



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 May 4, 2015 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.

Ron Gillihan, Chairman called for "Pledge of Allegiance".

Roxana Gumucio, Executive Director called roll. The following members were present: Anita Allen, Kelly Barger , Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Yvette Granger, Patricia Richmond, Judy McAllister, Mona Sappenfield, Amy Tanksley, and Dianne Teffeteller. Not in attendance: Anita Allen and Frank Gambuzza.

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

MINUTES-

Minutes for the April 6, 2015 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve the April 6, 2015 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Rachel Powers, Commerce and Insurance Program and Policy Development Director:

Ms. Powers appeared before the board as the Legislative Liaison and updated the Board on the following bills that were approved during the 2015 session:

SB670 / HB593 Barber schools and colleges to develop certain courses: As introduced, requires the board of cosmetology and barber examiners to promulgate rules that allow barber schools and colleges to develop certain courses of instruction that permit a student to earn 50 percent of the 1,500 hours required for certain certificates of registration from classroom instruction and 50 percent from apprenticing. - Amends TCA Title 62, Chapter 3. No changes to this bill, it shall take effect January 1, 2016.

SB669 / HB594 Cosmetologist requirements - instructing in a cosmetology school: This bill has been amended from one year to three. Requires any cosmetologist seeking a license to instruct in a cosmetology school to be licensed at least three for the last (3) continuous years.

SB543 / HB691 Student financial aid programs - barber school, school of cosmetology: This bill establishes that any barber school or school of cosmetology may seek state authorization, for purposes of meeting institutional eligibility requirements for federal student financial aid programs, from THEC under the Postsecondary Education Authorization Act, and will thereafter be subject to the Act's requirements. This bill is amended to remove exception from post-secondary division of THEC. Schools as of July 1, 2015 will have to apply with THEC for authorization. There is a fee for authorization and for each program authorized. All authorizations issued by the board will expire June 30, 2016.

SB1306 / HB987 Board of cosmetology and barber examiners - revoking powers: Specifies that the state board of cosmetology and barber examiners may suspend, revoke, or refuse to issue or renew any license due to the person having a felony conviction if the felony conviction occurred within three years prior to the board's decision or due to the person having a misdemeanor conviction involving moral turpitude if the misdemeanor conviction occurred within one year prior to the board's decision. The amendment changed the felony time frame from five years to three and the misdemeanor from two years to one year.

SB / HB1336 Board of cosmetology and barber examiners - revoking powers: Specifies that the state board of cosmetology and barber examiners may suspend, revoke, or refuse to issue or renew any license due to the person having a felony conviction if the felony conviction occurred within three years prior to the board's decision or due to the person having a misdemeanor conviction involving moral turpitude if the misdemeanor conviction occurred within one year prior to the board's decision. The amendment changed the felony time frame from five years to three and the misdemeanor from two years to one year.

SB964 / HB1332 Board of cosmetology and barber examiner - licensing and inspection requirements. This bill cleans up many sections of the separate cosmetology and barber laws. Among the items presented in the bill are:

- Standardization of certain licensing and inspection requirements for cosmetologists and barbers by the state board of cosmetology and barber examiners.
- A high school diploma, GED, or HiSET diploma in order to obtain a barber or cosmetology license, as opposed to graduating from the tenth grade.
- Abolishes requirement that all money owed by the applicant to the barbering school has to be paid before the applicant can be licensed.

- Allows biennial expiration registration for cosmetologists, barbers, instructors, and barbering schools, as opposed to annual registration.
- Establishes a Class B misdemeanor, instead of a Class C misdemeanor, for barbering violations.
- Specifies changes to the board of cosmetology and barber examiners regarding composition of members and terms.
- Establishes a Class C misdemeanor for failure of cosmetologists to display notice of certification.
- Amended to add the word “or” in one part and also adds the three year experience required for instructors.
- Allows cosmetology shops to have fish for decorative purposes and birds in cages and they must be cleaned daily.
- Definition of a cosmetologist includes shaving with a safety razor.
- Creates dual shops where services are performed in more than one field of cosmetology and barbering. Rules must be promulgated for this to take place.
- Corrects terms for board members

HUB for Educator Program, Empire Beauty and Hair Design Schools in Memphis:

Ms. Michelle Dietrich appeared before the board for The Empire Beauty School and The Hair Design Schools all located in Memphis and Jackson. She presented the schools HUB concept for the Educator Training Programs and answered questions. They would like to start this new concept effective July 13, 2015.

MOTION made by Mona Sappenfield and seconded by Amy Tanksley to approve change in the training program. Motion carried unanimously.

Change in Location for Southern Institute of Cosmetology:

Mr. Tommy Sparks and Mrs. Miki Sparks, current owners of Plaza Beauty School, in Memphis appeared before the board to present a change in location for Southern Institute of Cosmetology. They are appearing on behalf of Ms. Nancy Ryall with BR&R, Inc. who currently owns Southern Institute. The two schools are working together to transition the change and not affect the students from either campus. They would like the change to take place by May 21, 2015. Future plans include changing the name of the school and Ms. Ryall retiring. The shared venture between the two schools is still working out many details. Mr. and Mrs. Sparks answered questions and explained that ultimately Plaza would be dissolved.

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

New Cosmetology School Application:

Ms. Amber Malone appeared before the board to answer questions and present additional documents to the new school application. She previously appeared at the April 6, 2015 board meeting and was denied a new school license because the previous ownership had a history that concerned the board and Ms. Malone was involved with that administration. The board specifically asked for a business plan and proposal of how the school will handle part-time students, ratios with instructor and looking out for the students. The application for Lyle's School of Hair Design, payment for a new school license, floor plan, bond and a total of 172 pending contracts were all previously presented. The ownership of the school was discussed at the April meeting so legal counsel followed up with the Secretary of States website and was unable to confirm that a change in ownership was properly recorded as of close of business on Friday, May 1, 2015. Also of concern is how the school will handle part-time students, have adequate number of instructors available and handle the language issue. The board discussed providing Ms. Amber with a list of information still pending for the new school to be considered ready to be inspected and approved.

Motion made by Patricia Richmond and seconded by Nina Coppinger to deny school application. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for Ladonnie Alexander, Martaveius Briwn, Summer Clark, Tiffany Clayborn, Johnny Conaway, Antonio Dowdy, Joseph Hill, Brittany Lackey, Jocelyn Melvin, Robyn Schwenk, Kyle Therriault, Delvin Washington, Whitney Webb, Ashlea Woody and Kandice Voss. All applicants have felonies; their applications to take the Tennessee examination are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation is submitted.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Applications for examination for Lacie Montgomery.

Motion made by Dianne Teffeteller and seconded by Bobby Finger to approve application with a four year signed Agreed Order and request she report upon being released from prison. Motion carried unanimously.

Request from Ms. Alexandria Adkisson for permission to continue testing with PSI. Ms. Adkisson completed her theory exam on March 11, 2015. When she failed the exam, she took a picture of the results. This is not allowed therefore the proctor took her phone to delete the photo. The board was contacted and advised of the situation. Ms. Adkisson appeared before the board to

apologize for her mistake. The board asked questions and determined that she had already failed the exam and would have been given results within a few days; she did not follow the instructions.

