



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting October 7, 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: Anita Charlton, Frank Gambuza, Ron Gillihan, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield and Amy Tanksley. Not in attendance Kelly Barger and Nina Coppinger. Participating telephonically Yvette Granger.

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

Ron Gillihan introduced attorney Hugh Cross and welcomed him as new legal counsel for the board.

MINUTES-

Minutes for the August 5, 2019 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the August, 2019 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

DCI Academy – Change in Location

Ms. Destiny Cox appeared before the board. The school is located in Memphis and is a specialty aesthetics school with 1,191 sq. ft. The floor plan, applications and fees were all received

timely. This presentation could not be presented at the August meeting as Ms. Cox had to find a new location for the school.

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

Signature Design Beauty Academy– New Cosmetology School

Ms. Sellari appeared before the board for a new cosmetology school application. The school is located in Tullahoma. The school is 2,386 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received timely.

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

Premiere Nail Academy – New Specialty Manicure Apprenticeship School

Ms. Kesha Scales appeared before the board for a new specialty manicure school application. The school is located in Memphis. The school is 500 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, application, five manicure contracts and fee were all received timely.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve change of ownership pending an inspection by a field inspector. Motion carried unanimously.

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

Mr. Cleophus Bryant Jr. appeared before the board at the June 2019 meeting and the school was approved pending an inspection by a field inspector and a board member. Arrangements were made directly by the school with board member Yvette Granger and two separate inspections took place. During both inspections, student files were either not available or there were reasons given why the inspection could not be completed. This prompted Ms. Granger to ask the full board for guidance at the August board meeting. The board voted to ask the school owner to appear at the October board meeting and explain the reasons for the miscommunication; provide an explanation of the changes to the contracts and present the student contracts to the board so they could be reviewed. Mr. Bryant handed 15 barber and 5 manicure contracts for the office to review.

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

Urban Beauty Barber Institute – New Barber School

Mr. Tim Burns appeared before the board for a new barber school application. The school is located in Memphis. The school is 5,145 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received. The 15 student contracts were turned in during the meeting and would be reviewed before proceeding with the board's decision for inspections.

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

Paul Mitchell the School, Knoxville – Change in Location Branch Campus

Mr. Kevin Johnson submitted a revised application and explanation about the branch site in Knoxville being used for the barber discipline not the cosmetology. The error was discovered as part of the inspection and once the school was considering moving student to use that site. The floor plan had no changes. Legal and the executive director determined this was simply the incorrect form used therefore the school was allowed to continue their plans of using that site for barbering not cosmetology.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve the site for barbering instead of cosmetology. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Laquita Baker, Herlana Brewer, Kailein Dixon, Tanova Ewing, Brittany Murray, Marcie Pursell, Akakawazara Waller, and Jonathan Vance. The applicants have felonies within the last three years and/or are currently incarcerated. The request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of manicure license from Ohio for Jennifer Beck. Certification shows initial licensure in 1999 as an advanced manicurist with 300 hours and both exams. Ms. Beck communicated with the office regarding proof of work experience. She moved to Tennessee in

2013 and has not worked in the industry since then placing her license in “escrow”. She has 14 years’ experience but it is not current and now she is ready to join the industry once more.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Virginia for Talia Kestner. Certification shows initial licensure in June 2016 giving her three years of work experience. Ms. Kestner did her hours while in high school and it appears that Virginia allowed her 566 hours to be considered completed curriculum and she was allowed to take both exams.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from Pennsylvania for Samantha Klee. License look up shows initial license date of November 1999. Ms. Klee completed her education in 1988 when they required over 1,500 hours. She has not taken the practical exam and is asking it be waived given her 20 years being licensed. She does not have current proof of experience as she left the industry to be a stay at home mother.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of aesthetician license from Texas for Hien Le. Certification shows initial licensure in April 2009 with 750 hours and both exams. Ms. Le completed her education at one of the schools that was investigated and the board decided Tennessee would not accept those hour or licensure because the school was determined to have had violations. Ms. Le received hours and licensure several years prior to the period covered under the investigation. She provided proof of work experience in Texas between 2009 and 2018. She also provided proof of residency in Texas. She is requested all this be considered proof that she was licensed properly and therefore meets Tennessee’s requirements. The Texas license will be confirmed to be active.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Florida for Minh Nguyen. License look up shows initial license date September 2013. Ms. Nguyen states she completed 1,500 hours in 1999 but could not provide the transcript. Because she is not licensed for ten years she would have to take the practical exam. She is asking to consider all her work experience exclusively in the manicure discipline and approve her for a manicurist license not a cosmetology.

