



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting June 6, 2016 at 10:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

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

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

MINUTES-

Minutes for the May 9, 2016 board meetings were submitted for changes and/or approval.

Motion made by Yvette Granger and seconded by Judy McAllister to approve the May 9, 2016 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

The Salon Professional Academy, New Programs:

Mr. Chip Woods appeared before the board to present two new programs The Salon Professional Academy will add to their course outline. The school has been recently approved to offer MUD makeup and plans to offer the 300 hour program to cosmetologist and aestheticians interested in continuing their education. The second addition is 300 hours for a Makeup Artistry Program. Mr. Woods answered questions and explained how students would have the option to sign on for

these programs but they can always opt out and test for their licenses. The board explained that certification of hours will only be for the hours required of each license type.

APPLICATIONS FOR EXAMINATION-

Application for examination for Demarcus Gant, and Ashley Evers. The applicants have felonies within the last three years or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

Application to test as a cosmetologist with hours from Mexico for Diana Alvarez. Ms. Alvarez provided translated diplomas and a letter from an employer stating work experience between 2009 and 2013. Her application stated she completed 1,480 hours but there is no full transcript with a total number of hours.

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

Application to test as an aesthetician with hours and license information from Korea for Eun Kyung Kim. Ms. Kim provided a translated certificate of Graduation from 2001 with a major in Cosmetics. The breakdown of hours includes some cosmetology and aesthetics hours but there is no clear total of hours completed. The board office left a message but had not heard back and this letter was on hold pending the actual application was completed.

Motion made by Bobby Finger and seconded by Mona Sappenfield to approve request to take the Tennessee exams. Motion carried unanimously.

Applications to test in manicuring with hours from Vietnam for the following three (3) individuals: Loan To, Phuoc To and Trinh Tran. All three applicants provided translated diplomas and certificate of completion showing 714 hours received in between November 2015 and March 2016. The office has received documents from this school before. The board discussed the documents and requested the school hours be verified by a service that investigates the authenticity of transcripts and school credentials. Anytime the board has a concern about authenticity of documents, the board gave the executive director permission to request an investigation of the application documents. Both the executive director and the attorney for the

board attended an NIC meeting where at least one agency specialized in authentication of school documents. The office will start the process as of this month.

Motion made by Nina Coppinger and seconded by Frank Gambuzza to deny request and ask for investigation of credentials. Motion carried unanimously.

Applications to test as manicurist with hours from Georgia for three individuals: Nguyet Le, Dang Le and Phuoc Bui. All three applicants provided the exact documents and email address. The board office contacted the Georgia State Board for verification of hours. Email correspondence shows that they acknowledge the school attended is licensed but that those hours were not reported and that is an acceptable practice. Further questions were not responded to but the director had a conversation with the school. The State only needs hours from students getting licensed. The school will change their process and submit all hours given that they teach in Vietnamese and provide 600 hours this situation could come up in the future.

Motion made by Judy McAllister and seconded by Nina Coppinger to approve request for all three applicants to take the Tennessee exams. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers and Extensions:

Request for waiver from Jennifer West, owner of shop license for The Spa at Dollywood's. Ms. West was unable to appear before the board. She presented a letter asking for waiver of equipment not relevant to the service they would like to provide at the pool area of Dollywood. Pictures and full explanation of plans were discussed. The fully licensed shop would like to use the barn, located by the pool area, to offer pedicures. The equipment is portable and sanitation concerns were addressed. The board wants both locations to post the shop license.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve request. Motion carried unanimously.

Request from Karen Percy for board approval of the use of her uniquely designed utility belt. Ms. Percy appeared before the board to show the belt with enclosed pockets that she invented and produced for professionals in the industry to use to better service clients. She demonstrated the belt and answered all the board's questions.

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

Request from Katherine Flerl for consideration of her educational as a surgical technologist to serve toward the required hours for an aesthetician license. The board office does not have the breakdown of the hours required for a surgical technologist and would need to review those prior to final approval. Ms. Flerl appeared before the board to explain her situation. She submitted a letter explaining that she is a certified extreme lash stylist and was running a business applying eyelash extensions until she found out it was a regulated field and she was providing services while breaking the law.

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

Request from master barber Daniel Heaston for approval to take the instructor exam. Mr. Heaston made every effort to appear before the board but he was on assignment with his military responsibilities. He was granted reciprocity with his military occupational skill (MOS) in July 2015. The letter regarding his Tennessee Air National Guard status states he performed barber services for two years. That means that in June 2016 he would have three consecutive years of experience as a master barber. He is requesting permission to take the instructor exams because he has a new job opportunity. His letter explains his experience teaching others. Given the recent change in the law the board would need to consider his military and reciprocal experience to consider the request.

MOTION made by Frank Gambuzza and seconded by Nina Coppinger to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Shamira Shameze Salley passed her cosmetologist practical examination in October 2015. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Salley is six weeks passed the required timely. Her application was never sent to her. She provided a letter explaining all the attempts she made directly with PSI causing her to miss the required date.

MOTION made by Amy Tanksley and seconded by Bobby Finger to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Alleigh Brown passed her cosmetologist practical examination in September 2015. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Brown is two months passed the required timely. Her application was missing the verification eligibility.

