



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 April 6, 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.

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

MINUTES-

Minutes for the March 2, 2015 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve the March 2, 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 amended bills:

SB865 / HB591 Required board to post fees on the website: Bill has been taken off notice.

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.

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 have at least three (3) years of salon experience.

SB862 / HB595 Cosmetologists - proof of continuing education for license renewal: As introduced, requires cosmetologists, manicurists, aestheticians, or natural hair stylists who obtain a license on or after July 1, 2015, to submit proof of compliance with continuing education hours within 60 days of their license renewal; mandates a \$2.00 fee for the issuance or renewal of a cosmetology license; authorizes the board to put the \$2.00 fee into a fund that establishes a program to provide funds for cosmetology programs at publicly funded colleges, universities, and secondary schools. - Amends TCA Title 62, Chapter 4. Amended to say that the board “may” establish a scholarship program.

SB543 / HB691 Student financial aid programs - barber school, school of cosmetology: 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. 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, 2015.

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 five 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 two years prior to the board's decision. Amended to change the felony time frame from five years to three and the misdemeanor from two years to one year.

SB964 / HB1332 Cosmetologists and barbers - licensing and inspection requirements. This bill cleans up many sections of the separate cosmetology and barber laws. Among the items presented the bill: Specifies standardization of certain licensing and inspection requirements for cosmetologists and barbers by the state board of cosmetology and barber examiners. Requires 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 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.

New Aesthetics Curriculum added to School Program:

Ms. Paula Cook appeared before the board on behalf of Tennessee Institute of Cosmetology, located in Morristown. The school plans on adding the aesthetics curriculum to their current programs. Ms. Cook answered questions for the board.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve addition of new curriculum. Motion carried unanimously.

Revised School Curriculum:

Ms. Louwana Ball and Dianna Norris appeared before the board on behalf of Virginia College to present their revised curriculum and to answer questions. The information was previously presented to the board at the March 2, 2015 board meeting and the board had questions about the breakdown between the theory and practical part of the information presented. The revisions primarily impact the way the course content is taught. The 12 individual courses will now be divided into 4 Phases. The full plan and information of the changes was presented to the board.

MOTION made by Dianne Teffeteller and seconded by Patricia Richmond to accept the approved information.

Change in Location for Barber School:

Mr. Richard Bundy and Ms. Karrie Kulick appeared before the board to present a change in location for Genesis Career College located in Nashville Downtown Campus. The program is planning on relocating to the Nashville Airport Campus to share a building with the Cosmetology program. The Board was presented with the revised floor plan showing the divisions between the two programs.

MOTION made by Mona Sappenfield and seconded by Bobby Fingers to approve change in location application pending a completed application and fee is received and an inspection by a board member and field inspector. Motion carried unanimously.

New Barber School Application:

Mr. Michael Martin and Ms. Stephanie Watts appeared before the board to present a new barber school application. Tennessee Career Institute plans to open a new Barbering School in

Columbia Tennessee, in the building that currently operates a Cosmetology School. The application, fee, floor plan, and enrollment agreement were all presented for consideration. The entire school is 19,500 square feet. The barber school facilities will occupy a total of 1,680 square feet.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve new barber school application pending a completed inspection by a board member and field inspector. Motion carried unanimously.

Applicant request to Test:

Mr. Kevin Voung appeared before the board to request acceptance of manicurist school hours from 2009 obtained at a school in Texas. Mr. Voung was previously presented to the board at the February 9, 2015 board meeting for approval to test. He was caught cheating by PSI in February 2014 and the board voted at the time to deny him the opportunity to test for one full year. At the 2015 board meeting, the board voted to approve his testing once he submitted a complete application to test. Mr. Voung completed hours at Universal Beauty College in Texas. An investigation in Texas found that school was found to have violations with their hours. The period under review included 2012 and 2013. Mr. Voung answered questions.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve hours. Motion carried unanimously.

Consideration of School hours – Lyles Students:

During the March 2, 2015 meeting, the board was informed that Lyles School of Hair Design had signed, by the school owner, a Consent Order to revoke the schools license. At that time the board requested a visit to the school to make sure they were no longer operating. The majority of the discussion at the March meeting was about the students with hours obtained at an unlicensed school and how to attempt to make things right for the students who are the victims in this situation.

The field enforcement team went to the school on March 4 and found that the school was still operating. Information was provided to the board to recap the occurrences between March 4th and April 2nd, 2015.

On Monday, March 23 Mrs. June Lyles, her granddaughter Amber Malone and her son Dan Lyles came by the Commerce and Insurance to discuss the situation regarding the license being revoked, the students and the future of the school.

A spreadsheet was handed to each board member with the data and hours received from Lyles School. A request was presented to the board for consideration of approving the hours obtained

at Lyles School of Hair Design during the months that the school had no license. Although the law clearly states that those hours do not count, it was clearly not written to harm the student. These hours were provided by licensed instructors. The board asked questions and discussed options.

Recommendations:

1. To approve the students hours as presented by Lyle's monthly reports from November through March 4, 2015.
2. For those students with a significant variance in their submission and that of the Lyles school, recommendation is to contact the student, explain the discrepancy and determine the correct number of hours.
3. Consideration for the Board Office to provide each student a transfer/withdraw document because it appears they did not understand that without this document they cannot take hours to another school.
4. For board office to continue to approve hours for those students who did not attend school between November and March but clearly are in limbo with hours obtained prior to November.

MOTION made by Nina Coppinger and seconded by Dianne Teffeteller to approve recommendations and approve hours through July 30, 2015 with affidavit from student. Motion carried unanimously.

Recap of other items:

- Total of 126 names with hours from November 1, 2014 - March 4, 2015
- Affidavits received from 46 Students, only three (3) requesting withdrawal certification.
- Two current students with hours in December and February have enrollment date in 2003. Pursuant to Tenn. Code Ann. §62-4-123, students must complete hours within seven (7) years. Both students have over 600 hours. Questionable why they are on report.
- Student with enrollment date of 1/6/2015 shows January hours as 120 and hours passed the previous month as 120.
- One student asked for check back upon knowledge of school not having license. Parent stopped payment on the check and was sent to collections. Date on Paytek Solutions document is March 20, 2015, when school was aware that they did not have a license.