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

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

Application for reciprocity of cosmetology and aesthetics license from California for Kristine Nguyen. Certification from California shows her cosmetology license was issued in January 2002 with 1,600 hours and her aesthetics license in November 2018. The California requirements for aesthetics are 600 hours. They only required she complete 200 additional hours specific to aesthetics in 2018 to grant her that license. She provided a letter showing work experience between 2013 and July 2019.

Recommendation - is that the applicant be approved for reciprocity of a cosmetology and an aesthetics license.

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

Application for reciprocity of cosmetology instructor license from Iowa for Erica Palmer. Certification shows initial cosmetology license date of April 2012 with 2,100 with no practical exam. License look up shows she obtained the instructor designation in November 2017 with 16 hours of training in teaching methodology. A theory exam is required.

Recommendation - is that the applicant take the practical instructor exam and be approved for the cosmetology reciprocity license.

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

Application for reciprocity of manicurist license from Virginia for Chaiya Rutherford. License lookup shows initial licensure in April 1996 which expired in 2008. It appears that because the license expired she had to pass both exams which she did in 2018. She provided a letter explaining the family moving to Tennessee and the need for her license. She has her license back to active in Virginia since June 2018.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of manicurist license from Missouri for Tiffany Shandley. Certification shows initial licensure in December 2013 with 400 hours and both exams. Ms. Shandley moved to Tennessee in 2018 therefore she does not have the five years of work experience. She provided tax records between 2014 through 2017.

Recommendation - is that the applicant be approved for reciprocity.

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

The committee discussed the process for reciprocity applicants who do not meet the exact requirements in Tennessee. The process introduced is to be less burdensome in determining whether applicants substantially meet the requirements in Tennessee. After much discussion the committee determined the following:

- Applicant must have an active license with education as required by that State and both exams and some experience.
- Experience is defined as: must have one year experience within the last three years or two years within the last five years.

The full board approved the reciprocity committee's recommendation:

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for extension of continued education requirement from cosmetology instructor Teketa Kimbrough and Lakeitha Carter were part of the August presentation however they were not voted on the record. Both instructors also had a onetime request and immediately after the meeting were given letters allowing them to complete continuing education. At the August board meeting, the board granted permission to the executive director to approve these going forward

as long as they meet the criteria being used for a one time extension. Both these instructors met the normal conditions for the extension therefore they were granted and did not have to wait on a board meeting. One other such situation was also granted so this expedites the process.

Request to take the cosmetology exam with hours from Ukraine for Ms. Armenuhi Hamamiyan. Ms. Hamamiyan provided translated transcript and certificate. Her hours were completed in school and as practical hours or what we would consider apprenticeship. Her application states she did 528 hours in school and 1,226 as practical training. Based on the transcript, the totals look more like 918 hours in school that cover the cosmetology curriculum.

MOTION made by Judy McAllister and seconded by Mona Sappenfield to approve the request for testing. Motion carried unanimously.

Request for approval of manicurist license for Trina Nguyen. Ms. Nguyen was licensed by reciprocity from Texas in 2011. That license was revoked in 2013 for failure to obtain licensure as the statute required. Since then he attended a school in Tennessee and passed both exams. The practical exam was passed in July 2019.

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

Request for waiver of the reinstatement exam due to continued education requirement from master barber instructor Hattie Taylor. 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. Ms. Taylor has never asked for an extension before and presented a letter explaining she did not receive the paperwork in time to attend. Because she had not asked for the extension timely, her instructor part of the license was removed when she renewed and she was told she would need to test to have the instructor designation back. The last session she attended was in August 2016. The barber statute allows a little more flexibility for up to a year but that time has also passed.

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

DIRECTOR'S REPORT:

The final numbers fiscal year 2019 were provided showing a surplus of \$293,904. This leaves the program with a reserve of \$908,779 which reflects about 38% of what we'd like to have for reserves but is a huge improvement.

The financial information for July 2019 reflects an added surplus of \$104,439.

The Georgia State Board of Cosmetology and Barbers send a letter to the Tennessee Board dated September 11, 2019 stating that they did not find any violation of the applicable practice act sufficient for disciplinary action in the case regarding Atlanta Beauty & Barber Academy or Thuy-Ai Chanh Lam. The board had been denying those hours pending the conclusion of such investigation. With the case closed in Georgia, the director requested permission to start exception licenses and hours from Georgia as done with other States unless something new arises.

MOTION made by Judy McAllister and seconded by Amy Tanksley to approve Georgia licenses or hours from this school and not request additional information. Motion carried unanimously.

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 71 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-2019042881

First License Obtained: 12/18/2017

License Expiration: 09/01/2020

Complaint history: None

This complaint from a former student alleges that the Respondent school failed to teach disinfection methods, instructors failed to properly monitor the disinfection process, and other students also failed to disinfect their workstations properly. The Respondent denied the allegations in the complaint and states that the Complainant has been disciplined several times. Complainant submitted photo attachments showing an instructor barefoot at her workstation, wet towel left on the countertop, and a cup of coffee (food) left at the workstation.