MOTION made by Dianne Teffeteller and seconded by Kelly Barger to approve request. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers:

Request from Michael Terrell for waiver of rule 0200-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Mr. Terrell passed his master barber practical examination on September, 2014. He is currently incarcerated and because of this he did not timely receive the forms to apply for licensure. He was approved at the April 6, 2015 board meeting to receive an Agreed Order but because that was also delayed he has missed the six month time.

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

Request from Fowzia Yusuf Omar for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Omar passed her cosmetologist practical examination on August 14, 2014. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. The verification of eligibility requirement was missing when she submitted her application on February 10th. She provided a letter explaining that she lost the documents in her home. The verification pushed her two additional months behind.

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

Request from Tomi Meyer for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Meyer passed her cosmetologist practical examination on August 21, 2014. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. The verification of eligibility requirement was missing when she submitted her application on February 19th. She provided a lengthy letter explaining why she is more than eight months past the allowed time.

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

Request from Nika Rouhanifard for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. She passed her cosmetologist practical examination on September 11, 2014. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Provided was a letter explaining her complicated pregnancy as well as the Doctors explanation of the events between December 2014 and March 2015. Her payment and all documents were received in the office on April 28, 2015.

MOTION made by Dianne Teffeteller and seconded by Amy Tanksley to approve request. Motion carried unanimously.

Request for waiver of time period to complete coursework from Contrina Luckett. Pursuant to Tenn. Code Ann. § 62-4-123, the cosmetology courses shall be completed within seven (7) years from the date the student enrolls in a school. Ms. Luckett was presented to the board at the April 6, 2015 meeting and the board required proof of her medical condition. She started school on January 02, 2008 at Tennessee College of Applied Technology in Memphis. They submitted 1,058 hours through November of 2008. Ms. Luckett is missing 442 hours and would like the opportunity to pursue her dream.

MOTION made by Judy McAllister and seconded by Nina Coppinger to approve extension for completion of hours. Motion carried unanimously.

Request from instructor Tonya Cain for an extension of her required continuing education hours through 2015. Ms. Cain became a licensed instructor in 2013 and should have attended for the first time by April 30, 2015. In her request she asks for an extension. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

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

Request from instructor Lionel Chiasson for an extension of his required continuing education hours. Mr. Chiasson became a licensed instructor in 2013 and should have attended for the first time by April 30, 2015. He is planning on attending the July session. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

MOTION made by Judy McAllister and seconded by Dianne Teffeteller to approve request. Motion carried unanimously.

Request from instructor Josephine Ruta for an extension of her required continuing education hours. Ms. Ruta became a licensed instructor in 2007 and has attended a seminar every two

years. She stated medical problems in the past year. She is planning on attending the July session. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

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

School Authorization:

In compliance with Public Chapter 863 and 818 Regency Beauty Institute with locations in: Antioch, Chattanooga, Knoxville and Madison, requested authorization to provide postsecondary education.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve the board office to send letters authorizing postsecondary education to each of the schools listed above. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 8:45 AM on Monday, May 4th to review reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger, Ron Gillihan, and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The applications reviewed consisted of the following:

Application for reciprocity of aesthetician license from Oregon and Hawaii for Martha Keith. The Oregon certification shows initial licensure in January 2004 with 250 hours as a State requirement and no practical exam. The Hawaii certification shows that she was required to take the exam. Ms. Keith appeared before the board to explain her work experience going back to 2003. She does not have the last five consecutive years.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to deny recommendation. The applicant must take the practical exam first. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Misty Rios. Certification shows initial licensure in June 2000 with 240 hours and no exam. Ms. Rios was unable to appear

before the board but she is requesting waiver of the GED or 10th grade requirement. She was sent a letter explaining that she needs to complete 360 additional hours and take the exams in order to be licensed. A letter submitted from Ms. Rios states she is excited to have the opportunity to continue her education and start working in the field. Because schools must have proof of high school in order to enroll her she is unable to proceed. Legal counsel explained that the law requires certain minimum standards and the board agreed that those cannot be waived.

Motion made by Patricia Richmond and seconded by Ron Gillihan to have applicant take GED or HiSET diploma. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Amy Bullock. Certification shows initial licensure in April 2011 with 1,200 hours but no practical exam. Ms. Bullock is also licensed in Texas since 2011. She is a military spouse, a veteran herself and the entire family is looking to move to Tennessee this summer.

Recommendation - is that the applicant take the Tennessee practical exam.

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

Application for reciprocity of cosmetology license from Florida for Melissa Johnson. Certification shows initial licensure in April 2011 with 1,200 hours but no practical exam. Ms. Johnson provided a letter stating licensure in over 20 years ago; to date we have not gotten a revised certification from Florida. However, she has attended a school in Tennessee in 2014 for an additional 620 hours.

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 education from Mexico for Maria Guadalupe Quezada. Documents provided show education in 2010 with 2,180 hours. Transcript provided shows detail of classes completed.

Recommendation - is that the applicant take the Tennessee Examination.

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

Application for reciprocity of manicurist license from California for Phuong Tran. Mr. Tran was licensed in California in October 2013 and he is also licensed in Minnesota in June 2008. His information was previously presented to the board at the February 9, 2015 board meeting. At that time the board denied the application because the Minnesota license had been revoked. That license has since been renewed and is currently active. The board office was able to obtain a written explanation of the revocation which explains that in February 2013 the manicurist license #14131212 was revoked for obtaining it in 2008 by fraudulent means. Part of Minnesota's process is that the applicant cannot reapply for two years.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of master barber instructor license from Kentucky for Beulah Morgan. Certification shows initial licensure in April 2006 by exam. Communication with the Kentucky State board explained that master barbers do not attend school and complete hours. They get work experience and must take an exam in order to be licensed instructors. Ms. Morgan obtained a Tennessee master barber license in March 2015; she now would like to do the same with her instructor license.

Recommendation - is that the applicant take the Tennessee practical exam.

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

Application for reciprocity of cosmetology license from Wisconsin for Bach Pham. Certification shows initial licensure on October 20, 2014 by reciprocity from Vietnam. Documents provided show education in 2012 with 1,850 hours.

Recommendation - is that the applicant take the Tennessee Examination.

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

Application for reciprocity of cosmetology license from Florida for Cortney Wilson. Certification shows initial licensure in June 2010 with 1,200 hours but no practical exam. Ms. Wilson provided a letter stating all her experience since 2010 as well as a letter from a previous employer. She was sent a letter requiring she complete 300 hours and then take the exams. She comes very close to the five year requirement but is still missing the practical exam.

Recommendation - is that the experience is acceptable and applicant take the Tennessee practical exam only.

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

A request was presented to the board at the April 6, 2015 meeting by Attorney Tracey Malone representing Dat Tan Le and Van My Thi Tran. Both reciprocal applicants have a license in Arkansas through hours in Tennessee. Their school hours were never submitted by the school in Tennessee. The board decided that they could not approve the request unless additional information could be reviewed that could somehow show the attended school at which case those records could be reconsidered at the May meeting. The board reviewed 120 documents which included class notes, contract from school and withdrawal document handed to each student. Their request is to be approved for reciprocal license.