New Cosmetology School Application:

Ms. Amber Malone appeared before the board to answer questions and present a new school application. 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 have all been received by the board office. On Monday, March 23 Mrs. June Lyles, her granddaughter Amber Malone and her son Dan Lyles came by the Commerce and Insurance to discuss the situation regarding the license being revoked, the students and the future of the school.

Recommendation – new school to be owned and managed by individuals not previously associated with past owners and administration for all the concerns discussed during board meeting and recommended in person to the family.

Motion made by Kelly Barger and seconded by Yvette Granger to deny school application. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for Joy Baker, Jessica Hammatt, Mark McNary, Loretta Nell, Kenya Streeter, Arthur Weston, April Williams. 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. These applicants will be provided with an Agreed Order for a two year probationary period.

Applications for examination for David Crawley, Matthew Hance, Jaymes Harrison, James Patterson, Michael Terrell, and Kevin White. 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. These six applicants will be provided with an Agreed Order for a four year probationary period and those incarcerated must let the Board know when they are released from the prison.

Motion made by Mona Sappenfield and seconded by Dianne Teffeteller to approve each application for examination with a signed Agreed Order for the timeframe stipulated above. Motion carried unanimously.

Application for testing with hours in manicuring for Iris Garcia from Puerto Rico. Documentation from Institute of Beauty Careers states she completed 650 hours in 1997 but that additional records were lost.

Recommendation – is that the applicant take Tennessee Examination.

Motion made by Anita Allen and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for testing with hours in cosmetology for Cameron Ocampo from England. Documentation from Vidal Sassoon Academy states she completed 2,120 hours in December 2014 and they list the curriculum.

Recommendation – is that the applicant take Tennessee Examination.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for testing with hours in manicuring for Donnie Phan from Executive Beauty Academy in Virginia. Mr. Phan was approved to take the examination in 2010. He was caught with a cheat sheet during the theory exam by PSI. The board at that time decided he needed to wait one year to apply to test. Mr. Phan is now requesting the board allow him the opportunity to test.

Recommendation – is that the applicant provide a transcript for his hours and meets requirements take Tennessee Examination.

Motion made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

ORDER OF DISMISSAL –

Assistant General Counsel, Adrian Chick appeared before the board in regards to a case against Marcolm Watson. Mr. Chick explained the process of the appeal and answered questions for the board. A Motion to Dismiss Appeal and proposed Order of Dismissal was heard by the board.

Motion made by Patricia Richmond and seconded by Dianne Teffeteller to approve Motion and proposed Order to Dismiss case. Motion carried unanimously.

MISCELLANOUS REQUESTS –

Request for Waivers:

Request from Dominique McKinnie for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. McKinnie passed her cosmetologist practical examination on June 25, 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 information provided by Ms. McKinnie explains that she could not afford the license, had a high risk pregnancy and is again expecting a child in April.

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

The following three applicants have missed the six month requirement to get their application because the verification of eligibility is a federal requirement and all three applicants returned it

after too much time had passed. A request from Darian Condra, Ana Milsap and Shann Thomas for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Each individual has provided a letter stating that they would have otherwise been timely. This is an issue we expect will continue to happen. The board office makes phone calls, emails and then sends a letter to anyone who has not submitted the form. Unfortunately because this is still a relatively new requirement we will see more of these.

MOTION made by Patricia Richmond and seconded by Bobby Fingers to approve extension for all three applicants. Motion carried unanimously.

Recommendation – is that the board gives permission to the Executive Director to allow this extension ONLY for those applicants that have missed the deadline because they failed to turn in the verification eligibility form by no more than one month.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to allow approval of extension only to applicants missing the verification eligibility form. 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 started school on January 02, 2008 at Tennessee College of Applied Technology in Memphis. They submitted 1,058 hours through November of 2008. Letter provided by Ms. Luckett states she was diagnosed with Multiple Sclerosis in December 2008.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to deny extension for completion of hours until documentation could be provided showing proof of medical condition. Motion carried unanimously.

Request from Marlon Wilson for an extension of his required master barber instructor continuing education hours through 2015. Mr. Wilson was an instructor assistant and in 2013 became an instructor. He should have attended a seminar by March 2015.

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

Request from instructor Tammy Hearn for an extension of her required continuing education hours to 2015. Ms. Hearn became a licensed instructor in 2013 and should have attended for the first time by March 31 2015. In her request she simply 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 Patricia Richmond and seconded by Dianne Teffeteller to approve request. Motion carried unanimously.

Request from Mr. Al Bennett for a waiver of the \$80 penalty due to his master barber license not renewed timely. Mr. Bennett is currently incarcerated therefore getting money transferred from his trust account so a check could be issued to the board takes time. Records and an email from the counselor at the complex confirm that he made every effort to send his money before the due date. Unfortunately on March 1, 2015 the penalty was added because his check did not reach the office until March 6.

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

Pyramid Barber School, Name Change

Ms. Bryant, owner of Pyramid Barber School, located in Memphis submitted an application to change the name of the school from Pyramid Barber School to Pyramid Beauty.

MOTION made by Dianne Teffeteller and seconded by Mona Sappenfield to approve change in school name. Motion carried unanimously.

School Authorization:

In compliance with Public Chapter 863 and 818 Nashville Barber and Style Academy, Inc., located in Madison, requested authorization to provide postsecondary education.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield 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, April 6th 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 instructor license from Indiana for Rachel Cain. Indiana issues separate licenses for each of these disciplines. The certification for her aesthetician license shows initial licensure in March 2008 with 700 hours by examination. Her instructor license was issued in October 2009 with 1,000 hours by examination and both licenses are active. Ms. Cain more than meets the instructor requirements and Empire submitted a letter stating that she has been working for them since 2009. A letter provided by spa owner attests to her working in the aesthetics field since 2004. It appears that Indiana regulations for spas and licensing requirements are different than those in Tennessee.

Recommendation - is that the applicant be approved for both reciprocal licenses.

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

Application for reciprocity of cosmetology license from Oregon for Lindsay Levine. Certification from Oregon lists the disciplines separately for a total of at least 2,050 hours and licensure in November 2010. The certification also confirms that a written exam is provided, however the practical exam is done at the schools and are sanctioned by health licensing. They must pass that exam before they can take the theory exam.

Recommendation - is that the applicant be approved for a reciprocal license and that Oregon's way of administering the practical exam be acceptable moving forward.