Recommendation: Closure with request for inspection.

Decision: Approved

2. Case No.: COS-2019043931

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a consumer complaint regarding unlicensed activity, an inspection was requested and no unlicensed activity was found.

Recommendation: Closure.

Decision: Approved

3. Case No.: COS-2019040331

First License Obtained: 08/23/2019

License Expiration: 08/31/2021

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and no violation were found because no customers were present but the inspector was suspect of what services may be being provided. Respondent stated their business does not offer services regulated by the board of cosmetology. Respondent's website lists both "Aesthetics" and "Advanced Aesthetics" as services available. Respondent is now licensed with the department.

Recommendation: Closure.

Decision: Approved

4. Case No.: COS- 2019043731

First License Obtained: 09/24/2018

License Expiration: 09/30/2020

Complaint history: None

Pursuant to a consumer complaint regarding this consumer alleges to have contracted an infection from receiving services at this shop, an inspection was performed and no violation were found. No medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure

Decision: Approved

5. Case No.: COS-2019043791

First License Obtained: 03/29/2017

License Expiration: 03/31/2021

Complaint history: None

Based on a complaint from a consumer, this complaint alleges the Respondent has a cosmetologist utilizing a straight razor. The cosmetologist in question was not working in the shop during the inspection. Inspector gave a warning to the shop owner regarding unlawful use of straight barbering.

Recommendation: Letter of warning regarding use of straight razor without license.

Decision: Approved

6. Case No.: COS-2019044621

First License Obtained: 10/26/2015

License Expiration: 10/31/2019

Complaint history: None

Based on a complaint from a former employee, this complaint alleges the Respondent has been using the Complainant's cosmetology license since 2016, notably after Complainant left

employment at Respondent's salon and relocated from Tennessee to Michigan. Respondent denies using or being in possession of Complainant's license.

Recommendation: Closure.

Decision: Approved

7. Case No.: COS-2019045081

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this complaint alleges the inspector observed that the shop was without a shop license, and the shop owner claims that a license is not needed to apply eyelashes.

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

Decision: Approved

8. Case No.: COS-2019045321

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a complaint from an anonymous consumer (no name or address provided), this complaint alleges the Respondent has been providing eyelash extensions and micro blading services without a license. An inspection revealed there was no signage identifying the place of business, and front desk personnel could not tell inspector the name of the owner of the shop. No Notice of Violation was issued at the time of inspection.

Recommendation: Closure with Referral to Dept. of Health Related Boards regarding micro blading.

Decision: Approved

9. Case No.: COS-2019044881

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; 2018078111, closure

Based on a complaint from a former student, this complaint alleges the following: 1) Respondent employed an instructor whom acted unprofessionally (e.g. name calling, snarky comments, unprofessional dress and demeanor); 2) Respondent does not provide students with adequate

supplies for study; and, 3) Respondent does not pay the water bill on time leaving students which affected student learning environment. Respondent denied that this particular instructor acted unprofessionally—citing same has worked at Respondent’s salon for two (2) years, and worked in the field for thirteen (13) years. Respondent also denied that adequate supplies for study are not provided—citing that supplies are delivered every two (2) weeks to ensure supplies are available for all students. Respondent admitted that the accounts payable department, through corporate headquarters, missed making a timely payment, which resulted in water being shut off; however, Respondent stated that the water was turned back on within thirty (30) minutes and did not affect student learning environment.

Recommendation: Closure

Decision: Approved

10. Case No.: COS-2019045401

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a complaint from a consumer, this complaint alleges the Respondent has been providing eyelash extension service from her home without a license. Complainant submitted various social media posts with the Respondent’s business name across the photos. The social media posts also have information on how to book appointments, as well as what appear to be advertising offering coupons and gift certificates. There is no address provided in the social media posts.

Recommendation: Closure due to insufficient service of process information.

Decision: Approved

11. Case No.: COS-2019045841

First License Obtained: 06/09/2015

License Expiration: 06/30/2019

Complaint history: None

Based on a complaint from a consumer, this complaint alleges the Respondent has been providing eyelash extension service without a state board inspection sheet. The complaint also alleges there is no sink or sanitary eyewash station.

Recommendation: Closure with request for inspection.

Decision: Approved

12. Case No.: COS-2019045331

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a complaint from a consumer, this complaint alleges the Respondent has been providing eyelash extension service without a license. Follow-up inspection revealed multiple rooms where photography props were being used. There was no indication that cosmetology services were being provided at the address. Respondent stated to inspector that eyelash extension service have been provided to Respondent’s family only without compensation.

Recommendation: Closure.