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

The committee meeting adjourned at 9:20 AM.

As a whole, the board discussed the recommendations and decisions.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve all decisions made by the reciprocity committee as amended. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:00 AM on Monday, May 4th to review the allegations of **96** complaints and make recommendations to the Board.

Attending were Board members, Bobby Finger, Amy Tanksley and Dianne Teffeteller. Not in attendance Frank Gambuzza.

NEW COSMETOLOGY CASES

- 1. Case No.: L14-COS-RBS-2014030221 (shop)**
First License Obtained: 11/26/2013
License Expiration: 11/30/2015

Complaint history: **None**

2. Case No.: L14-COS-RBS-2014030231)(unlicensed)

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

3. Case No.: L14-COS-RBS-2014030251) (unlicensed)

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

Respondent's received notice of violations on November 25, 2014. Inspectors allege that the above two individuals were cutting hair on customers. Neither is licensed by this board. The shop is licensed but did not have the shop license posted. There was no inspection sheet posted.

Recommendation: Authorize for formal hearing for all cases. Allow authority to settle beforehand with a consent order assessing \$1,000 to each unlicensed individual. Allow authority for shop to settle with a consent order assessing \$2,500.

Decision: approved

4. Case No.: L14-COS-RBS-2014030641 (owner)

First License Obtained: **09/10/2010**

License Expiration: **09/30/2016**

Complaint history: **None**

5. Case No.: L14-COS-RBS-2014030591 (shop)

First License Obtained: **07/27/2012**

License Expiration: **06/30/2016**

Complaint history: None

The Respondent, who is the same person for both complaints, received a notice of violation on December 3, 2014 for operating a shop on an expired license. The shop was open for business and three employees were working with customers. The shop has no prior history.

Recommendation: Per the new agreed citation schedule dismiss the complaint against the owner. Authorize for formal charges against the shop. Allow authority to settle beforehand with a consent order assessing civil penalties of \$100 per the new agreed citation schedule.

Decision:

6. Case No.: L14-COS-RBS- 2014030661

First License Obtained: 12/23/2010

License Expiration: 12/31/2016

Complaint history: 2013019441, closed by Consent Order and payment of \$750 civil penalty

Shop received a notice of violation on December 3, 2014. The inspector claims that the shop was open for business but none of the employees had their licenses posted. There were no customers present. The owner had previously told the inspector that she was going to close the shop for hair but continue to operate the retail side. Inspector alleges that there was no manager present.

Recommendation: This is the second time the shop was cited for having no manager present. Authorize formal charges and allow authority to settle beforehand with a consent order assessing \$1000 per the new agreed citation schedule.

Decision: approved

7. Case No.: L14-COS-RBS- 2014030701

First License Obtained: 01/10/1996

License Expiration: 01/31/2016

Complaint history: None

Respondent was sent an agreed citation pursuant to a notice of violation. This case was presented to Legal on January 14, 2015. Since that time the respondent has signed and paid the agreed citation.

Recommendation: Dismiss the case.

Decision: approved

8. Case No.: L14-COS-RBS- 2014030711 (Shop)

First License Obtained: 09/03/2014

License Expiration: 09/30/2016

Complaint history: None

9. Case No.: L14-COS-RBS- 2014030751 (Owner)

First License Obtained: 10/15/1998

License Expiration: 10/31/2016

Complaint history: None

Respondents, who are the same person, received a notice of violation on November 20, 2014 for unlicensed activity and sanitation violations. Complaint alleges that a person was impersonating a licensed manicurist but when questioned the owner admitted the person was not the license holder and that the person was unlicensed. The shop had a dirty foot bath, nails tips were not removed. Owner showed up during the inspection.

Recommendation: Authorize formal charges with authority to settle the matter before with a consent order assessing \$1,500 to the shop per the new agreed citation schedule. Dismiss the case against the owner's license.

Decision: approved

10. Case No.: L14-COS-RBS- 2014027031(school)

First License Obtained: 03/21/1994

License Expiration: 09/01/2015

Complaint history: Violation issued 10/10/1995, closed w/\$100 civil penalty paid via Consent

**Order; 7833; 7834; 8774, all dismissed;
200005439, closed; 2001023671;
2003133271; 2004178681; 2005028891;
2005043581; 2006009571;2006044591;
2007058091; 2008004781; 2008014531,
all dismissed; 2008022451; 2008022881;
2008025331; 2009000011; 2009012441;
2009013951, all closed w/no action;
2009014581, dismissed; 2009018661;
2009019171, closed w/no action;
2009019781, closed w/ Letter of
Warning; 2009020081; 2009020171;
2010014711; 2011029841; 2011029991,
all closed w/no action; 2012004731,
closed – case opened under wrong
profession code; 2012010231;
2012023171; 2013004041, all closed
w/no action; 2013004101, closed
w/Letter of Warning; 2013006041,
closed for lack of probable cause for
discipline ; 2013007001, closed for lack
of disciplinary grounds; 201300891,
closed and flagged w/the option to
reconsider if new information arises;
2013013771, closed and flagged
for lack of probable cause for discipline;
2013019391, closed for lack disciplinary
grounds w/the option to reconsider if
new information arises; 2014003071,
closed due to contract dispute issues
outside the Board’s authority;
2014018951, Formal Charges Authorized**

A complaint was received in the office alleging students were forced to clean the school. The Board office requested the annual inspection be completed to follow up on a student’s allegations and to complete the timely inspection. A complaint was opened administratively by the board office on August 6, 2014 as a result of the board member’s annual inspection of the school. Both the board member and field inspector verified that the school was violating the student to teacher ratio and misusing junior instructors for this purpose. Nothing could be determined regarding the students

allegations about being forced to clean and some of those issues fall in line with the general sanitation that students are supposed to learn.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$1000 and issue letter recommending better communication with students regarding sanitation and maintenance of the work area so future altercations can be avoided.

Decision: approved

11. Case No.: L14-COS-RBS- 2014030861-(unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

Respondent received a complaint letter pursuant to a consumer complaint that she was applying makeup to customers without a license. Since that time it has been confirmed that the respondent sells makeup products and applies her products to customers free of charge.

Recommendation: Dismiss the complaint.

Decision: approved

12. Case No.: L14-COS-RBS- 2014031131-(cosmetology license)
First License Obtained: 06/07/1993
License Expiration: 11/30/2015
Complaint history: None

13. Case No.: L14-BAR-RBS- 2014031091- (barber license)
First License Obtained: 05/07/1997
License Expiration: 05/31/2017
Complaint history: 2013015321, closed by Consent Order and payment of \$500 civil penalty

14. Case No.: L14-COS-RBS- 2014031091– (cosmetology manager)

First License Obtained: 04/04/1985

License Expiration: 04/30/2015

Complaint history: None

15. Case No.: L14-BAR-RBS- 2014031151 (Barber Manager)

First License Obtained: 01/14/2002

License Expiration: 01/31/2016

Complaint history: None

Respondent's received a notice of violation December 3, 2014. Complaint alleges that the shop did not have an inspection sheet. No stylists were working at the time but two of the posted individual licenses were expired. It is not clear if those individuals were present. This shop has no prior history.