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

Application for reciprocity of cosmetology license from Florida for Jason Schafer. Certification shows initial licensure in 2001 with 1,200 hours but no practical exam. Mr. Schafer was unable to appear before the board but he is requesting waiver of the practical exam. He is also licensed in North Carolina since 2012 and has all kinds of work and business experience.

Recommendation - is that the applicant be approved for a reciprocal license.

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

Application for reciprocity of cosmetology license from Wisconsin for Bach Pham. Certification shows initial licensure in October 2014 by reciprocity from Vietnam. The transcript reflects 1,800 hours completed in 2012.

Recommendation - is that the applicant provide official school transcript and take the Tennessee exam.

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

A letter was received from Attorney Tracey Malone representing Dat Tan Le and Van My Thi Tran, both reciprocal applicants from Arkansas have been previously been denied a license. Their school hours were never submitted by the school in Tennessee. The board considered all the information and asked that the applicants provide any records of attendance they have available and the board will reconsider the request at the May meeting.

The committee meeting adjourned at 9:10 AM.

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

MOTION made by Judy McAllister 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, April 6th to review the allegations of **80** complaints and make recommendations to the Board.

Attending were Board members, Bobby Finger, Frank Gambuzza, Amy Tanksley and Dianne Teffeteller.

COSMETOLOGY CASES

Represented Cases

1. Case No.: L12-COS-RBS- 2012003801

First License Obtained: 11/16/2006

License Expiration: 11/30/2010

Complaint history: Closed and combined with the above case

Respondent received two notices of violation in 2010. It has been confirmed that this shop is closed at least as far back as November 2014. Both notices of violation are against this same closed shop. Additionally, the inspector from who cited the shop both times is now retired.

Recommendation: Close this case

Decision: Approved

2. Case No.: L14-BAR-RBS-2014012011

(Barber shop)

First License Obtained: 07/17/2007

License Expiration: 06/30/2015

Complaint history: None

3. Case No.: L14-BAR-RBS-2014012021

(Owner of the shop)

First License Obtained: 09/03/1996

License Expiration: 08/31/2016

Complaint history: None

Two Notices of Violation were issued on June 5th, 2014 to respondent who is the same person. Inspector alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed barber shop, was allowing a licensed cosmetologist to cut a client's hair with a clipper without possessing a valid master barber license. She was waiting to take her barber exam. Further, according to the Notice, the shop did not have a licensed master barber manager. The respondent was fined \$1250 on each license for a total of \$2500. Respondent contacted counsel. He has since shut down his shop and is currently working in another industry. He also explained that he did have a manager but the manager denied to the inspector that he was the manager of the shop.

Recommendation: Per the new agreed citation schedule lower the civil penalties to \$750 on the shop license. Close the case against the individual license.

Decision: Approved

4. Case No.: L13-COS-RBS-2014023011

First License Obtained: 08/12/1980

License Expiration: 08/31/2016

Complaint history: None

Respondent received a notice of violation as the manager for expired shop license on September 10th 2014. She was the manager listed on the board files. The board authorized charges against the respondent with civil penalties of \$500. Owner contacted counsel and explained that she had been the shop's manager at one time but she does not work for the shop anymore and she was not present on the day of inspection.

Recommendation: Dismiss the case.

Decision: Approved

5. Case No.: L14-COS-RBS-201402301

First License Obtained: 05/28/1997

License Expiration: 08/31/2016

Complaint history: 2011023681, closed w/Letter of Warning

Respondent shop was sent a consent order assessing \$1000 dollars for having no manager present. Respondent contacted counsel explaining that she had been out for the day but that she had appointed someone as manager for the shop that day. She explained that the inspector asked for the owner or manager and that the employees were confused as to what he was asking. The person who signed the citation was the manager that day.

Recommendation: Dismiss this case with a letter of warning.

Decision:

6. Case No.: L14-COS-RBS-2014026861

First License Obtained: 05/11/2011

License Expiration: 05/31/2015

Complaint history: None

Respondent received a notice of violation alleging that she was unlicensed. The board authorized charges against her with a civil penalty of \$1000. Further review has shown that the respondent is licensed by this board and her license was valid on the day of inspection. The shop where she was working had a barber license but not a cosmetology license. She is neither the manager nor the owner.

Recommendation: Dismiss the case.

Decision:

7. Case No.: L14-COS-RBS 2014024261

First License Obtained: 04/10/1991

License Expiration: 05/31/2015

Complaint history: None

8. Case No.: L14-COS-RBS 2014024241

First License Obtained: 02/05/2007

License Expiration: 01/31/2017

Complaint history: 2010023751, closed by Consent Order and payment of \$500 civil penalty

Respondents received an agreed citation on September 24, 2014 pursuant to a notice of violation from September 23, 2014 for operating on an expired license. The citation indicated that the individual was completely unlicensed and not just expired and thus both licenses were sent consent orders assessing civil penalties of \$1000. After noticing this mistake both respondents were told this case would be represented.

Recommendation: Authorize for formal charges with authority to settle the matter beforehand with a consent order assessing a civil penalty of \$100 on each license.

Decision: Approved

9. Case No.: L14-COS-RBS 2012002441

First License Obtained: 04/05/2007

License Expiration: 03/31/2015

Complaint history: 2009014881, closed w/no action; 2009024031, closed by Agreed Order and payment of \$4,000 civil penalty; 2012001721 & 2012002361, closed and combined with above pending case.

This shop was sent a consent order revoking their license because of a long history of unlicensed activity. The consent order was never signed or agreed to and in that time the inspector for this case has retired. The shop has been bought by a new owner. A new inspector was sent to this shop to detect if there were violations. At this time while it is suspected that the old owner still works in this shop, under the new owner there is no allegation of unlicensed persons. A new complaint was opened against this shop for operating on an expired shop license.

Recommendation: Close this case for insufficient evidence. Continue with the new complaint.

Decision: Approved

10. Case No.: L14-COS-RBS – 2014011971

First License Obtained: 05/08/2007

License Expiration: 04/30/2015

Complaint history: None

11. Case No.: L14-COS-RBS – 2014011981

First License Obtained: 07/16/1996

License Expiration: 07/31/2016

Complaint history: None

The respondent who is the same person was cited for operating a shop on an expired license on June 5, 2014. The respondent was sent a consent order assessing \$2000.

The respondent has contacted counsel and asked for this case to be represented. The respondent had explained some hardship to the inspector and thought that this would be considered. The inspector did not include that information on the original citation or report to counsel.