Decision: Approved

13. Case No.: COS-2019045341

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

Based on a complaint from a consumer, this complaint alleges the Respondent has been providing eyelash extension service without a license. This is the second complaint from a consumer against the same shop previously referred to in COS-2019045331. Follow-up inspection revealed multiple rooms where photography props were being used. There was no indication that cosmetology services were being provided at the address. Respondent stated to inspector that eyelash extension service have been provided to Respondent's family only without compensation.

Recommendation: Closure.
Decision: Approved

14. Case No.: COS-2019045371

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

This is a consumer alleging unlicensed activity. Based on the complaint an inspection was performed and the alleged unlicensed aesthetician was no longer employed by Respondent.

Recommendation: Letter of warning.
Decision: Approved

15. Case No.: COS-2019044741

First License Obtained: 01/15/2016
License Expiration: 09/01/2019
Complaint history: None

Based on a complaint from a former student, this complaint alleges the Respondent assessed Complainant thousands of dollars in tuition, but did not report any earned hours to the board. Complainant left the school due to medical reasons and expected hours earned to be reported. Respondent school is no longer in business.

Recommendation: Closure.
Decision: Approved

16. Case No.: COS-2019046331

First License Obtained: 01/23/2013
License Expiration: 01/31/2021
Complaint history: None

Pursuant to inspection, this complaint alleges the inspector observed that Respondent was practicing with an expired license.

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

17. Case No.: COS-2019046781

First License Obtained: 01/08/1997
License Expiration: 01/31/2021
Complaint history: None

Pursuant to inspection, this complaint alleges the inspector observed an expired shop license. This Respondent is the owner.

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

Decision: Approved

18. Case No.: COS-2019046921

First License Obtained: 11/10/1993

License Expiration: 04/30/2020

Complaint history: None

Pursuant to inspection, the shop license was found to be expired and no inspection sheet was displayed.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty and letter of warning regarding inspection sheet.

Decision: Approved

19. Case No.: COS-2019046531

First License Obtained: 02/06/2019

License Expiration: 02/28/2021

Complaint history: None

This is a consumer complaint alleging that the complainant suffered a cut during the grinding process of a manicure, an inspection was performed and no violations were found.

Recommendation: Closure

Decision: Approved

20. Case No.: COS-2019046891

First License Obtained: 07/15/2016

License Expiration: 07/31/2020

Complaint history: None

Pursuant to inspection, this complaint alleges the inspector observed that Respondent had an expired shop license and inspection sheet not displayed.

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

Decision: Approved

21. Case No.: COS-2019047341

First License Obtained: 10/18/2018

License Expiration: 10/31/2020

Complaint history: None

Based on a complaint from an anonymous consumer (no name or address provided), this complaint alleges the Respondent has multiple unlicensed stylists employed. Respondent submitted a response stating there are two (2) stylists working in their shop, and Respondent provided copies of current licenses for each of those stylists.

Recommendation: Closure.

Decision: Approved

22. Case No.: COS-2019047081

First License Obtained: N/A

License Expiration: N/A
Complaint history: None

Based on a complaint from an anonymous consumer (no name or address provided), allegedly Respondent was providing eyelashes extension service without a license. Follow-up inspection was unable to be completed due to insufficient address.

Recommendation: Closure.

Decision: Approved

23. Case No.: COS-2019047201

First License Obtained: 12/14/2018

License Expiration: 12/31/2020

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

24. Case No.: COS-2019047811

First License Obtained: 01/09/1977

License Expiration: 03/31/2021

Complaint history: None

Pursuant to inspection, inspector observed person(s) practicing with an expired license. Follow-up by Respondent indicates there was some confusion regarding the online payment. Respondent stated the licensing renewal fee was paid, and provided a confirmation number and batch number; however, the license was put on "hold" due to a name change that was pending relating to Respondent's ongoing divorce.

Recommendation: Closure.

Decision: Approved

25. Case No.: COS-2019047751

First License Obtained: 12/10/2001

License Expiration: 06/30/2021

Complaint history: None

Pursuant to inspection, previously referred to in COS-2019047811, this complaint alleges the inspector observed person(s) practicing with an expired license. Follow-up by Respondent indicates there was some confusion regarding the online payment. Respondent stated the licensing renewal fee was paid, and provided a confirmation number and batch number; however, the license was put on "hold" due to a name change that was pending relating to Respondent's ongoing divorce.

Recommendation: Closure.

Decision: Approved

26. Case No.: COS-2019048841

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a complaint from a consumer alleging that the consumer developed an infection after visiting Respondent's salon for false eyelashes and alleging unlicensed activity, an inspection was performed and one person was found to be providing services with expired license and no shop license. Respondent refused to sign Notice of Violation. No medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1100.00 civil penalty for unlicensed activity.