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

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Chelsea Nicole O'Brien passed her cosmetologist practical examination in October 2015. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. O'Brien is about six weeks passed the required timely. Her application was missing the verification eligibility form and is just a couple of weeks passed what the executive director could approve.

MOTION made by Bobby Finger and seconded by Judy McAllister to approve request. Motion carried unanimously.

Request for waiver of rule 0200-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Mr. James Patterson passed his master barber practical examination in October 2015. Under the Barber statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Mr. Patterson is incarcerated and because of the unique situation, his paperwork was very delayed in getting to him and then back to the office. His application was missing the verification eligibility form.

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

The board, at the February 2016 board meeting, considered the release of hours for students who attended the Center for Cosmetology Education, located in Memphis which closed on January 31, 2016. The board's decision was for students to go directly to the school owner (s) and allow the business to resolve these situations on a case by case basis. The board also decided that if an owner was not able to or after more than one attempt, the student was still at a loss, a release of hours would be considered. Two students have been able to provide proof of attempts to reach Ms. Sparks with Plaza Beauty, which later became The Center for Cosmetology Education. Each of those students has provided an affidavit of hours and is requesting the board's consideration of releasing their hours so they may test to get licensed, in both Ms. Dobbs and Ms. Tate's case. Further, the Executive Director asked the board for approval of future requests similar to this where the students are still waiting. Each person's hours will need to be confirmed with the hour's reports before anything can be provided.

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

Request from Mr. Thi Le for release of his hours. Mr. Le attended Lyle's School of Cosmetology whose license is in revoked status. In that case the board released hours if the monthly reports matched what the student requested but only through July 2015. Mr. Le states that he completed the 600 hours however the final report with his information from July 2014 only shows 564 hours.

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

Request from instructor Bryan Fields for an extension of the required continuing education hours. Mr. Fields has been an instructor since 1998. He placed his instructor's license on inactive status almost immediately upon receiving it. The board records show correspondence with the previous executive director regarding the inactive status and it appears to have been resolved. In 2013 he attended a continuing education session and should have attended again in 2015 to stay in compliance with the two year renewal cycle. He submitted a letter explaining that he lived in Florida and missed the dates prior to May of 2016 so now he needs an extension. I explained that there is an online option and he is very interested in taking that session if the board approves him. 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 Mona Sappenfield to approve request. Motion carried unanimously.

Request from instructor Destiny Lawson for an extension of the required continuing education hours. She received her instructor license in June 2014 and this would be the first time she attends a session. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time. She submitted a letter explaining that she missed the previous sessions and will not be able to attend until July 2016.

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

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:00 AM on Monday, June 6th to review four (4) reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger and Ron Gillihan. 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 manicurist license from California for Duong Hieu. Certification shows initial licensure in March 2005 with 400 hours by examination. An email from Mr. Hieu's brother explains that he was not able to obtain reciprocity in Georgia but that he has work experience helping as a janitor in the shops. Tax records were provided but because Mr. Hieu had no license in Georgia and his work experience in 2014 and 2015 were in Tennessee the director could not approve the application.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Ron Gillihan and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Maryland for Kelly Goins. Certification shows initial license in February 2016 with 300 hours by examination. Ms. Goins provided a school document listing some of the more advanced classes taken as well as the certificate stating 600 hours were completed. She moved to Tennessee and attended Miller Motte Technical College between April and May to complete the remaining 150 hours missing to meet the 750 hours Tennessee requires.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Nina Coppinger to approve reciprocity license. Motion carried unanimously.

Application for reciprocity with hours from Australia in cosmetology for Steven Handyside. Mr. Handyside appeared before the board to explain the 7,296 apprenticeship hours and how licensure works in Australia. He submitted records of employments reflecting apprenticeship on the job training as well as certificates and a resume. Mr. Handyside also provided some taxation documents.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Ron Gillihan and seconded by Nina Coppinger to approve recommendation license. Motion carried unanimously.

Application for reciprocity of manicurist license from Virginia for Xuan Thi Nguyen. Certification shows initial licensure in June 2004 with 150 hours by examination. Ms. Nguyen provided tax records for 2011 – 2015 however in 2015 she was living and associated with income from the industry in Tennessee.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Ron Gillihan and seconded by Nina Coppinger to approve recommendation.
Motion carried unanimously.

The committee meeting adjourned at 9:20 AM.

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

MOTION made by Brenda Graham and seconded by Bobby Finger 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 8:30 AM on Monday, June 6th to review the allegations of 49 complaints and make recommendations to the Board.

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

NEW CASES

COSMETOLOGY CASES

1. **Case No: COS-2016013631**
First License Obtained: 10/25/2006
License Expiration: 10/31/2016
Complaint history: None

2. **Case No.: COS-2016013651**
First License Obtained: 12/08/1999
License Expiration: 12/31/2017
Complaint history: None

Respondent was cited on her personal and shop license following an inspection. At the time of the inspection the business was open and had customers. The respondent was actively working on a customer. Respondent did not have a license at her station; the license was verified and had expired December 31, 2015.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$100.