Recommendation: Per the new agreed citation schedule lower the civil penalties to \$100 against each license. Authorize formal charges and allow authority to settle the matter before hand with a consent order.

Decision: Approved

12. Case No.: L14-COS-RBS- 2014022271

First License Obtained: 10/20/1980
License Expiration: 08/31/2016
Complaint history: None

13. Case No.: L14-COS-RBS- 2014022291

First License Obtained: 08/11/1980
License Expiration: 04/30/2015
Complaint history: None

Respondent who is the owner and manager of a cosmetology shop received and signed two notices of violation on August 26, 2014. The complaint alleges that the shop was operating on an invalid shop license. Respondent was sent a consent order assessing \$750. Respondent has contacted counsel to explain that she has been in practice for 40 years. She doesn't use a computer and has always renewed her licenses when she would receive a renewal notice in the mail. When the renewal notice didn't show up she didn't realize she needed to renew.

Recommendation: Given her long career with no history, dismiss the case against her personal license. Authorize formal charges against her shop license with authority to settle beforehand with a consent order assessing \$100 per the new agreed citation schedule.

Decision: Approved

14. Case No.: L13-BAR-RBS-2013018351

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2013018771, closed by Agreed Order

The respondent received two notices of violation on July 3, 2014. The respondent is a homeless man who was cutting hair out of his van. The man was personally cited and the van was cited as a shop. He has since signed an agreed order for the van for this violation of unlicensed activity for the same day. This was not presented to him at the same time.

Recommendation: Dismiss this case as he is already being sufficiently punished for this conduct.

Decision:

15. Case No.: L14-COS-RBS-2014027501

(Shop owner and manager)

First License Obtained: 01/23/2004
License Expiration: 0131/2016
Complaint history: None

16. Case No.: L14-COS-RBS-2014025691

First License Obtained: 07/24/2013
License Expiration: 06/30/2015
Complaint history: None

On October 9, 2014 respondents received notice of violations pursuant to an inspection at Respondent Shop. Inspector saw an individual applying color to a customer's hair. When asked for her license, the person showed the inspector her test scores from her cosmetology test. To practice before receiving a license, a new licensee must post test

scores and a copy of the money order or check that was sent to the board for a license. This was cited as a violation for not having a valid license posted. The respondent has contacted counsel saying that when the individual showed up she showed them a money order dated October 9, 2014. She has sent counsel a copy of that money order. Respondent told counsel that when the inspector showed up they don't know why she didn't show the inspector the money order. In the complaint the inspector alleges that the individual told them that she hadn't sent in the money at the time of inspection.

Recommendation: Dismiss the case against the owner per the new agreed citation schedule. Reauthorize charges against the shop with authority to settle beforehand with a consent order assessing \$250.

Decision: Approved

17. Case No.: L14-COS-RBS- 2014008651

<u>First License Obtained:</u>	09/08/1975
<u>License Expiration:</u>	02/28/2015
<u>Complaint history:</u>	None

18. Case No.: L14-COS-RBS 2014008641

<u>First License Obtained:</u>	08/05/1988
<u>License Expiration:</u>	04/30/2015
<u>Complaint history:</u>	201201663, closed with no action

Respondent's received a notice of violation on 4/23/14. Respondent was sent a consent order assessing \$1500 on each license. The respondent disputes allegations in the notice of violation. While some allegations have sufficient proof; such as a manicurist shampooing customers, licenses improperly posted, and sanitation violations, there is an issue with the allegation of an individual practicing on an expired license. The person that the inspector alleged was practicing on an expired license was in fact properly licensed at the time of inspection.

Recommendation- Dismiss the allegation of unlicensed activity by the individual. Authorize for formal charges with authority to settle the matter

beforehand with a consent order assessing civil penalties of \$500 on each license per the new agreed citation schedule.

Decision: Approved

19. Case No.: L14-COS-RBS- 2014024891

First License Obtained: 11/01/1995
License Expiration: 05/31/2015
Complaint history: 2007057441, closed by Consent Order and payment of \$750 civil penalty

Respondent cosmetology shop received a notice of violation on September 12, 2014. Inspector saw two unlicensed individuals performing pedicures. They were sent a consent order assessing \$2000. Respondent contacted counsel and explained that they have already paid \$2000 in agreed citations months ago from the owner and manager's license from this same incident.

Recommendation: Dismiss this case, the respondent has already been sufficiently punished.

Decision: Approved

20. Case No.: L14-BAR-RBS-2014017591

(Barber shop)

First License Obtained: 10/14/2008
License Expiration: 09/30/2016
Complaint history: None

21. Case No.: L14-BAR-RBS-2014017601

(Shop owner and master Barber)

First License Obtained: 11/02/1978

License Expiration: 06/30/2015

Complaint history: None

Notices of Violation issued on July 23, 2014 to the above-referenced Respondents shop and its owner allege that the Respondent's shop owner was practicing barbering without possessing a valid license in violation of Tenn. Code Ann. § 62-3-107. Respondent was sent a consent order assessing \$500 on each license. Board office records indicate that the Respondent's master barber license was renewed on August 14, 2014. Respondent contacted counsel and has asked for this case to be reconsidered. Respondent claims that they had renewed their license in the presence of an inspector who had told them that he had mistakenly renewed the wrong license. Said he put a copy of his money order next to his expired license and the inspector told him that this was fine to practice on. The board did not mail him a new license until after he paid a late fee which he says he was never notified of.

Recommendation: Authorize for a formal hearing for the violation of practicing on an expired license with authority to settle the case before hand with a consent order assessing civil penalties of \$100 on each license per the new agreed citation schedule.

Decision: Approved

22. Case No.: L13-BAR-RBS-2013016921

First License Obtained: 12/08/2011

License Expiration: 11/30/2015

Complaint history: None

Respondent Barber shop received a notice of violation on August 15, 2013 for allowing an individual to practice barbering on an expired license. Respondent received a consent order assessing \$1000 and originally chose to challenge in a formal hearing but since that time the shop has closed. The individual expired license was renewed in the presence of the inspector. The shop has been out of business since September 25, 2014.

Recommendation: Close this case. Flag the shop for reopening.