Decision: Approved

27. Case No.: COS-2019048401

First License Obtained: 12/06/2009

License Expiration: 09/01/2020

Complaint history: 2018004191, closed and sent out for inspection

Based on a complaint from a former student, this complaint alleges that instructors are not present in the cosmetology, nail technician, and aesthetics program(s), alleging that substantive learning what not happening—and, instead instructors spent time in classes playing games such as Jeopardy and Bingo. The former student also requested a refund of their paid tuition. Respondent denied all of the former allegations, noting that the former student left on their own accord. Respondent further stated that Complainant did not meet the attendance requirement to be retained as a student and was administratively withdrawn after exceeded absences— Respondent submitted documents to demonstrate this as well including Complainant's attendance record(s).

Recommendation: Closure with request for inspection.

Decision: Approved

28. Case No.: COS-2019049001

First License Obtained: 12/07/2016

License Expiration: 12/31/2020

Complaint history: None

Based on a consumer complaint alleging that the complainant developed an infection after visiting Respondent's salon for a manicure and in addition the consumer alleges unlicensed activity, an inspection was performed but no violations were found. No medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure.

Decision: Approved

29. Case No.: COS-2019050171

First License Obtained: 11/21/2006

License Expiration: 11/30/2020

Complaint history: None

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

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

Decision: Approved

30. Case No.: COS-2019049751

First License Obtained: 08/09/2018

License Expiration: 08/31/2020

Complaint history: None

This is a consumer complaint alleging that the consumer contracted an infection after visiting Respondent's salon for a manicure and went to the emergency room for said infection. Respondent stated that their tools are sanitized, and requested more information from Complainant's doctor that shows the infection came from Respondent's salon. No medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure with request for inspection.

Decision: Approved

31. Case No.: COS-2019050761

First License Obtained: 08/05/2013

License Expiration: 02/28/2021

Complaint history: None

Based on a complaint from a consumer, this complaint alleges they was charged an extra dollar for brow services, and that said price changed without the Respondent giving any notice that the cost for brow services increased by one dollar (\$1.00). Complainant also stated that Respondent was rude to her during the time services were performed. Respondent denied being rude to Complainant and further stated that notice was given of the price increase, because the prices were listed on a price sheet displayed on the wall behind the counter.

Recommendation: Closure.

Decision: Approved

32. Case No.: COS-2019050841

First License Obtained: 05/16/2017

License Expiration: 05/31/2021

Complaint history: None

Pursuant to inspection, the inspector found one person practicing without a license and no shop manager was present.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1500.00 civil penalty.

Decision: Approved

33. Case No.: COS-2019050661

First License Obtained: 06/18/2018

License Expiration: 09/01/2019

Complaint history: 2019036861, closure

Based on a complaint from a former student, this complaint alleges that licensed instructors are not present in the classrooms—and, that Respondent has charged excessive fees for tuition. The former student stated they have not “learned anything” from Respondent and requested a refund of their paid tuition. Respondent denied all of the former allegations, noting that the former student had excessive absences, but was placed on emergency leave to “help” the Complainant by avoiding paying the “overages.” Respondent further stated that Complainant did not meet the attendance requirement to be retained as a student and that Respondent denied Complainant's request for another leave, because Complainant already had a poor attendance record—Respondent submitted documents to demonstrate this as well including Complainant's attendance record(s).

Recommendation: Closure.

Decision: Approved

34. Case No.: COS-2019050961

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a complaint from a consumer, this Respondent is providing services without a license. The Respondent's mail was returned as insufficient address. However, information has been provided with location of shop where Respondent was providing services.

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

Decision: Approved

35. Case No.: COS-2019051811

First License Obtained: 12/29/2012

License Expiration: 10/31/2020

Complaint history: None

Pursuant to inspection, this shop was found to be open for business and providing services with expired license and no shop manager was present.

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

Decision: Approved

36. Case No.: COS- 2019052091

First License Obtained: 05/29/2018

License Expiration: 05/31/2020

Complaint history: 2019005921, closure and open new complaint and send for investigation to determine ownership; 2019008861, closure with request for inspection

Based on prior complaint, a new inspection was completed and no violations were found.

Recommendation: Closure.

Decision: Approved

37. Case No.: COS-2019052191

First License Obtained: 12/16/2016

License Expiration: 10/31/2020

Complaint history: None

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

Recommendation: Closure.

Decision: Approved

38. Case No.: COS-2019052461

First License Obtained: 04/29/2003

License Expiration: 04/30/2020

Complaint history: 2005033251, closed by Consent Order and payment of

\$500.00 civil penalty; 2016009361, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging that 1) a technician in the shop applied lotion onto the back of another technician requiring lifting of the technician's shirt in front of customers; and, 2) another incident where a technician used a dirty drill bit to use on a consumer's nails. To the first situation, Respondent admitted that the situation occurred—however, that lotion was applied only to the neck such that the technician's shirt was not lifted up. To the second situation, Respondent denied that a dirty drill bit was used, and stated that drill bits are always cleaned prior to using the drill to remove acrylic.

