/31/2021
Complaint history: 2018061881, closed with no action

This is a consumer complaint filed by the ex-fiancé of one of the employees, alleging unlicensed activity. The shop is licensed and the employee identified in the complaint was the receptionist and no longer is employed at the shop.

Recommendation: Closure

Decision: Approved

4. Case No.: COS- 2019004021

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

5. Case No.: COS- 2019005841

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to a complaint for unlicensed activity, an inspection was performed and said unlicensed activity could not be substantiated at the time of inspection.

Recommendation: Closure

Decision: Approved

6. Case No.: COS- 2019005921

First License Obtained: 05/29/2018

License Expiration: 05/31/2020

Complaint history: None

Pursuant a consumer complaint, an inspection was performed. This Respondent shop is closed but someone is operating in the shop. It is uncertain who the new owners are given the language barrier and refusal of persons in the shop to cooperate with the inspection.

Recommendation: Closure and open new complaint against unknown shop owner and send for investigation to determine ownership and any possible violations.

Decision: Approved

7. Case No.: COS- 2019006161

First License Obtained: 03/28/2011

License Expiration: 09/01/2019

Complaint history: None

This is a student complaint alleging wrongful dismissal from the school. The school responded and stated that the student was dismissed for bullying and low attendance.

Recommendation: Closure

Decision: Approved

8. Case No.: COS- 2019006791

First License Obtained: 11/08/2000

License Expiration: 11/30/2020

Complaint history: None

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

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

Decision: Approved

9. Case No.: COS- 2019006201

First License Obtained: 12/21/2011

License Expiration: 12/31/2019

Complaint history: 2017018051, closed with no action; 2018037111, closure

This is a consumer complaint alleging bad service, possible illegal activity and unlicensed activity. The Respondent provided a response and stated everyone in the salon is licensed and no illegal activity occurs at the shop and there is no proof that the consumer received services at the shop.

Recommendation: Closure with request for inspection.

Decision: Approved

10. Case No.: COS-2019006801

First License Obtained: 12/08/2010

License Expiration: 11/30/2019

Complaint history: None

This complaint involves a shooting at or near the salon. The information could not be substantiated at the time the complaint was opened to confirm that the shooting occurred inside the salon.

Recommendation: Closure with request for inspection.

Decision: Approved

11. Case No.: COS- 2019007651

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

12. Case No.: COS- 2019007941

First License Obtained: 10/04/2007

License Expiration: 09/30/2017

Complaint history: 2010017361, closed by Consent Order and payment of \$500.00 civil penalty

Pursuant to consumer complaint alleging unlicensed activity, an inspection was attempted but there was no one at the establishment at the times the inspectors were present. The owners made contact with the inspector and stated that no services are provided other than for family.

Recommendation: Closure

Decision: Approved

13. Case No.: COS- 2019008661

First License Obtained: 01/28/1997

License Expiration: 01/31/2020

Complaint history: 2006033321, closed with Letter of Warning

This is a consumer complaint alleging unsanitary conditions. The owner provided a response and denies any unsanitary conditions exist.

Recommendation: Closure with request for inspection.

Decision: Approved

14. Case No.: COS- 2019008901

First License Obtained: 12/15/2006

License Expiration: 12/31/2020

Complaint history: None

This is a former employee complaint alleging that the shop is not sanitary and is performing services outside of the license. The shop responded and states that there are no sanitary issues and no services are performed outside of the license.

Recommendation: Closure with request for re-inspection.

Decision: Approved

15. Case No.: COS- 2019008861

First License Obtained: 05/29/2018

License Expiration: 05/31/2020

Complaint history: None

Pursuant to a consumer complaint, an inspection was performed and the inspector was unable to determine ownership of the salon.

Recommendation: Closure with request for new inspection with specific request to determine ownership.

Decision: Approved

16. Case No.: COS- 2019008951

First License Obtained: 03/28/2011

License Expiration: 09/01/2019

Complaint history: None

This is a student complaint alleging that the student was improperly dismissed from the school for bullying. The school responded stating that the student was dismissed for multiple reasons including poor attendance and bullying other students.