Recommendation: Per the new agreed citation schedule, close these cases with a letter of warning about posting inspection sheets. Given that there is no evidence that the individuals with expired licenses were working, include a warning stating that shops and managers being responsible for the unlicensed activity of its employees.

Decision: approved

16. Case No.: L14-COS-RBS- 2014031231 (shop)

First License Obtained: 11/15/2013

License Expiration: 10/31/2015

Complaint history: None

17. Case No.: L14-COS-RBS- 2014031251
(Manager)

First License Obtained: 12/12/2005

License Expiration: 12/31/2015

Complaint history: None

18. Case No.: L14-COS-RBS- 2014031241 (owner)

First License Obtained: 01/14/2010

License Expiration: 01/31/2016

Complaint history: None

19. Case No.: L14-COS-RBS- 2014031261 (- unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

20. Case No.: L14-COS-RBS- 2014031271 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

All respondent's received notices of violation on December 8, 2014 for unlicensed activity and not wearing ID tags. The two unlicensed individuals both claimed that they do not work as manicurists in the shop but that they are on the cleaning crew. The complaint does not allege that either individual was working at the time of the inspection.

Recommendation: Close this case with a letter of warning to the shop and the manager relating that Identification tags are to be worn by employees who are working on customers at all times since this shop has no prior history per the agreed citation schedule. Close all other complaints..

Decision: approved

21. Case No.: L14-COS-RBS- 2014031361- (shop)

First License Obtained: 04/24/2000

License Expiration: 03/31/2016

Complaint history: None

22. Case No.: L14-COS-RBS- 2014031371- (owner)

First License Obtained: 06/26/1987

License Expiration: 04/30/2016

Complaint history: None

Respondents are the same person who received notice of violations on December 12, 2014 for practicing on an expired personal license. The respondent contacted counsel stating that they had renewed that license in April 2014 and provided bank statements to support this. This office's records indicate that the statement provided was for the shop license and not the personal license.

Recommendation: Dismiss the case against the shop. Authorize for formal charges against the individual with authority to settle beforehand with a consent order assessing \$100.

Decision: approved

23. Case No.: L14-COS-RBS- 2014031431 (shop)

First License Obtained: 06/25/2003

License Expiration: 06/30/2013

Complaint history: 201400891, pending in Litigation

24. Case No.: L14-COS-RBS- 2014031441 (manager)

First License Obtained: 05/22/1985

License Expiration: 10/31/2016

Complaint history: None

Respondents who are separate people received notices of violation on December 11, 2014. The complaint alleges that the shop was open for business on an expired license. The shop has prior history, the manager does not.

Recommendation: Authorize for formal charges for both complaints. Allow authority to settle the matter before with consent orders assessing \$500 to the shop and \$100 to the manager per the agreed citation schedule. (shop had the same prior complaint for expired license being permitted)

Decision: approved

25. Case No.: L14-COS-RBS- 2014031591
First License Obtained: 07/25/1996
License Expiration: 08/31/2015
Complaint history: None

A consumer filed a complaint against the respondent shop on October 23, 2014. Complainant says that the stylist did not use correct blending technique on his hair color. Says he fell asleep under a dryer and when he woke his hair was a terrible color. The staff scrubbed his head which he says has left painful rashes. Respondent sent in a response to the complaint stating that the technique and product used by the stylist that day is a common choice for that particular circumstance and that it was unusual that is it didn't work correctly. They further state that the complainant was so hostile to the stylist that instead of working with him to rectify the situation, they called security and asked him to leave. They stated he told the staff he wanted the horsewhip the stylist and the person who had scheduled the appointment with her. He threw the stylists products across the room when this hair came out too brown.

Recommendation: Dismiss this case. There is no evidence to support that that the shop was in violation of any statute. Further all attempts to rectify would have been futile given the complainant's behavior towards the staff.

Decision: approved

26. Case No.: L14-COS-RBS- 2014031641 (Shop)
First License Obtained: 11/08/2013
License Expiration: Revoked

Complaint history: 2013022161, Closed by signed Amended Consent Order payment plan for payment of a \$1,000 civil penalty – Respondent only paid \$250 and failed to pay the remaining civil penalty balance of \$750- shop license has been Revoked pursuant to the agreed order

27. Case No.: L14-COS-RBS- 2014031671 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

28. Case No.: L14-BAR-RBS- 2014031651 (owner)

First License Obtained: 08/05/2014

License Expiration: 08/31/2016

Complaint history: None

Respondents received notices of violation on December, 3, 2014 for unlicensed activity and working on a revoked shop license. There was only one individual working at the time of inspection, she has no license.

Recommendation: Dismiss the case against the owner. Authorize for formal charges for the other two complaints. Allow authority to settle the matter before hand with a consent order assessing \$1000 to the shop and the unlicensed person.

Decision: approved

29. Case No.: L14-COS-RBS- 2014031971 (Shop)

First License Obtained: 01/09/2002

License Expiration: 01/31/2016

Complaint history: None

30. Case No.: L14-COS-RBS- 2014032071 (owner)_
First License Obtained: 01/09/2002
License Expiration: 01/31/2016
Complaint history: None

31. Case No.: L14-COS-RBS- 2014032081 (unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

Respondents received notice of violations on December 16, 2014. Inspector alleges that when he arrived the unlicensed person ran out of the shop. The owner advised that he was getting his license. He came back within ten minutes and had a license from Texas and his transcripts from a school in Texas. He did not have a license in TN.

Recommendation: Dismiss the case against the owner. Authorize for formal hearing for the shop and the unlicensed individual. Allow authority to settle the matter before hand with a consent order assessing \$1000 to the individual and to the shop, per the new agreed citation schedule.

Decision: approved

32. Case No.: L14-COS-RBS- 2014032211 (Shop)
First License Obtained: 08/20/1998
License Expiration: 08/31/2014
Complaint history: None

33. Case No.: L14-COS-RBS- 2014032221 (Manager)
First License Obtained: 08/02/1993
License Expiration: 03/31/2017
Complaint history: None

Owner and manager of this shop received notice of violations on December 17, 2014 for practicing on an expired shop license. The owner was new and has contacted counsel to explain that he did not know he needed a license other than the expired one from the old owner to run his shop.

Recommendation: Dismiss against the manager. Authorize for formal charges against the shop with authority to settle the matter before hand with a consent order assessing \$100 per the new agreed citation schedule.

Decision: approved

34. Case No.: L14-COS-RBS- 2014032341 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A consumer complaint was opened on December 23, 2014 against the respondent. The complainant alleges that she received a Senegalese twist hairstyle from the respondent who she says led her to believe she was licensed. Our records confirm that this person is not license by this board. The complainant offered no proof of this service. She directed counsel to the Respondent's Facebook page. There were no visible advertisements or pictures that corroborate unlicensed activity.

Recommendation: Dismiss this case with a letter of warning.