Decision: Approved

23. Case No.: L14-COS-RBS-2014009461

First License Obtained: 08/11/2011

License Expiration: 08/31/2015

Complaint history: None

Respondent received a notice of violation on May 9, 2014 for working on an expired license. The respondent was sent a consent order assessing \$1000. The respondent has asked that this penalty be reconsidered in light of hardships she has detailed to counsel and the fact that she renewed her license that day and she says that she did not charge the person the inspector saw her practicing on.

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

Decision: Approved

24. Case No.: L14-COS-RBS-2014022731

First License Obtained: 04/15/1998

License Expiration: 03/31/2016

Complaint history: None

Respondent received an agreed citation assessing a civil penalty of \$1000 to both her personal and shop license pursuant to an inspection on June 6, 2014. Complaint alleges that shop license was expired while the shop was opened for business. This respondent has already paid \$1000 to her personal license.

Recommendation: Dismiss this case. Per the new agreed citation schedule, this individual has already paid.

Decision:

25. Case No.: L14-COS-RBS- 2014024931

First License Obtained:

License Expiration:

Complaint history:

26. Case No.: L14-COS-RBS- 2014024941

First License Obtained:

License Expiration:

Complaint history:

Respondent received a consent order assessing \$500 total against the shop and individual license for working on an expired shop and personal license on September 26, 2014. Records indicate that the shop license was never expired.

Recommendation: Dismiss the case against the shop and assess \$100 to her personal license per the new agreed citation schedule. Allow authority to file formal charges and settle beforehand with a consent order.

Decision:

27. Case No.: L14-COS-RBS- 2014023191

First License Obtained:

License Expiration:

Complaint history:

28. Case No.: L14-COS-RBS- 2014023171

First License Obtained:

License Expiration:

Complaint history:

Shop and owner were cited on September 12, 2014 for not having a manager present. Respondent has contacted counsel to explain that the owner was out of town and the manager quit before she was back in town to appoint a new manager. The respondent was sent a consent order assessing \$500 on each license.

Recommendation: Per the new agreed citation schedule, dismiss the case against the owner. Reauthorize civil penalties of \$500 for the shop. Allow authority to file formal charges and settle beforehand with a consent order.

Decision: Approved

29. Case No.: L14-BAR-RBS-2014026851

(Barber shop)

First License Obtained: 07/03/2006

License Expiration: 06/30/2016

**Complaint history: 2007051361, closed w/no action;
2010031341, closed by consent order
and payment of \$3000 civil penalty;
2013025791, closed by consent order
and payment of \$500 civil penalty**

30. Case No.: L14-BAR-RBS-2014026841

(Shop owner)

First License Obtained: 08/26/2003

License Expiration: 08/31/2015

Complaint history: None

Respondent who is the manager and owner of the respondent shop received two notices of violation on October 16, 2014 for allowing a natural hair stylist to practice in a barber shop. The shop has no cosmetology shop license to provide these services.

Recommendation: Dismiss against the owner. Authorize for a formal hearing with authority to settle the matter before hand with a consent order assessing a civil penalty of \$500.

Decision: Approved

New Cosmetology Cases

31. Case No.: L14-COS-RBS-2015003211

First License Obtained: 12/04/2014

License Expiration: 09/01/2015

Complaint history: 2010027761, Dismissed w/no action

Respondent school did not timely renew their license to practice in September 2014. The director of the program called the school on multiple occasions leading up to the deadline of the renewal period to warn their school that if they did not renew in September they would be an unlicensed school starting October 1. The director of the program called the School on October 1st, and told the owner that the school was not licensed.

At the November 3, 2014 board meeting the owner of the school appeared before the board to apply for a new license. She told board members that she did not know her school as unlicensed. She told board members that she had only taught a few students and few days in October and that she would allow them to make up those few hours for free. She was told that those hours would not count. The board approved her license. In December 2014 the school turned in a monthly hour report to the board office. An Investigation was opened against this school. The investigation revealed that the school was operating every day from October 1st, 2014 through October 17, 2014 and that between 14 to 18 students were signed in each day.

This school owner also owns a cosmetology school in Kentucky. This school was under investigation which revealed that the school was selling hours to manicuring students without actually instructing those students. The school's license was suspended and was assessed \$20,000 by the state of Kentucky. After the conclusion of that investigation the Tennessee school no longer reports hours for manicuring students.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$17,000. (1000 for each day the school operated unlicensed.)

Decision: Approved

32. Case No.: L14-COS-RBS- 2014020261

First License Obtained: 10/16/2014

License Expiration: 10/31/2016

Complaint history: none

Complaint was opened against the respondent pursuant to an advertisement for natural hair braiding that was sent to this office. After an investigation occurred, it was determined that the shop is open and there are three to four individuals working there on any given day. Only the manager has a license and she is often not there. At least two employees told the investigator that they did not need a license to braid hair. One of the two owners of the shop is attempting to take the test for a second time. The other owner told the investigator that while they know they need to get a license, they need to keep the shop open as their source of income. The shop is licensed with no prior history.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$2000.

Decision: Approved

33. Case No.: L14-COS-RBS 2014027041

First License Obtained: 03/14/1990

License Expiration: 03/31/2016

Complaint history: None

A complaint was filed anonymously against respondent alleging that the respondent is practicing cosmetology in homes and not in a licensed shop. The complainant supports this allegation with copies of Facebook posts, and a newspaper as for the respondent's business. These posts and her advertisement offer to travel to someone's home and give them a haircut. She also almost always denotes that she is looking for seniors or people that cannot leave their home but there are some that do not specify this requirement. There is an exception in the cosmetology statute that allows for stylists to work outside of a licensed shop if they are giving care to a person who is too sick or otherwise cannot leave their home.

Recommendation: Send her a warning letter specifically citing the exception in the statute and warn that any practice of cosmetology that does not fit in this exception must be conducted in a licensed shop.

Decision: Approved

34. Case No.: L14-COS-RBS 2014027791-

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

35. Case No.: L14-COS-RBS 2014027791-

First License Obtained: 10/17/2012
License Expiration: 09/30/2016
Complaint history: None

Complaint was submitted by the individual respondent's past teacher. Complainant alleges that the respondent is offering services at a salon. Complaint alleges that the respondent is selling product at the salon. The complainant also provided advertisements of the respondent's services. All advertisements show that the respondent sells products made by a company created by the respondent and that she applies makeup for customers. The salon contacted counsel explaining that the individual respondent only sells her products at the salon and had never performed any unlicensed activity at the salon.