Recommendation: Closure

Decision: Approved

17. Case No.: COS-2019009171

First License Obtained: 07/15/2009

License Expiration: 07/31/2019

Complaint history: None

This Respondent is currently under summary suspension for being charged with sexual battery of a consumer while performed hair services.

Recommendation: Litigation monitoring

Decision: Approved

18. Case No.: COS-2019009201

First License Obtained: 11/03/2017

License Expiration: 10/31/2019

Complaint history: None

This is an anonymous complaint about a dog being inside this Respondent's shop. The Respondent provided a response and acknowledged that there has been a service dog in the salon on one occasion.

Recommendation: Closure

Decision: Approved

19. Case No.: COS-2019010181

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

20. Case No.: COS-2019009981

First License Obtained: 08/30/2017

License Expiration: 08/31/2019

Complaint history: None

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

Recommendation: Closure

Decision: Approved

21. Case No.: COS-2019011651

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. An inspection was requested and no violations were found as the Respondent was not providing services at the time of inspection and the allegation is that hair braiding was the type of service provided.

Recommendation: Closure with letter of instruction.

Decision: Approved

22. Case No.: COS- 2019012051

First License Obtained: 08/05/2014

License Expiration: 04/30/2020

Complaint history: None

This is a consumer complaint alleging unsanitary conditions. The Respondent provided a response denying any unsanitary conditions.

Recommendation: Closure and request for inspection.

Decision: Approved

23. Case No.: COS-2019014091

First License Obtained: 03/16/2000

License Expiration: 03/31/2020

Complaint history: 2017016851, closure; 2018039571, Formal Charges Authorized

24. Case No.: COS-2019014071

First License Obtained: 07/26/2011
License Expiration: 06/30/2015
Complaint history: 2017016831, closed with re-inspection to determine if shop is still in business; 2018039521, Formal Charges Authorized

Pursuant to inspection, this shop and owner were found to be providing services without a license as the shop license has been expired since 2015 and the owner's license has been expired since 2016.

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

Decision: Approved

25. Case No.: COS- 2019014201

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 this Respondent could not be located and the address in the complaint was not valid.

Recommendation: Closure

Decision: Approved

26. Case No.: COS- 2019014001

First License Obtained: 02/13/1998
License Expiration: 04/30/2019
Complaint history: 2005033211, closed by Consent Order and payment of \$1,000 civil penalty; 200502203, closed by Consent Order and payment of \$500.00 civil penalty; 2014016981, closed by Consent Order and payment of \$1,000 civil penalty;

This is a consumer complaint alleging that the Respondent shop does not have a price list and quotes prices and but charges other prices. The consumer does not have proof of same.

Recommendation: Closure

Decision: Approved

27. Case No.: COS- 2019014961

First License Obtained: 12/13/2002
License Expiration: 11/30/2020
Complaint history: 2003141511, closed with Letter of Warning; 2005027041, closed by Consent Order and payment of \$250.00 civil penalty

This complaint involves the job description posted by the salon for a salon assistant. The description states the person would be applying glaze and toner. The Respondent provided a response and stated that any person hired would need to have a license to perform services.

Recommendation: Closure

Decision: Approved

28. Case No.: COS- 2019015271

First License Obtained: 09/05/2014

License Expiration: 08/31/2020

Complaint history: None

This is a consumer complaint alleging that the salon is advertising to hire assistants who do not have to be licensed. The consumer provided text message where the owner stated that the assistant would be servicing clients without a license. The Respondent owner provided a response and clarified that only licensed professionals will provide the services that require a license.

Recommendation: Closure

Decision: Approved

29. Case No.: COS- 2019015551

First License Obtained: 01/08/2018

License Expiration: 01/31/2020

Complaint history: None

This is a consumer complaint alleging a bad result from a color treatment. The consumer states that she received a chemical burn from a foil treatment. The Respondent provided a response acknowledging that the complainant did have a reaction to the bleach and 20 volume developer.

Recommendation: Closure

Decision: Approved

30. Case No.: COS- 2019015561

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint alleging unlicensed activity an inspection was performed but the complaint could not be substantiated.