Recommendation: Letter of warning regarding unprofessional conduct.

Decision: Approved

39. Case No.: COS-2019052411

First License Obtained: 02/24/2012

License Expiration: 02/29/2020

Complaint history: 2019017031, closure

This is a student complaint alleging that the Respondent is training persons without an instructor license to apply eyelash extensions. The Respondent filed a response with our office stating specifically that she was advised by an inspector that she was allowed to train persons in her salon to apply eyelash extensions.

Recommendation: Closure

Decision: Approved

40. Case No.: COS-2019053121

First License Obtained: 12/02/2010

License Expiration: 10/31/2020

Complaint history: 2012012091, closed with letter of warning; 2013024001 & 2015002501, Closed by an Initial Order and assessment of \$750.00 civil penalty and \$425.00 hearing costs; 2016023031, Sent an inspector to review sanitation practices related to pedicure; 2016049891, closed by Consent Order and payment of \$750.00 civil penalty; 2017033901, closed by Consent Order and payment of \$100.00 civil penalty; 2019023831, closure

This is a consumer complaint alleging questionable business practices and possible issues with nail services technique and procedure. Also, consumer alleges refusal of some employees to give their names. The respondent provided a response acknowledging the issue with the nail services that were provided but denies any other issues as alleged by the consumer.

Recommendation: Closure

Decision: Approved

41. Case No.: COS-2019053441

First License Obtained: 04/11/2007

License Expiration: 04/30/2021

Complaint history: None

Pursuant to inspection, this Respondent was found to be provided services with expired license. The Respondent is also the owner/manager of the shop.

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

Decision: Approved

42. Case No.: COS- 2019053461

First License Obtained: 03/10/2017

License Expiration: 03/31/2019

Complaint history: None

Pursuant to inspection the shop was found to be operating without a shop manager and the shop license was expired.

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

Decision: Approved

43. Case No.: COS-2019053781

First License Obtained: 12/15/2006

License Expiration: 12/31/2020

Complaint history: 2019008901, closure with request for re-inspection

Pursuant to inspection, this Respondent who is the shop manager was found to be allowing a person to provide services without a license.

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

Decision: Approved

44. Case No.: COS-2019053881

First License Obtained: 12/19/1990

License Expiration: 06/30/2020

Complaint history: None

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

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

Decision: Approved

45. Case No.: COS-2019053851

First License Obtained: 02/02/2006

License Expiration: 01/31/2020

Complaint history: None

Pursuant to inspection, the shop was found to be open for business 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-2019053571

First License Obtained: 06/07/2017

License Expiration: 06/30/2021

Complaint history: 2017049481, closure; 2019034711, closure;
Based on a consumer complaint alleging unsanitary condition an inspection was performed and no violations were found.
Recommendation: Closure
Decision: Approved

47. Case No.: COS-2019054861

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

48. Case No.: COS-2019055071

First License Obtained: 12/11/1989
License Expiration: 02/28/2016
Complaint history: 2016032781, closed by Consent Order and sent to Collections for failure to remit the outstanding \$100.0 civil penalty

49. Case No.: COS-2019055031

First License Obtained: 03/20/2008
License Expiration: 03/31/2016
Complaint history: 2016032761, closed by Consent Order and sent to Collections for failure to remit the outstanding \$100.0 civil penalty; 2018023901, Letter of Warning

Pursuant to inspection, this shop has expired license and owner was found to be providing services with expired license. (both licenses expired more than three years).

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

50. Case No.: COS- 2019054611

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

Pursuant to inspection, this shop 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

51. Case No.: COS-2019054841

First License Obtained: 07/01/2013
License Expiration: 06/30/2021
Complaint history: 201403246, closed by Agreed Citation and payment of

\$1000 civil penalty; 2015020001 and 2015019721 closed by Agreed Order and payment of \$2,000 civil penalty

Pursuant to inspection, shop found to be allowing one person to provide services without a license. Shop is out of business as of 07/31/2019.

Recommendation: Closure

Decision: Approved

52. Case No.: COS-2019055651

First License Obtained: 06/21/2019

License Expiration: 06/30/2021

Complaint history: None

This is a consumer complaint regarding licensure of this Respondent. The Complainant alleges that the Respondent was arrested. The board is aware of these facts and the Respondent was granted a license with a probationary period.