Recommendation: Dismiss both complaints. There is no allegation of unlicensed practice. There is an exception in the statute saying manufacturers can apply their products to customers without a license and selling beauty products does not require a license. Send a warning letter to the individual respondent explaining the exception in the statute and that anything that falls outside that exception requires a license.

Decision: Approved

36. Case No.: L14-COS-RBS 2014027261

First License Obtained: 05/01/1967

License Expiration: 09/30/2016

Complaint history: None

Respondent received a notice of violation for working on an expired license on October 23, 2014. They renewed their license within a week of the citation. They were sent an agreed citation assessing \$1000. They have not responded.

Recommendation: Per the new agreed citation schedule lower civil penalties to \$250. Allow authority to settle beforehand with a consent order.

Decision: Approved

37. Case No.: L14-COS-RBS 2014027821

First License Obtained: 08/08/1997

License Expiration: 07/31/2016

Complaint history: None

38. Case No.: L14-COS-RBS 2014027831

First License Obtained: 11/28/1984

License Expiration: 03/31/2015

Complaint history: None

Respondent who is the owner of the shop received two notices of violation on October 23, 2014 for working on an expired shop license. She told the inspector that she had been not working due to a knee injury but that she had mailed in her payment. Board records show that the shop license was renewed a month after the citation was issued.

Recommendation: Lower the civil penalties to \$100 against the shop per the new agreed citation schedule and dismiss the case against her personal license.

Decision: Approved

39. Case No.: L14-COS-RBS – 2014027861

First License Obtained: 03/01/1996

License Expiration: 08/31/2016

Complaint history: None

Respondent received a notice of violation on October 24, 2014 alleging that as manager she was operating the shop without a shop license. The shop applied for licensure on October 31, 2014.

Recommendation: Authorize for formal charges with authority to settle the matter before hand with a consent order assessing civil penalties of \$500 per the new agreed citation schedule.

Decision: Approved

40. Case No.: L14-COS-RBS – 2014028071

First License Obtained: 04/30/1990

License Expiration: 01/31/2016

Complaint history: None

41. Case No.: L14-COS-RBS – 2014028091

First License Obtained: 09/13/1976

License Expiration: 05/31/2016

Complaint history: None

Respondent is the same person in both complaints. Respondent was cited twice on October 29, 2014 for working on an expired shop license. Respondent contacted counsel explaining she had been through a divorce and lost track of her renewal date. She also said she has been a stylist since 1977 and this is the first complaint against her.

Recommendation: Per the new agreed citation schedule lower the penalties to \$100 against the shop license. Allow authority to settle the matter before hand with a consent order. Dismiss the complaint against her personal license.

Decision: Approved

42. Case No.: L14-COS-RBS - 2014028121

First License Obtained: 03/01/2002

License Expiration: 02/28/2016

Complaint history: None

43. Case No.: L14-COS-RBS 201402814

First License Obtained: 01/18/1996

License Expiration: 01/31/2016

Complaint history: None

Manager and owner were cited for operating shop on an expired shop license on October 29, 2014. Both the manager and the shop owner were working at the time of citation. The shop license was renewed in February of 2015.

Recommendation: Authorize for formal charges with authority to settle the matter before hand with a consent order assessing \$100 against both licenses.

Decision: Approved

44. Case No.: L14-COS-RBS - 2014029101

First License Obtained: 10/24/2013

License Expiration: 09/30/2015

Complaint history: None

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

First License Obtained: 12/02/1996

License Expiration: 11/30/2016

Complaint history: None

46. Case No.: L14-COS-RBS - 2014029121 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

47. Case No.: L14-COS-RBS 201402913 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

All three respondents received notice of violations on October 31, 2014. The first individual is the shop manager. The second two individuals were not licensed by this board. The first respondent is licensed in California and had applied for reciprocity with the board but it not yet been processed. The second said they have completed their hours in Atlanta but they were waiting to take the test in TN. The shop also had three licensed individuals working who did not have their licenses posted.

Recommendation: Authorize all cases for formal charges. Cite the individual who has applied for reciprocity \$250 for not having a valid license posted. Cite the second person who is completely unlicensed \$1000. Cite the shop and the manager \$1000 each for all the violations stated. Allow authority to settle each matter beforehand with a consent order. In addition, send an inspector to conduct a follow up investigation.

Decision: Approved with request for additional inspection

48. Case No.: L14-COS-RBS 2014029221 (Unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

49. Case No.: L14-COS-RBS 2014029211 (Unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent who is the same person for each complaint received two notices of violation on October 21, 2014. Complaint alleges that the respondent was braiding hair with no shop license and no personal license.

Recommendation: Authorize for a formal hearing with authority to settle the matter before hand with a consent order assessing a penalty of \$1000 for each complaint.

Decision: Approved

50. Case No.: L14-COS-RBS – 2014029301-

First License Obtained: 09/10/1991

License Expiration: 05/31/2016

Complaint history: 2013004111, Formal Charges Authorized

51. Case No.: L14-COS-RBS – 2014029281-

First License Obtained: 05/05/1969

License Expiration: 09/30/2016

Complaint history: None

The respondent, who is the same person, received two notices of violation on November, 6 2014. Complaint alleges that shop had one person working on an expired license, some minor sanitation issues, and the inspection sheet was behind a poster where it couldn't be seen.

Recommendation: Authorize for a formal hearing with authority to settle the matter before hand with a consent order assessing \$500 against the shop per the new agreed citation schedule. Include a warning for the sanitation violations. Dismiss the case against the owner's personal license.

Decision: Approved

52. Case No.: L14-COS-RBS – 2014029501

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

A consumer filed a complaint against this shop on November 3, 2014. Complainant alleges that she took her 8 year old son to get a haircut at the shop. The stylist was using a razor to trim the back of the boy's hair and cut his neck. The complainant didn't notice this until they were leaving. When she questioned why the stylist hadn't put a bandage on the cut or why they hadn't told her that they cut her son's neck the stylist replied that the boy hadn't said anything when he was cut.

Recommendation: Dismiss this case with a letter of warning citing unprofessional conduct. Include a recommendation on communicating with parents when children are the customers and that cuts should be treated even when the consumer doesn't complain about the cut.

Decision: Approved

53. Case No.: L14-COS-RBS –2015000381

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

54. Case No.: L14-COS-RBS –2015000431

First License Obtained: 07/18/2008
License Expiration: 07/31/2016
Complaint history: None

55. Case No.: L14-COS-RBS – 2015000401

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. The shop is a licensed cosmetology shop. Respondents have contacted counsel to explain it was a safety razor and that the stylist was only cleaning the edges of the customer's beard.