Decision: approved

35. Case No.: L14-COS-RBS- 2014032371 (shop)

First License Obtained: 04/10/2006

License Expiration: 03/31/2016

Complaint history: 2013011861, closed by Consent Order and payment of \$750 civil penalty

36. Case No.: L14-COS-RBS- 2014032391 (manager)

First License Obtained: 03/29/1994

License Expiration: 03/31/2016

Complaint history: None

37. Case No.: L14-COS-RBS- 201403241 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

All three respondents received notice of violations on December 19, 2014 for unlicensed activity and sanitation violations. Inspector alleges that at the time of inspection there were four stylists working on customers' hairs. The third respondent was one of those stylists and was unlicensed by this board. The shop did not have their towels properly stored, the tools were not properly sanitized and exposed surfaces were unclean.

Recommendation: Authorize for formal charges for all complaints. Allow authority to close before hand with a consent order assessing \$1000 to the shop and \$500 to the manager plus a warning about the sanitation violations, per the new agreed citation schedule. Assess \$1000 to the unlicensed individual.

Decision: approved

38. Case No.: L14-COS-RBS- 2014032421 (Shop)

First License Obtained: 11/16/1970

License Expiration: 09/30/2014

Complaint history: None

39. Case No.: L14-COS-RBS- 2014032431 (owner) (Deceased)

First License Obtained: 08/09/1954

License Expiration: 09/30/2016

Complaint history: None

40. Case No.: L14-COS-RBS- 2014032441(employee)
First License Obtained: 01/07/1993
License Expiration: 11/30/2016
Complaint history None

Respondent's recovered notice of violations pursuant to an inspection on December 19, 2014. The shop license was expired. The shop owner's personal license was expired and the third respondent's license was expired. The owner of the shop has passed away since the time of this inspection.

Recommendation: Dismiss the complaint against the deceased individual and against the shop license. Authorize for formal charges against the third respondent. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: approved

41. Case No.: L14-COS-RBS- 2014032471 (Shop)
First License Obtained: 07/21/2005
License Expiration: 06/30/2015
Complaint history: 2009022861, closed with Letter of Warning
42. Case No.: L14-COS-RBS- 2014032481 (owner)
First License Obtained: 07/18/2005
License Expiration: 07/31/2015
Complaint history: None

Respondents who are the same person both received notices of violations on December 23, 2014 pursuant to an inspection. At the time of inspection there were four individuals all giving either manicures or pedicures. Two of the employees told the inspector they didn't have licenses but they left the shop before the inspector could get any other information on those individuals.

Recommendation: Dismiss against the personal license of the owner. Authorize for formal charges on the shop complaint. Allow authority to settle the matter before hand with a consent order assessing \$2000.

Decision: approved

43. Case No.: L14-COS-RBS- 20140324911 (shop)

44. Case No.: L14-COS-RBS- 20140325811 (shop)

First License Obtained: 10/16/2008

License Expiration: 10/31/2016

Complaint history: 2011030651, closed by Consent Order and payment of \$1,500 civil penalty

45. Case No.: L14-COS-RBS- 2014032501 (manager)

46. Case No.: L14-COS-RBS- 2014032591 (manager)

First License Obtained: 11/23/2005

License Expiration: 11/30/2015

Complaint history: None

Manager and owner of the shop both received notice of violations on December 26, 2014 pursuant to inspection. When the inspector arrived a woman was giving a customer a pedicure. She got up and left when the inspector arrived. The manager told the inspector that the woman was visiting. Each complaint was duplicated because of an administrative error.

Recommendation: Dismiss the second set of duplicative complaints. Authorize for formal charges for both of the original complaints. Allow authority to settle beforehand with a consent order assessing \$1000 to each respondent.

Decision: approved

47. Case No.: L14-COS-RBS- 2014032511

First License Obtained: 08/28/1990

License Expiration: 03/31/2016

Complaint history: None

A consumer filed a complaint on December 19, 2014. The consumer alleges that the respondent steals the hair that customers purchase and bring to her when having their hair done. The consumer says that after going there many years she realized the respondent stole weave from customers and then sold off the weave to other customers. The Respondent has contacted counsel and has refuted these allegations. There is no evidence provided to support this allegation, and this would be a contractual issue.

Recommendation: Dismiss this case for lack of evidence and jurisdiction.

Decision: approved

48. Case No.: L14-BAR-RBS- 2014032451- (individual)

First License Obtained: 07/25/2006

License Expiration: 07/31/2016

Complaint history: None

Respondent received a notice of violation on December 23, 2014 pursuant to an inspection. The "shop" had no name or shop sign. There was no license posted.

Recommendation: authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$1000.

Decision: approved

49. Case No.: L14-COS-RBS- 2014032531 (cosmetologist license)

First License Obtained: 08/08/2006

License Expiration: 05/31/2015

Complaint history: 2011007141, closed with Letter of Warning

50. Case No.: L14-COS-RBS- 2014032551 (barber license)

First License Obtained: 08/07/2006

License Expiration: 05/31/2017

Complaint history: None

51. Case No.: L14-COS-RBS- 2014032541 (cosmetologist)

First License Obtained: 03/10/2011

License Expiration: 03/31/2017

Complaint history: None

52. Case No.: L14-BAR-RBS- 2014032571 (master barber)

First License Obtained: 06/14/2005

License Expiration: 06/30/2013

Complaint history: None

53. Case No.: L14-BAR-RBS- 2014032561 (barber manager)

First License Obtained: 07/21/2008

License Expiration: 07/31/2016

Complaint history: None

Respondents received notice of violations pursuant to an inspection on December 26, 2014. The cosmetologist employee was working on a client and he had an expired license. The master barber employee was also working on an expired license. There were also sanitation violations.

Recommendation: Authorize for formal charges for all complaints. Allow authority to settle beforehand with a consent order. Assess \$100 to the two individuals with the expired license. Assess each shop license \$100 and \$200 to the manager for allowing an employee to work on an expired license and include a warning concerning the sanitation issues to the shop and the manager..

Decision: approved

54. Case No.: L14-COS-RBS- 2014032601 (shop)

First License Obtained: 03/16/2010

License Expiration: 01/31/2016
Complaint history: 2012009201, closed by Consent Order and payment of \$1,000 civil penalty; 2013013051, closed by Consent Order and payment of \$500 civil penalty

55. Case No.: L14-COS-RBS- 2014032611 (owner)

First License Obtained: 06/07/1996

License Expiration: 06/30/2016

Complaint history: None

Respondent who is the same person for both complaints received notices of violation pursuant to an inspection on December 29, 2014. The individual license of the owner was expired. She was performing a manicure at the time on inspection. Respondent contacted counsel to explain that she had renewed her esthetician license and thought that both licenses were in good standing.

Recommendation: Dismiss the case against the shop. Authorize for formal charges for the individual complaint. Allow authority to settle beforehand with a consent order assessing \$100 per the agreed citation schedule.