Recommendation: Closure

Decision: Approved

31. Case No.: COS-2019015261

32. Case No.: COS-2019025061

First License Obtained: 03/17/1981

License Expiration: 01/31/2020

Complaint history: None

These two complaints alleged unlicensed activity at the Respondent shop which was advertised as an event for prom make up with the services being provided by two persons believed to be unlicensed makeup artists. The salon provided a response and stated the salon canceled the event after consulted with the Board office and no unlicensed activity occurred.

Recommendation: Closure

Decision: Approved

33. Case No.: COS- 2019015751

First License Obtained: 09/16/2009

License Expiration: 09/01/2019

Complaint history: 2009025631, closed with no action; 2017009691, closed.

This is a complaint filed by a former student of the respondent school. The student has graduated and is licensed with the Dept. The complainant's license has been suspended for

failure to pay child support since Dec. 2017. The complainant alleges in the complaint that the store stole money from him and that the school is somehow responsible for his unemployment. The student alleges discrimination, wrongful termination, and theft. The student initially received his license in December 2014. The respondent school provided a response with documentation showing proof that there are been no theft of financial aid funds and denies any involvement with the student since he graduated and therefore disputes that the school can have any responsibility in the complainant's job history or any possible discrimination in which the former student alleges.

Recommendation: Closure

Decision: Approved

34. Case No.: COS-2019016211

First License Obtained: 08/05/1988

License Expiration: 04/30/2017

Complaint history: 2012016631, closed with no action; 2014008641, closed by Consent Order and payment of \$500 civil penalty; 2016065301, closed by Consent Order to pay \$1,000 civil penalty – sent to collection for failure to pay remaining civil penalty balance of \$425.00

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

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

Decision: Approved

35. Case No.: COS-2019016911

First License Obtained: 09/15/2016

License Expiration: 09/30/2020

Complaint history: 201706783, closed by Agreed Citation and payment of \$3,000 civil penalty

This Respondent is the manager of a shop where pursuant to inspection one person 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

36. Case No.: COS-2019016671

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a field inspector complaint alleging unlicensed activity. This is a hair braiding shop.

Recommendation: Closure with letter of instruction.

Decision: Approved

37. Case No.: COS- 2019016931

First License Obtained: 11/23/2011

License Expiration: 11/30/2019

Complaint history: None

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

38. Case No.: COS-2019017031

First License Obtained: 02/24/2012

License Expiration: 02/29/2020

Complaint history: None

This is a consumer complaint alleging that this respondent is providing services outside the scope of her license. The Respondent provided a response with documentation showing that was working at a medispa under the supervision of a physician.

Recommendation: Closure

Decision: Approved

39. Case No.: COS-2019017911

First License Obtained: 09/07/2018

License Expiration: 09/30/2020

Complaint history: None

This is the salon from the above complaint. However, this salon was not the location where the alleged services were performed.

Recommendation: Closure

Decision: Approved

40. Case No.: COS-2019017861

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; 2018068021, closure

This is a student complaint alleging that the school overcharged the student for living expenses. The school was under different ownership at the time the student attended in 2015 and the school is now closed. The student did not provide any documentation in support of the claim and the school provided proof of the amount owed for the living expenses from 2015.

Recommendation: Closure

Decision: Approved

41. Case No.: COS- 2019018421

First License Obtained: 05/22/2012

License Expiration: 05/31/2020

Complaint history: None

Pursuant to a consumer complaint, an inspection was performed to determine if this Respondent was performing services in her home. The complaint was not substantiated and the inspector spoke to the Respondent about the rules for home salon.

Recommendation: Closure

Decision: Approved

42. Case No.: COS-2019019511

First License Obtained: 09/29/1993

License Expiration: 08/31/2019

Complaint history: None

This is a consumer complaint alleging that the shop has a cat inside the salon.

Recommendation: Letter of warning.

Decision: Approved

43. Case No.: COS-2019019561

First License Obtained: 12/23/2015

License Expiration: 12/31/2019

Complaint history: None

This is a consumer complaint alleging that the consumer contracted an injection from receiving a cut while receiving a manicure. The shop provided a response and stated that based on the complaint an inspection occurred and the inspector found no violations.