Recommendation: Authorize for formal charges and allow authority to settle the matter before hand with a consent order assessing \$500 on each license per the new agreed citation schedule.

Decision:

56. Case No.: L14-COS-RBS-2014029711

First License Obtained: 06/27/2014
License Expiration: 06/30/2016
Complaint history: 2014012501, closed by consent order and payment of \$1,000 civil penalty

**57. Case No.: L14-COS-RBS -2014029731 Unlicensed
(owner)**

First License Obtained:

License Expiration:

Complaint history:

58. Case No.: L14-COS-RBS- 2014029741 unlicensed

(owner's sister)

First License Obtained:

License Expiration:

Complaint history:

59. Case No.: L14-COS-RBS – 2014029721

(manager)

First License Obtained: 05/16/2011

License Expiration: 05/31/2015

Complaint history: 2014012511, pending payment plan for \$3,000 civil penalty

Respondents received four notices of violation on November 20, 2014. The complaint alleges that there were two unlicensed workers giving manicures to customers, the owner and the owner's sister. The complaint also alleges that the manager who was cited was not actually present at the shop that day.

Recommendation: Dismiss the complaint against the manager for not being present. Authorize for a formal hearing for the other complaints. Allow authority to settle each matter before hand with a consent order assessing civil penalties of \$1000 to each individual \$2000 to the shop respondents for the unlicensed activity.

Decision: Approved

60. Case No.: L14-COS-RBS – 2014029921

First License Obtained: 01/30/2003

License Expiration: 02/28/2017

Complaint history: None

61. Case No.: L14-COS-RBS – 2014029941

First License Obtained: 12/01/1999

License Expiration: 11/30/2015

Complaint history: None

Respondent's received a notice of violation on November 21, 2014. Complaint alleges that the individual was working on an expired license. Respondent contacted counsel explaining that she has been traveling back and forth between TN and CA where she also holds a license to care for her mother in CA, she says she got her dates mixed up and forgot to renew. She says she has been licensed in TN for 18 years and this is the first time she missed a renewal date. Her license expired close to a year prior. She renewed her license within a week after the citation.

Recommendation: Authorize for formal charges and per the new agreed citation schedule assess a civil penalty of \$100 to both licenses. Allow authority to settle the matter before hand with a consent order.

Decision: Approved

62. Case No.: L14-COS-RBS – 2014030131

(Manicure shop license)

First License Obtained: 10/17/2012

License Expiration: 08/31/2014

Complaint history: None

63. Case No.: L14-COS-RBS- 2014030161

First License Obtained: 08/23/2010

License Expiration: 08/31/2016

Complaint history: None

64. Case No.: L14-COS-RBS – 2014030151

(Cosmetology Shop license)

First License Obtained: 11/02/2012

License Expiration: 09/30/2016

Complaint history: None

65. Case No.: L14-COS-RBS 2014030141

First License Obtained: 08/23/2010

License Expiration: 08/31/2016

Complaint history: None

All four respondents are the same person and received a notice of violation on November 18, 2014 for operating a manicure and cosmetology shop on expired licenses. Owner, who is a licensed manicurist, was also cited for not having a cosmetologist manager present. Inspector alleges that there was a cosmetologist doing hair the day of inspection. Respondent contacted counsel to explain her extenuating circumstances. She has been through a divorce and some other legal proceedings as well as a myriad of other personal issues during 2014. She had a cosmetologist manager who had left without notice in the previous weeks before the inspection. The respondent said the person that the inspector said was doing hair was actually interviewing for a job at the respondent shop. She claims that while the respondent was talking with the inspector this woman was chatting with a customer about a possible hair coloring. She says the women ended up working somewhere else and never did any coloring that day. Additionally she had been using two shop licenses, manicuring and cosmetologist. She was informed by the last inspector that she only needed to update the cosmetologist shop license. She says she tried and that she had trouble with the online system and called the state for help. She thought that call her license was renewed and would be coming in the mail. Her cosmetology shop license was renewed within 24 hours of this citation.

Recommendation: Dismiss the complaints against the manicuring shop license and against the citation to her personal license as the manicuring

shop manager. Authorize for a formal hearing with authority to settle the matter before hand with a consent order assessing \$100 per the new agreed citation schedule against the cosmetology shop license and her personal license.

Decision: Approved

New Barber Cases

66. Case No.: L14-BAR-RBS-2014020381

<u>First License Obtained:</u>	07/29/2008
<u>License Expiration:</u>	07/28/2015
<u>Complaint history:</u>	2009020101, 2010031411, and 2013008341, all closed w/Letter of Warning;

A complaint was filed by a past student against this school on September 10, 2014. The complaint alleges that the school was overrun by a roach infestation and that a teacher was selling drugs. An investigator was sent to the school and asked to contact the involved parties regarding these allegations. The investigation revealed that the school looked clean, had no issue with pests and no other students had complaints about the sanitation. The owner signed a statement explaining that the building has a bar and grill on the floor below the school and that had caused an issue with pests but since hiring a new pest control company there have been no problems. The owner provided copies of the contract with the new pest control company. The teacher who had been accused was still employed. He signed a sworn affidavit that he has never at any time sold drugs. He has no criminal history whatsoever. The teacher also stated that this complaint came at a time when that student was angry with the teacher for enforcing school policies (mostly concerning cell phone use and smoking breaks). The security officer stated that he was hired only because the neighborhood had at times had crime issues but that there was no suspicious activity within the school.

Recommendation: Dismiss this case. The investigation revealed that the allegations made against the school are either untrue or unprovable.

Decision: Approved

67. Case No.: L14-BAR-RBS - 2014029231

First License Obtained: 03/02/2006
License Expiration: 10/31/2015
Complaint history: 2007072191, closed w/no action

68. Case No.: L14-BAR-RBS-2014029241 (unlicensed)

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

69. Case No.: L14-BAR-RBS-2014029271 (unlicensed)

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

70. Case No.: L14-BAR-RBS-2014029251 (unlicensed)

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

71. Case No.: L14-BAR-RBS – 2014029291 (unlicensed)

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

All respondents received notice of violations on November 05, 2014. Inspector alleges that he entered the barber shop and witnessed all respondents who are unlicensed performing barbering activities on customers. None of the individual respondents have personal licenses. Only the Barber shop is licensed by this board.