Decision: approved

56. Case No.: L14-COS-RBS- 2014032641 (shop)

First License Obtained: 08/22/2013

License Expiration: 05/31/2015

Complaint history: 2013011851 & 2013011852, closed by Consent Order and payment of \$500.00 civil penalty

57. Case No.: L14-COS-RBS- 2014032651 (owner) (unlicensed)(owner)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

58. Case No.: L14-COS-RBS- 2014032671 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

All three respondents received notice of violations pursuant to an inspection on December 26, 2014. The inspector saw the second individual working on a client and provided picture. The shop was licensed but expired..

Recommendation: Per the new agreed citation schedule dismiss the complaint against the owner, she was not practicing at the time of inspection. Authorize for formal charges for the other two complaints. Allow authority to settle beforehand with a consent order to each respondent assessing \$1000 to the individual and \$1000 to the shop.

59. Case No.: L14-COS-RBS- 2015000011 (shop)

First License Obtained: 10/13/2003

License Expiration: 01/31/2017

Complaint history: 2005038801, closed by Consent Order and payment of \$500 civil penalty;
2007053051, closed by Consent Order and payment of \$1000 civil penalty;
201300191, closed by Consent Order and payment of \$1000 civil penalty

60. Case No.: L14-COS-RBS- 2015000021 (owner)

First License Obtained: 03/27/2002

License Expiration: 03/31/2016

Complaint history: None

61. Case No.: L14-COS-RBS- 2015000031 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

62. Case No.: L14-COS-RBS- 2015000041 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

All respondents received notice of violations on December 30, 2014 pursuant to an inspection. The shop did not have an owner or manager present. The two individual respondents were witnessed practicing natural hair braiding on a client's hair without any license from this board. The shop has prior history. Complaint 2015000031 has already been closed through an agreed citation. The payment was sent after this case was referred to legal.

Recommendation: Dismiss the complaint against the owner per the new agreed citation schedule. Dismiss the complaint against the Respondent who has signed and paid an agreed citation. Authorize for formal charges for the complaint against the shop and last unlicensed individual. Allow authority to settle beforehand with a consent order to each respondent. Assess \$1000 to the unlicensed person, asses \$2500 to the shop.

Decision: approved

63. Case No.: L14-COS-RBS- 2015000091

First License Obtained: 05/30/2012

License Expiration: 05/31/2016

Complaint history: 2014015621, closed with Letter of Warning

Respondent shop received a notice of violation pursuant to an inspection on December 30, 2014. At the time of inspection the shop was open for business and three employees were practicing on clients. There was no manager or owner present. The

shop did have their license or inspection sheet posted. The shop did not have a shop sign posted. This is the second complaint against this shop for these violations.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$1000. (\$500 for no manager, \$250 for no shop sign, and \$250 for no license or inspection sheet posted).

Decision: approved

64. Case No.: L14-COS-RBS- 2015000101 (shop)

First License Obtained: 01/12/2012

License Expiration: 12/31/2015

Complaint history: None

65. Case No.: L14-COS-RBS- 2015000111 (owner)

First License Obtained: 12/28/2012

License Expiration: 12/31/2016

Complaint history: None

66. Case No.: L14-COS-RBS- 2015000121 (manager)

First License Obtained: 12/15/2011

License Expiration: 12/31/2015

Complaint history: None

The three respondents received notice of violations on December 30, 2014 pursuant to an inspection. When the inspector arrived two individuals left the shop immediately. The owner said they were unlicensed but would not provide their names. There were also sanitary violations. This shop has no prior history.

Recommendation: Per the new agreed citation schedule dismiss the case against the owner's personal license. Authorize for formal charges against the shop and manager each. Allow authority to settle the matter before hand with a consent order assessing \$2000 to each respondent. Include a letter of warning concerning sanitation.

Decision: approved

67. Case No.: L15-COS-RBS- 2015006491 ((#29, revoked))

First License Obtained: 3/18/1994

License Expiration: Revoked

Complaint history 200207502 dismissed, 2005009111 dismissed , 2006034011 dismissed, 2012011531 closed with a letter of warning and referred to an outside agency, 2013022791 letter of warning, 2014007531 closed with a consent order

Respondent School received a notice of violation on March 4, 2015 pursuant to an inspection of the school. On that date the inspector alleges that the school was operating and instructing students without a license. The school's license was revoked in October 2014. The inspector collected files from the school as a result of this inspection. It was determined that the school had 172 open contracts and only 5 instructors. The files also indicated that students were enrolled and paid tuition money during the time that they were not licensed to operate, students have contacted the board office and have indicated that they have not received refunds for the money that was paid and at least one student was sent to collections after refusing to make a tuition payment despite the school being unlicensed. The school had two contracts open for students who had been enrolled for longer than seven years. The school had been previously disciplined for this activity. The files also showed that the school was not properly recording student hours and not submitting the names of students who were enrolled but who had not attended that month.

Recommendation: Authorize for formal charges. Allow authority to settle the matter before hand with a consent order assessing \$5000.

Decision: approved

New Barber Cases

68. Case No.: L14-BAR-RBS- 2014030491

First License Obtained: 03/11/2014

License Expiration: 02/28/2016

Complaint history: None

Respondent received a notice of violation on November 26, 2014 pursuant to an inspection. The owner was practicing on a client's hair at the time of inspection. The owner has finished school but has not yet tested. He still not licensed under this board.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$1000.

Decision: approved

69. Case No.: L14-BAR-RBS- 2014030981 (shop)

First License Obtained: 08/28/2012

License Expiration: 06/30/2016

Complaint history: None

70. Case No.: L14-BAR-RBS- 2014031071 (owner)

First License Obtained: 11/20/2001

License Expiration: 11/30/2015

Complaint history: None

Respondent who is the same person for both cases received a notice of violation on December 3, 2014 pursuant to an inspection. The owner's personal license was expired at the time of inspection. There is no allegation that he was working at the time of inspection, but there were no other employees in the shop on that date when the shop was open for business.

Recommendation: Dismiss the case against the shop. Authorize for formal charges against the individuals. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: approved

71. Case No.: L14-BAR-RBS- 2014031711 (shop)

First License Obtained: 06/30/2008

License Expiration: 06/30/2014

Complaint history: None

72. Case No.: L14-BAR-RBS- 2014031731 (owner)

First License Obtained: 03/22/2002

License Expiration: 03/31/2016

Complaint history: None

73. Case No.: L14-BAR-RBS- 2014031741 (employee)

First License Obtained: 09/17/1999

License Expiration: 09/30/2015

Complaint history: None

Respondents received notice of violations pursuant to an inspection on December 12, 2014. The shop license was expired. The individual respondent's license was expired. There were sanitary violations.

Recommendation: Dismiss the case against the owner. Authorize for formal charges against the other respondents. Allow authority settle beforehand with a consent order assessing \$100 to both the employee with the expired license and \$200 to the shop. Include a warning for sanitation to the shop.

Decision: approved

74. Case No.: L14-BAR-RBS- 2014032191

First License Obtained: 04/26/2006

License Expiration: 04/30/2014

Complaint history: 2014009601, Formal Hearing Set

Respondent received a notice of violation on December 18, 2014. He was sitting at the Barber shop, No one else was there. His license is suspended. He said he was waiting for the owner to show up. It does not appear that the shop was open.