Recommendation: Closure

Decision: Approved

44. Case No. COS-2019017061

First License Obtained: 05/02/2005

License Expiration: 09/01/2019

Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action; 2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter of Warning; 2009010121, dismissed; 2014003171, 2014019051, 2014030611, 2014030631 and 2015020771 closed via executed Agreed Order and Statement of Understanding; 2016013981, closed; 2016049731, dismissed; 2017036371, Letter of Warning

45. Case No. BAR-2019017071

First License Obtained: 09/27/2002

License Expiration: 09/26/2019

Complaint history: 2003169821 dismissed; 2003173001, closed by Agreed Order; 2004188051, dismissed; 2005011351, closed by Consent Order and payment of \$5,000; 2006021801, 2006024771, 200639701 and 2006039721: closed w/no action; 2007072151, 2007086991: closed and flagged; 2008006581, closed w/no action; 2008006591, 2009006861: closed and flagged; 2010033591, closed by Consent Order and payment of \$500 civil penalty; 2011029341, closed w/no action; 2014018211, 2014019041, 2014030621 and 2015020701 closed via executed Agreed Order and Statement of Understanding

This is an administrative complaint opened due to the fact that the Respondent is in violation of the terms of the agreed order entered into in September 2017. Specifically, field inspectors were denied access to student files, log of hours was not made available, and presence of students in the building did not match monthly hours log. The inspectors attempted multiple times to schedule appointments to review the files and to date no files have been provided. The Respondent provided a response and states that the files were reviewed by the inspectors with the exception of June and July 2018. The files for June and July were not available because those students had graduated and the Respondent owner states those files were kept in a different location. There is a lawsuit pending in federal court at this time.

Recommendation: Litigation monitoring

Decision: Approved

46. Case No. COS-2019006061

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging that this Respondent is operating a nail salon out of her apartment. The complainant is the room-mate. Legal has attempted to contact the roommate via email but no response has been received and no telephone number was provided on the complaint.

Recommendation: Closure

Decision: Approved

47. Case No. COS-2019014941

First License Obtained: 04/18/2013

License Expiration: 03/31/2021

Complaint history: 2014010151, dismissed

This is a consumer complaint alleging that the Respondent shop owner is selling phones out of his shop and that the owner charges different prices for services. The respondent provided a response and denies all the allegations.

Recommendation: Closure

Decision: Approved

48. Case No. COS-2019017991

First License Obtained: 10/14/2016

License Expiration: 09/30/2018

Complaint history: None

49. Case No. COS-2019018011

First License Obtained: 11/04/2010

License Expiration: 11/30/2020

Complaint history: None

Pursuant to inspection the shop license was found to be expired. The owner is the manager of the shop.

Recommendation: Authorize formal hearing. Authorize \$100.00 civil penalty against the shop and owner/manager.

Decision: Approved

50. Case No. COS-2019018511

First License Obtained: 06/25/2003
License Expiration: 06/30/2019
Complaint history: 200502077, closed by Consent Order and payment of \$300.00 civil penalty; 2014031431 & 2014000891, closed by Final Order and assessment of \$2,000 civil penalty and \$250.00 hearing costs – currently in collection

51. Case No. COS-2019018481

First License Obtained: 05/22/1985
License Expiration: 10/31/2020
Complaint history: 2014031441, closed by Final Order and assessment of \$1,000 civil penalty and \$125.00 hearing costs – currently in collection

Pursuant to inspection, the shop owner's license was found to be expired. The shop owner is also the manager.

Recommendation: Authorize formal hearing. Authorize \$100.00 civil penalty against the shop and owner/manager.

Decision: Approved

52. Case No. COS-2019018901

First License Obtained: 08/10/2015
License Expiration: 07/31/2021
Complaint history: None

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

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

Decision: Approved

53. Case No. COS-2019020451

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2018037801 & 2019002051 – open – assessment of \$3,000 civil penalty

This is a consumer complaint alleging that this establishment continues to operate as a lash extension and removal shop.