Recommendation: Closure

Decision: Approved

BARBER CASES

53. Case No.: BAR- 2019039491

First License Obtained: 03/13/2017

License Expiration: 02/28/2021

Complaint history: None

Pursuant to inspection, based on a complaint from a consumer, this complaint alleges the Respondent shop utilized unlicensed personnel to cut hair, distributed illegal narcotics on the premises, had children in the shop while smoking and drinking, all of which made the consumer feel unsafe. Inspection revealed an expired shop license. At the time of inspection, there were no children on the premises, nor were there illegal narcotics. There are photos which were provided by the consumer which show alcohol and the appearance of marijuana on the premises. A notice of violation was issued for an expired shop license and no shop manager present. Manager/owner is listed in Complaint No. 2019044731.

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

Decision: Approved

54. Case No.: BAR-2019043491

First License Obtained: 03/14/2005

License Expiration: 02/28/2017

Complaint history: 2018010241, closed by Agreed Citation and payment of \$100.00

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

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

Decision: Approved

55. Case No.: BAR-2019044431

First License Obtained: 08/25/2016

License Expiration: 06/30/2018
Complaint history: 2017055111, Settled

56. Case No.: BAR- 2019044451

First License Obtained: 01/09/2007
License Expiration: 01/31/2019
Complaint history: 2018021431, closed with Letter of Warning;
2018020661, Settled

Pursuant to inspection, the shop license was found to be expired, the owner/manager's license was found to be expired and no manager present and an inspection sheet was not displayed. Further, Respondent was uncooperative and rude with inspectors in front of Respondent's customers. There were numerous sanitation and facility infractions including: trash in the floor, discarded beer containers, lack of barbicide in the barbicide containers, lack of containers for clean and soiled towels, and lack of EPA compliant disinfectant for the tools.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty to the shop for expired shop license and no manager present and \$100.00 civil penalty to individual for expired individual license. Letter of warning for sanitation violations.

Decision: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty to the shop for expired shop license and no manager present and \$100.00 civil penalty to individual for expired individual license. Letter of warning for sanitation violations and unprofessional behavior.

57. Case No.: BAR-2019044901

First License Obtained: 03/13/2017
License Expiration: 02/28/2021
Complaint history: None

Pursuant to inspection, this is the second complaint from a consumer against the same shop previously referred to in BAR-2019039491, this complaint alleges the Respondent shop utilized unlicensed personnel to cut hair, distributed illegal narcotics on the premises, had children in the shop while smoking and drinking, all of which made the consumer feel unsafe. Re-inspection revealed an expired shop license. The re-inspection report does not mention whether there were children or illegal narcotics on the premises; however, inspectors noted that on approach, several parties were loitering outside the shop, and a loud disturbance was occurring inside. The initial complaint was received in May 2019. No notice of violation was issued.

Recommendation: Closure as NOV issued in Complaint No. 201903949 only.

Decision: Approved

58. Case No.: BAR-2019044731

First License Obtained: 11/15/2016
License Expiration: 11/30/2018
Complaint history: None

Pursuant to inspection, previously referred to in BAR-2019039491 and BAR-2019044901, based on an initial complaint from a consumer, the shop was found to have an expired shop license, and no shop manager was present because the manager's license was suspended. This Respondent is the manager/owner.

Recommendation: Closure as shop was cited in other complaints and no proof this Respondent was providing any services and is the owner/manager of the shop.

Decision: Approved

59. Case No.: BAR-2019045361

First License Obtained: 03/13/2017

License Expiration: 02/28/2021

Complaint history: None

Pursuant to inspection, this is the third complaint from a consumer against the same shop previously referred to in BAR-2019039491 and BAR-2019044901, this complaint alleges the Respondent shop utilized unlicensed personnel to cut hair, distributed illegal narcotics on the premises, had children in the shop while smoking and drinking, all of which made the consumer feel unsafe. The re-inspection report does not mention whether there were children or illegal narcotics on the premises; however, inspectors included photo attachments showing various parties loitering outside the shop and another showing the waiting area that included children. The initial complaint was received 6 May 2019. The second complaint was received 15 May 2019. This complaint was received 16 May 2019.

Recommendation: Closure as NOV issued in Complaint No. 201903949 only.

Decision: Approved

60. Case No.: BAR-2019047651

First License Obtained: 06/21/2012

License Expiration: 06/30/2018

Complaint history: None

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

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

Decision: Approved

61. Case No.: BAR- 2019047691

First License Obtained: 09/16/1983

License Expiration: 11/30/2019

Complaint history: None

Pursuant to inspection, previously referred to in BAR-2019047651, the shop license was expired. This Respondent is the owner/manager.

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

Decision: Approved

62. Case No.: BAR- 2019048441

First License Obtained: 07/26/2016

License Expiration: 07/31/2020

Complaint history: None

Pursuant to inspection, this Respondent was found to be allowing an individual to provide services without a license. The Respondent is the manager.