Recommendation: Dismiss this case. The respondent wasn't seen practicing and it appears that the shop wasn't conducting any business at that time.

Decision: approved

75. Case No.: L14-BAR-RBS- 2015000061 (shop)

First License Obtained: 08/28/2012

License Expiration: 07/31/2016

Complaint history: None

76. Case No.: L14-BAR-RBS- 2015000071 (manager)

First License Obtained: 04/17/2009

License Expiration: 04/30/2015

Complaint history: None

Respondents received notice of violations on December 30, 2014 pursuant to an inspection. At the time of inspection the shop was open for business and the shop license was expired. The respondent claims to have renewed in November of 2014 before this inspection. Our records show that the shop was renewed in January 2015, after this inspection.

Recommendation: Authorize for formal charges for both complaints. Allow authority to settle beforehand with a consent order assessing \$100 to each respondent.

77. Case No.: L14-BAR-RBS- 2015000131 (shop)

First License Obtained: 06/05/2002

License Expiration: 08/31/2016

Complaint history: None

78. Case No.: L14-COS-RBS- 2015000141- (owner)

First License Obtained: 10/31/2000

License Expiration: 10/31/2016

Complaint history: None

79. Case No.: L14-BAR-RBS- 2015000151 (employee)

First License Obtained: 06/09/1997

License Expiration: 06/30/2009

Complaint history: None

80. Case No.: L14-BAR-RBS- 2015000161 (employee)

First License Obtained: 08/28/2012

License Expiration: 08/31/2016

Complaint history: 2013021291, Formal Hearing Set

Respondent's received notice of violations on December 30, 2014. The complaint alleges that the two barbers practicing had expired licenses. The complaint also alleges that there were no shampoo bowls. The owner contacted counsel and informed his shampoo bowls were all on the cosmetology side but he has since moved one to the barber side. He has no history and suspended both employees with expired licenses.

Recommendation: Dismiss the case against the owner. Authorize for a formal hearings for the other complaints. Allow authority to settle the matter beforehand with a consent order assessing \$100 to each individual and \$200 to the shop.

Decision: approved

Represented Cases

81. Case No.: L14-COS-RBS- 20140222711 (Cosmetology shop)

First License Obtained: 05/15/2006

License Expiration: 08/31/2016

Complaint history: None

- 82. Case No.: L14-COS-RBS- 20140222721 (owner)**
First License Obtained: 04/28/2006
License Expiration: 04/30/2016
Complaint history: None

Citations were sent pursuant to an inspection from September 4, 2014. Complaint alleges that, identification tags were not being worn and that there were various sanitation issues. The shop license was expired and there was not a valid inspection sheet posted. Respondent contacted counsel and asked to have these cases represented. There was no one working on customers at the time of inspection. Also, the sanitation issues that were cited were regarding there only being one sink, which is legal under the statute.

Recommendation: Authorize for formal charges. Per the new agreed citation schedule, assess penalties against the shop for operating on an expired shop license, and having in an invalid inspection sheet posted for \$250. Include a warning letter for the identification name tags. Dismiss the case against the owner's license per the new agreed citation schedule.

- 83. 60. Case No.: L14-BAR-RBS-2014025151 (Barber shop)**
First License Obtained: 09/13/2010
License Expiration: 09/30/2016
Complaint history: None

- 84. Case No.: L14-BAR-RBS-2014025171 (Shop owner and manager)**
First License Obtained: 04/22/2004
License Expiration: 04/30/2016
Complaint history: None

Respondents who are the same person received a consent order assessing \$700 after receiving notice of violations on October 2, 2014 pursuant to an inspection. Inspector alleges that shop license was expired and that there was no manager present while an individual was practicing barbering. Respondent contacted counsel and provided a signed statement from the individual who signed the Notice of violation saying that he is in fact the manager and that the inspector did not ask him if he was the manager. He

also said he has been the manager at this shop for many years and had never been cited for not being the manager. This shop has no history.

Recommendation: Authorize for formal hearing. Allow authority to settle beforehand with \$100 to the shop for an expired license. Include a warning that the manager of a shop must identify themselves as such even when the shop is in violation. Dismiss the case against the owner's license per the new agreed citation schedule.

85. Case No.: L14-COS-RBS -2014029101 (shop)

First License Obtained: 10/24/2013

License Expiration: 09/30/2015

Complaint history: None

86. Case No.: L14-COS-RBS - 2014029151 (manager)

First License Obtained: 12/02/1996

License Expiration: 11/30/2016

Complaint history: None

The Respondents in this case are husband and wife. Both received notice of violations on October 31, 2014. They were cited \$2000 for allowing an employee to work on a licensed from Nevada. The employee had applied for reciprocity with the board but it not yet been processed. The second said they have completed their school hours but had failed the test and they were waiting to test again. The husband contacted counsel. He explained that both of those employees are now licensed. Reciprocity was accepted for the first individual and the second passed her test in December. This has been confirmed in our records. He also says that he cannot pay \$2000 at this time. He is asking for the board to reconsider these fees in light of the circumstances.

Recommendation: Reauthorize for formal charges. Allow authority to settle the matter before hand with a penalty of \$500 on each complaint for allowing two individuals to practice on invalid licenses.

Decision: approved

87. Case No.: L14-COS-RBS –2015000381 (shop)

First License Obtained: 12/02/2010
License Expiration: 10/31/2016
Complaint history: 2012019751, closed by Consent Order and payment of \$500.00 civil penalty

88. Case No.: L14-COS-RBS –2015000431 (manager)

First License Obtained: 07/18/2008

License Expiration: 07/31/2016

Complaint history: None

89. Case No.: L14-COS-RBS – 2015000401 (employee)

First License Obtained: 09/29/2011

License Expiration: 09/30/2015

Complaint history: None

Respondents who are all separate individuals received notices of violation on January 1, 2015. Complaint alleges that at the time of inspection a cosmetologist was using a straight razor on a man's beard. Investigator provided photos of this activity. There was no other violation at the time of the inspection. The shop is a licensed cosmetology shop. The board authorized civil penalties of \$500 to each respondent. Since that time legislation has been passed that would now make this conduct compliant with the law. While this was a violation at the time, it would be against the state's policy to continue to discipline for this conduct. All cases of this nature will be represented for the Board's consideration.

Recommendation: Dismiss these cases.

Decision: approved

90. Case No NO.: L14-BAR-RBS- 2015002911 (Barber shop)

First License Obtained: 12/13/2002

License Expiration: 11/30/2016

Complaint history: 2013003241, Formal Charges Authorized

91. Case NO.: L14-BAR-RBS- 2015002951 (Shop manager)

First License Obtained: 08/01/1996

License Expiration: 07/31/2016

Complaint history: None

92. Case NO.: L14-BAR-RBS- 2015002941 (Shop owner)

First License Obtained: 07/11/1996

License Expiration: 07/31/2016

Complaint history: None

Respondents are the owner and manager of a barber shop. All three licenses were cited on January 26, 2015 for having an expired shop license and for one of the owner/manager's individual licenses being suspended. The Board authorized formal charges. Further investigation has revealed that at the time of inspection the shop was not open for business. Our inspector has confirmed this to be true. The shop has not been inspected because they have not been open for several months.