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

Decision: Approved

BARBER CASES

54. Case No.: BAR- 2019005331

First License Obtained: 01/25/2011
License Expiration: 01/31/2021
Complaint history: None

This is a complaint from another shop alleging that this Respondent is posting negative comments about the complainant shop.

Recommendation: Closure

Decision: Approved

55. Case No.: BAR- 2019007441

First License Obtained: 04/21/2011

License Expiration: 10/31/2020

Complaint history: None

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

56. Case No.: BAR- 2019011621

First License Obtained: 11/02/2011

License Expiration: 10/31/2017

Complaint history: 201501194, closed by Agreed Citation and payment of \$100.00 civil penalty

Pursuant to inspection, this shop license was found to be expired and the owner's license was expired and no manager was present.

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

Decision: Approved

57. Case No.: BAR-2019016271

First License Obtained: 05/16/2017

License Expiration: 05/31/2021

Complaint history: None

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

58. Case No.: BAR- 2019018041

First License Obtained: 01/31/1994

License Expiration: 04/26/2019

Complaint history: None

Based on a complaint by a student an inspection of the school was performed and no violations were found. The student alleged unethical and unprofessional conduct and not receiving the proper education.

Recommendation: Closure

Decision: Approved

59. Case No.: BAR- 2019020891

First License Obtained: 02/02/2018

License Expiration: 02/01/2020

Complaint history: None

This consumer complaint alleges that the Respondent school opened a new or expanded location without board approval. The Respondent provided a response and meets all the requirements for an expanded location.

Recommendation: Closure

Decision: Approved

60. Case No.: BAR-2019021131

First License Obtained: 02/02/2018

License Expiration: 02/01/2020

Complaint history: None

This school failed to renew its license in a timely manner and submitted student hours after the license had expired. The license expired February 1, 2019 and hours were submitted for February 2019 and the school renewed March 6, 2019.

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

Decision: Approved

REPRESENTS

61. Case No.: COS-2016044281

First License Obtained: 08/22/2013

License Expiration: 05/31/2019

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

This matter was previously presented to the Board at its October 3, 2016 meeting as follows: *NOV issued after inspector entered the shop while it was open to the public and saw an individual braiding a patron's hair. This individual admitted she did not have a license and would not sign the NOV. Inspector included a picture of the individual engaging in the act. There was no manager present.*

Recommendation:

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

Decision: *Approved*

62. Case No.: COS-2016058161

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its December 12, 2016 meeting as follows: *Pursuant to inspection, one employee was found working without a license and the shop owner/manager (who are the same person) was not present.*

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

Decision: Approved

63. Case No.: COS-2017059101

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2015018261, closed by Consent Order and payment of \$500 civil penalty plus \$100 costs

This matter was previously presented to the Board at its May 7, 2018 meeting as follows: *Pursuant to inspection, this shop was found to be providing services without a shop license.*

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

Decision: *Approved*

64. Case No.: COS-2016069631

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2015013081, closed by Notice of Default and Initial Order and assessment of \$1,000 civil penalty and costs of \$358.34

This matter was previously presented to the Board at its January 30, 2017 meeting as follows: *Pursuant to inspection, the Respondent shop was operating without a license and four individuals who refused to identify themselves were providing braiding services to customers and all of them stated that they were providing services without a license.*

Recommendation: *Authorize formal hearing. Authorize settlement by consent order with civil penalty of \$5000.00.*

Decision: *Approved*

65. Case No.: COS-2017075121

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

This matter was previously presented to the Board at its May 7, 2018 meeting as follows: *This is a consumer complaint alleging bad result from a hair braiding service. The respondent is unlicensed. The Complainant provided proof of advertising by the Respondent as a hair braider. The Respondent did not respond to the complaint.*

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

Decision: *Approved*

66. Case No.: COS-2017019491

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

This matter was previously presented to the Board at its August 7, 2017 meeting as follows: *This complaint was presented to the Board at its June 2017 meeting where the Board authorized*

\$2500 civil penalty for two counts of unlicensed activity and one count of no licensed manager present based upon that the Respondent was the owner of the shop.