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

Decision: Approved

63. Case No.: BAR- 2019051101

First License Obtained: 09/30/2008
License Expiration: 09/30/2018
Complaint history: 2013003281, closed by Agreed Final Order and payment of \$500.00 civil penalty and \$200 filing costs; 2018005731, Formal Charges Authorized

64. Case No.: BAR- 2019051121

First License Obtained: 07/16/1997
License Expiration: 07/31/2021
Complaint history: 2018005751, Formal Hearing Set
Pursuant to inspection, the shop license and the manager/owner's license was expired. Therefore, no manager was present.
Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty to the shop and \$100.00 civil penalty to the manager/owner for expired license.
Decision: Approved

65. Case No.: BAR- 2019053911

First License Obtained: 12/02/1997
License Expiration: 01/31/2020
Complaint history: 2005011161, closed with Letter of Warning; 2007049501, Letter of Warning; 2008027121, dismissed; 201701602, closed by Agreed Citation and payment of \$600.00 civil penalty

66. Case No.: BAR- 2019053951

First License Obtained: 09/15/1995
License Expiration: 09/30/2019
Complaint history: 201701592, closed with Letter of Warning; 2017021961, closed with Letter of Warning

Pursuant to inspection, the owner/manager's license was found to be expired.
Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty to the individual manager for expired license and \$500.000 to the shop for no shop manager present due to expired license.
Decision: Approved

67. Case No.: BAR- 2019053931

First License Obtained: 04/24/1980
License Expiration: Revoked
Complaint history: 2014004651, closed by Initial Order (now final) for revocation of shop license and assessment of \$1,600 civil penalty and hearing and investigation costs not to exceed \$1,000

Pursuant to inspection from a consumer complaint alleging unlicensed activity and drug use, the shop owner refused to allow inspectors into the shop stating that shop was closed. Inspectors included photo attachment showing an "open" sign on the front door.

Recommendation: Letter of warning explaining requirement to allow inspections and request for re-inspection.

Decision: Approved

68. Case No.: BAR- 2019055371

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Based on a complaint from a consumer, this complaint alleges the Respondent has unsanitary conditions, which allegedly includes Complainant contracting a fungal infection due to Respondent's clippers not being properly sanitized. The fungal infection required medical treatment. The complaint also alleged unlicensed barber activity. Inspectors were not able to locate the alleged barber shop from the information provided by Complainant. No medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure.

Decision: Approved

69. Case No.: BAR-2019055681

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 and one individual providing services without a license.

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

Decision: Approved

REPRESENTS

70. Case No.: COS-2017050781

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The information on this case is extremely limited. Notice of the complaint alleging unlicensed activity was sent to the address provided by the complainant, but the recipient did not sign the mailing receipt, so it is unknown if it was delivered to the named respondent (in either event there was no response). The complaint itself came from an anonymous party. The anonymous complainant failed to provide any additional information, records, or witnesses in support of their claim. The respondent did not provide an answer to the complaint. No additional complaints have been received against the named respondent.

Recommendation: Letter of warning.

Decision: Approved

71. Case No.: COS-2017049771

First License Obtained: 01/27/2014

License Expiration: 06/30/2019

Complaint history: None

The shop's license was renewed the same day the Notice of Violation was issued but records show that it is now closed as of July 19, 2019. There were no further complaints or violations issued against Respondent. Counsel recommends this matter be dismissed but that the shop license be flagged in the case that they ever attempt to re-open.

Recommendation: Close and flag.

Decision: Approved

The meeting adjourned at 10:00 AM.

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

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

NEW BUSINESS:

Ms. Gumucio, and the reciprocity committee members, presented what was discussed during their committee meeting regarding a change for reciprocal applicants. The board discussed this at the June and August meetings deciding to give it more thought and finalize in October. The new process for applicants to substantially meet requirements when they are short on hours and/or years of experience is:

- Applicant must have an active license with education as required by that State and both exams and some experience.
- Experience is defined as: must have one year experience within the last three years or two years within the last five years.

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

A licensed cosmetology and barber school located in Memphis, LSE Enterprises Inc., DBA Larry's Cosmetology and Barber College opened in April 2019 and closed doors in August 2019. They were open for five months. Even the closure was not done in way that considered the students situations. Information for those that could test was left for the office to complete. Conversation about how to possibly prevent this from happening was discussed. The owner never contacted the board or made any efforts to handle the situation, it was the administrator that informed the executive director that they had been evicted and were closing.

Additional Questions:

Chairman Ron Gillihan introduced Dixie Russell to the board. Ms. Russell discussed her recent experience in Texas. She will be presenting a request for approval of continued education offered to instructors in Tennessee.

Motion to adjourn

MOTION to adjourn made by Patricia Parsons and seconded by Frank Gambuzza. Motion carried unanimously.