Recommendation: Authorize for formal charges with authority to settle the matter before hand with a consent order assessing penalties of \$1000 against each individual respondent and \$4000 against the shop.

Decision: Approved

72. Case No.: L14-BAR-RBS – 2014029171

First License Obtained: 03/25/2015

License Expiration: 11/30/2016

Complaint history: None

The respondent shop received a notice of violation on November 5, 2014. The owner of the shop recently took over ownership and was still displaying the license for the shop with the previous name of the shop and with a previous owner's name on the shop. The new owner stated that he took ownership on October 1st meaning he was only a few days outside the 30 day grace period for ownership change. The new owner had obtained a business license for their city but had not filed a change of ownership form with this board.

Recommendation: Cite the shop with not having a valid license displayed. Per the new agreed citation schedule issue a warning letter and instruct them how to properly change ownership.

Decision: Approved

73. Case No.: L14-BAR-RBS-2014029791

First License Obtained: 07/21/2004

License Expiration: 06/30/2016

Complaint history: None

74. Case No.: L14-BAR-RBS-2014029801 (owner)

First License Obtained: 01/18/2007

License Expiration: 05/31/2015

Complaint history: None

75. Case No.: L14-BAR-RBS-2014029821) (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

76. Case No.: L14-BAR-RBS-2014029811 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

All three respondents received a notice of violation on November 20, 2014. Inspector alleges that when he walked the two individual respondents were cutting hair for customers. The two individuals were not licensed by this board. Inspector also alleges various sanitation issues.

Recommendation: Dismiss the case against the owner. Authorize for formal charges. Allow authority to settle the matter before hand with a consent order assessing civil penalties of \$1000 against each individual respondent and \$2000 against the shop. Include a warning letter for the sanitation violations.

Decision: Approved

77. Case No.: L14-BAR-RBS- 2014029981

First License Obtained: 08/25/2000

License Expiration: 01/31/2017

Complaint history: None

78. Case No.: L14-BAR-RBS – 2014030011

First License Obtained: 04/15/1975

License Expiration: 11/30/2016

Complaint history: None

79. Case No.: L14-BAR-RBS – 2014030021

First License Obtained: 05/16/1986

License Expiration: 05/31/2016

Complaint history: None

Both respondents received notices of violation on November 21, 2014. Inspector alleges that at the time of inspection, the owner of the shop was practicing on an expired personal license. The manager was present at the shop and cited as well.

Recommendation: Authorize for formal charges. Allow authority to settle the matter before hand with a consent order assessing civil penalties of \$100 to each license per the new agreed citation schedule.

Decision: Approved

80. Case No.: L14-BAR-RBS – 2014022851

First License Obtained: 4/15/2013

License Expiration: 3/31/2015

Complaint history: none

A consumer complaint was filed against the respondent shop on September 4, 2014. Complainant owns a pawn shop in the same shopping mall as the respondent. Complainant alleges that the respondent has used the barber shop to illegally run a

pawn shop. An investigation of the allegations took place. Investigator obtained sworn statements from the shop owners and their employees. The Pawn shop owner and employees state that on multiple occasions the barber shop owner has attempted to purchase items from individuals headed towards the pawn shop. The barber shop and employees state that one time some customers of the Barber shop attempted to buy TV's from consumers that were leaving the Pawn shop.

Recommendation: Dismiss this complaint with a letter of instruction to the Barber Shop citing unprofessional conduct. Using the barber shop as front to illegally pawn items would be unprofessional. However at this time the allegations, if true don't suggest that the items were to be pawned, only those individuals from the barber shop attempted to buy items from persons in a parking lot which is not illegal.

Decision: Approved

The meeting adjourned at 8:40 AM.

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

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

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

Cosmetology Consent Orders - March- Totaling \$15,750.00

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

Agreed Citations – Paid in March \$19,650.00

MOTION made by Judy McAllister and seconded by Mona Sappenfield for approval Agreed Citations paid and close the complaints. Motion carried unanimously.

Agreed Citations – Letters of warning

The flowing 19 case numbers were sent letters of warnings as part of the agreed citation process:

201500008

201500210

201500212
201500580C
201500584B
201500587B
201500608A
201500608B
201500610
2015006733
2015006734
2015006735
2015006771
2015006772
201500753
201500787
201500788
201500799
201500800

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller 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 9:15 AM on Monday, April 6th to consider future plans for the committee and to make recommendations to the Board.

Attending were Board members Anita Allen, Kelly Barger, Frank Gambuzza, Yveta Granger, Patricia Richmond and Mona Sappenfield. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The members discussed the growing aesthetics industry and how to best meet all those needs, how to work with the health department for aestheticians that work under the purview of a Doctor and Ms. Barger stated she would like to have the committee to come up with best practices for schools to follow. Mr. Ron Gillihan offered to prepare a power point presentation at the May meeting to assist with this.

The meeting adjourned at 9:50 AM

NEW BUSINESS

Fees and Reciprocity tables provided:

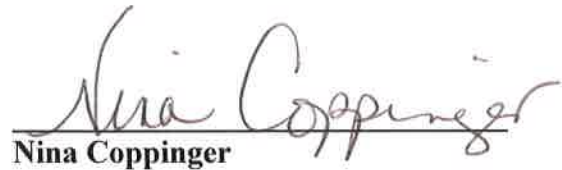
Discuss Again: Per the board's request at the February meeting, we have provided a chart with the items being considered for each reciprocity application that does not clearly meet the requirements. The board discussed additions to the list and other concerns.

Also as part of the February meeting, Deputy Commissioner Bill Giannini presented the financial report and from that the board members requested a full breakdown of all licensing fees. The board was emailed this information two weeks before the meeting and continued the discussion.

Motion to adjourn

MOTION to adjourn made by Yvette Granger and seconded by Mona Sappenfield. Motion carried unanimously.

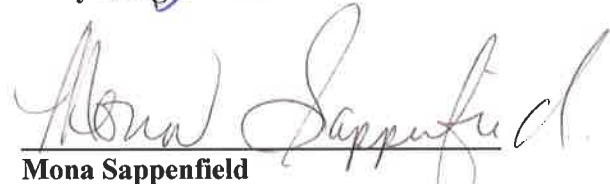

Dianne Teffeteller


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