Recommendation: Dismiss these cases . Send a letter of warning to the shop license explaining that shop must be inspected once a year and that a shop must be open to be inspected. Request that they provide the Board office with hours of operation.

Decision: approved Recommendation approved.

93. Case No.: L14-COS-RBS- 2014009831

First License Obtained: 11/23/2005

License Expiration: 11/30/2015

Complaint history: None

Respondent received a notice of violation for this complaint and a separate complaint as the owner of the shop on May, 13, 2014. The complaint alleged that the shop license was expired and that there was a sanitary violation. She has paid for the shop's complaint by consent order assessing \$1500.

Recommendation: Dismiss this case. Considering the new agreed citation schedule, she has been sufficiently disciplined for the violations.

94. Case No.: L13-COS-RBS-2013011361
First License Obtained: 11/29/2012
License Expiration: 10/31/2016
Complaint history: None

Respondent received a Notice of violation on May 22, 2013. The complaint alleged that the shop had sanitary violations, and the board assessed \$1250 in civil penalties. Further research has showed that this shop was under construction at the time of the inspection. The owners were still partly operating the shop during the period of construction. Following the construction the shop is in compliance.

Recommendation: Reauthorize formal charges. Lower the penalty to \$500 for not closing the shop fully while it was under construction.

Decision: approved

95. Case No.: L14-COS-RBS-2013024001
First License Obtained: 12/02/2010
License Expiration: 10/31/2016
Complaint history: 2012012091, closed with a Letter of Warning; 2015002501, Case Rec'd from Staff

This case is in litigation. The shop was cited for the same violations in the 2015002501 complaint. That complaint has already been filed but the litigator on that case has requested that we be able to combine these two cases.

Recommendation: Allow the litigator to combine these cases.

Decision: approved

96. Case No.: L14-COS-RBS-2014009541
First License Obtained: 05/05.2006

License Expiration: **05/31/2012**

Complaint history: **none**

Respondent procured a license through fraudulent military hours claimed during reciprocity for Master Barbering in April 2006. The board assessed \$1000 and formal charges have been filed. There was third party involved here who had orchestrated the same scheme for dozens of other fraudulent licenses. In the past the Board allowed a reduction in fees if a Respondent surrendered the license before trial. The Respondent has contacted the litigator and is prepared to surrender his license without a trial in exchange for a leniency in fees. The license is expired the Respondent has not worked as a Barber in many years.

Recommendation: Reauthorize formal charges. Allow authority to settle the matter before hand with a consent order assessing the reduced fee of \$700.

Decision: approved

The meeting adjourned at 8:25 AM.

MOTION made by Patricia Richmond and seconded by Nina Copenfield for approval of the Legal Report as amended. Motion carried unanimously.

Makeup Artistry and working under an exception –

Laura Marin, legal counsel for the board, presented information regarding makeup artistry, war paint, and working under the exceptions listed in Tenn. Code Ann. § 62-4-125. A concern was presented to the board office about an academy teaching where the instructors are not active instructors with the board. They are teaching makeup in a way different than what they definitions cover. The board debated the issue. They were uncertain whether or not the activity is something the board licenses and how the office should respond to the inquiry. The board asked for the information to be provided via email so they could research and discuss the issue again at the June meeting.

Cosmetology Consent Orders - April- Totaling \$43,800.00

MOTION made by Nina Coppinger and seconded by Judy McAllister for approval of all consent orders. Motion carried unanimously.

Agreed Citations – Paid in April \$13,050.00

MOTION made by Nina Coppinger and seconded by Dianne Teffeteller for approval Agreed Citations paid and close the complaints. Motion carried unanimously.

Agreed Citations – Letters of warning

The following 3 case numbers were sent letters of warnings as part of the agreed citation process:

201500854

201500855

201501016

MOTION made by Nina Coppinger and seconded by Judy McAllister for approval of the letters and to close the complaints Motion carried unanimously.

RULE MAKING COMMITTEE

The Rule Making Committee of the State Board of Cosmetology and Barber Examiners met at 9:25 AM on Monday, May 4th.

Attending were Board members Kelly Barger, Yvetta Granger, Patricia Richmond and Mona Sappenfield. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant. Not in attendance were: Anita Allen and Frank Gambuzza.

The members discussed documents provided by Ron Gillihan regarding best practices and schools requirements. Everyone agreed to raise the minimum standards for schools. The definition for aesthetics will be further researched by legal counsel Laura Martin and board member Mona Sappenfield. They also discussed the fees and future changes.

The meeting adjourned at 9:55 AM

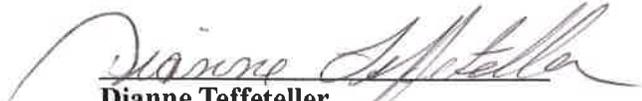
NEW BUSINESS

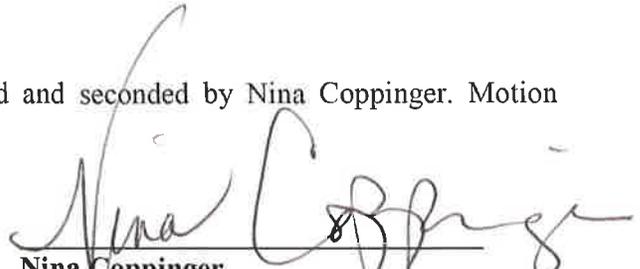
Additional Questions:

Mr. Bobby Fingers stated his concerns with situations in the Memphis area. He said he would be speaking as an individual licensee and shop owner and trying to answer to some of these concerns. The board members and Executive Director explained that as long as he is not representing the board, there is no problem with him answering questions.

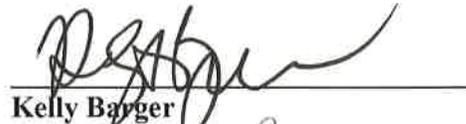
Motion to adjourn

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


Dianne Teffeteller

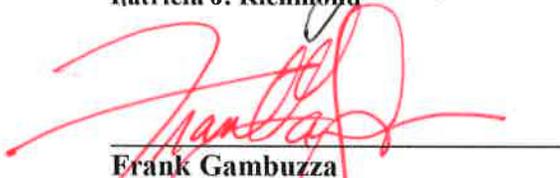

Nina Coppinger

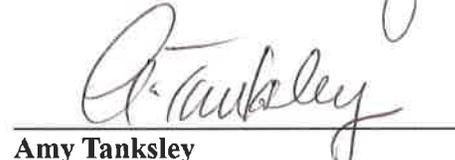

Judy McAllister

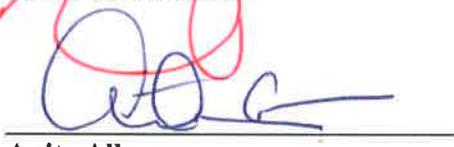

Kelly Barger


Patricia J. Richmond


Mona Sappenfield


Frank Gambuzza


Amy Tanksley


Anita Allen


Yvette Granger


Ron R. Gillihan


Bobby N. Finger