Further investigation of this matter revealed that the Respondent was not the owner of the shop, but was only the unlicensed individual working in the shop. It should be noted that the actual shop owner paid \$2500 civil penalty via an Agreed Citation to settle a separate complaint against the shop.

Recommendation: Authorize formal hearing. Authorize settlement by Consent Order with \$1,000 civil penalty.

Decision: Approved.

67. Case No.: COS-2017060691

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its May 7, 2018 meeting as follows: This is a consumer complaint alleging unlicensed activity. The respondent denies providing hair braiding services. However, the complainant provided Facebook information and an address as proof of the Respondent providing services.

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

Decision: Approved

68. Case No.: COS-2017078561

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its May 7, 2018 meeting as follows: Pursuant to an inspection, the shop was found to be operating without a license and two individuals were found to be providing services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$3000.00 civil penalty.

Decision: Approved

69. Case No.: COS-2018007791

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2017078561, Consent Order Proposed for \$3,000 civil penalty

This matter was previously presented to the Board at its June 4, 2018 meeting as follows: This is a consumer complaint alleging unlicensed activity.

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

Decision: Approved.

70. Case No.: COS-2018032601

First License Obtained: N/A

License Expiration: N/A

Complaint history: **None**

This matter was previously presented to the Board at its October 1, 2018 meeting as follows:
Pursuant to inspection, based on a consumer complaint this shop was found to be providing services without a shop license and two unlicensed persons were found to be providing services at the time of inspection.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$3000.00 civil penalty.

Decision: Approved.

71. Case No.: COS-2018041611

First License Obtained: N/A

License Expiration: N/A

Complaint history: **None**

This matter was previously presented to the Board at its November 5, 2018 meeting as follows:
This is a consumer complaint alleging unlicensed activity. The respondent failed to respond.

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

Decision: Approved.

72. Case No.: COS-2018046571

First License Obtained: N/A

License Expiration: N/A

Complaint history: **None**

This matter was previously presented to the Board at its December 10, 2018 meeting as follows:
Pursuant to inspection, this shop was found to be unlicensed.

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

Decision: Approved.

73. Case No.: COS-2018062161

First License Obtained: N/A

License Expiration: N/A

Complaint history: **None**

This matter was previously presented to the Board at its December 10, 2018 meeting as follows:
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.

74. 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**

This matter was previously presented to the Board at its January 28, 2019 meeting as follows: *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*

75. Case No.: COS-2018072401

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its January 28, 2019 meeting as follows:

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*

76. 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

This matter was previously presented to the Board at its January 28, 2019 meeting as follows: *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*

UPDATE AND NEW RECOMMENDATION: Based on the new legislation. Letter of instruction.

DECISION: Approved

Kelsey J. Bridges, Assistant General Counsel

77. Case No.: BAR-2016058291

First License Obtained: 07/23/1998

License Expiration: 07/31/2016

Complaint history: None

Pursuant to inspection, the shop manager's license was expired as of July 31, 2016. The shop owner and manager are not the same person.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order of \$100 civil penalty.

Decision: Approved

Re-present: Upon review it does not appear this matter is well-suited for litigation. The case file does not contain any evidence to support a claim of unlicensed practice. Although Respondent was at the barbershop during the inspection, the report notes that no services were being performed—in fact, no customers were present at all. Further, Respondent’s license expired in July, 2018 (their current status is “Expired- Grace NOT APPLICABLE”), and there is no evidence that Respondent is currently engaged in the industry. It should also be noted that numerous attempts at reaching Respondent have failed and that all recent communications have been returned to sender. As such, Counsel recommends this matter be closed and flagged.

New recommendation: Close and flag.

Decision: Approved

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

The meeting adjourned at 10:00 AM.

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

NEW BUSINESS:

Ms. Gumucio presented changes taking place within the industry in other States and how the reciprocity process is being impacted. The board discussed finding a new middle ground for reciprocity applicants moving to Tennessee so those licensed somewhere else don’t face barriers. The members will consider all the options and come back to the August board meeting with their suggestions.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Patricia Richmond and seconded by Mona Sappenfield. Motion carried unanimously.