Board Decision: Accepted

3. **Case No.: COS-2016009701**
First License Obtained: 01/29/1998

License Expiration: 01/31/2018
Complaint history: None

4. **Case No.: COS-2016009741**
First License Obtained: 08/02/1993
License Expiration: 02/28/2017
Complaint history: None

Respondent was cited on their personal and shop license pursuant to an inspection. On the day of the inspection respondent had customers and was working on a customer at the time of inspection. Respondent was issued an Agreed Citation with a payable amount of 100.00. Respondent paid the 100.00 but did not sign the Agreed Citation. I spoke to respondent on May 24th, 2016 and she requested a copy of the Agreed Citation in order to sign and return. A copy was sent May 24th, 2016.

Recommendation: Close if the Agreed citation is received by the end of June. If the agreed citation is not received, close on acceptance of the payment and flag the respondent's licensing file for this history.

Board Decision: Accepted

5. **Case No.: COS-2016009741**
First License Obtained: 11/10/1998
License Expiration: 08/31/2016
Complaint history: None

A citizen complaint was filed stating that the respondent failed to renew her personal and shop license. The complaint also stated that respondent closed her shop and continued to practice from home. Respondent is now preparing to reopen her shop. The complaint was dated on Mar 11, 2016. Respondent renewed both her personal and shop license on 3/18/2016. The department never found any evidence that she was working while her licenses were expired.

Recommendation: Close

Board Decision: Accepted

6. **Case No.: COS-2016017191**
First License Obtained: 01/20/1994
License Expiration: 07/31/2017
Complaint history: None

7. **Case No. COS-2016017171**
First License Obtained: 06/12/2014
License Expiration: 05/31/2016
Complaint history: None

Respondent was cited on their personal and shop license during an inspection. On the day of the inspection respondent who is also the shop owner was performing services on a customer while the respondent's license was expired.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent letter assessing \$100.

Board Decision: Accepted

8. Case No.: COS-2016017421
First License Obtained: 12/23/2009
License Expiration: 12/31/2017
Complaint history None

Consumer complaint was filed against the respondent for using unsanitary manicure equipment (Nail File). Customer stated that during the manicure the manicurist was using the equipment in a "Rough" manner and used several different files that she stated did not look clean. The customer developed an infection in the cuticle of her index finger that required medical attention the next day. While it is possible and even likely that the infection came from the salon, there is no evidence to show that the infection came from the salon and nowhere else that the respondent visited that day.

Recommendation: Close. Send an inspector to observe sanitation practices.

Board Decision: Accepted

9. Case No: COS-2016018981
First License Obtained: 11/21/2013
License Expiration: 11/30/2017
Complaint history None

10. Case No: COS-2016019011
First License Obtained: 02/05/2004
License Expiration: 02/28/2018
Complaint history None

Respondent was cited on personal and shop license during an inspection. At the time of the inspection respondent who is also the shop owner was in the shop while open for business but the no customers in the shop. Respondent's license expired on Feb. 28, 2016, the shop license expired Nov. 30, 2015, and the previous inspection sheet was not displayed. The inspection occurred on Mar. 30, 2016.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent letter assessing \$200 on both.

Decision: Accepted

11. Case No: COS-20160171911
First License Obtained: N/A
License Expiration: N/A
Complaint history None

Consumer complaint was filed against respondent for operating an in home business for hair braiding without a license. Customer stated that she was charged \$80 for an appointment she set up for her daughter through Facebook. I went to the Facebook page of the respondent and she is currently advertising for hair braiding and accepting appointments from her home. A cease and desist order was sent on March 23, 2016 with no return response.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent letter assessing \$1000.

Decision: Accepted

12. Case No. COS-2016012391

First License Obtained: 10/24/2013

License Expiration: 10/31/2017

Complaint history None

Complaint was administratively opened against the respondent. The state of Texas disciplined several schools for fraudulently awarding hours to individuals who were not attending class. The respondent has been given licenses in TN through reciprocity from Texas after the school in Texas certified hours and respondent received a license in Texas. The school that respondent attended signed a final order which specifically states the respondent by name as having been awarded hours for attending classes without being a resident of the state of Texas at any time during the reported time. Respondent did respond to the complaint by showing an address in Texas that a social security application with her name was sent in 2011. After a search of the address and completion of a clear report there was nothing to indicate that she ever lived in Texas.

Recommendation: Authorize for formal charges allow authority to settle by consent order assessing revocation.

Decision: Accepted

13. Case No. COS-2016015741

First License Obtained: N/A

License Expiration: N/A

Complaint history 20150227781, pending Consent Order

Citizen complaint was filed against respondent on March 14, 2016 stating that respondent is unlicensed and advertising on Facebook for cosmetology work and listing prices. The complaint indicated advertisements for Nov. 29, 2015, Dec. 23, 2015, and Feb. 17, 2016. A previous complaint (COS-20150227781) was filed in 2015 for the same activity. This case is still pending and a consent letter assessing \$1000 was sent. Respondent sent a response on April 26, 2016 stating that respondent has removed all ads related to cosmetology from all social media. I researched respondent's Facebook page that was the source of this complaint and there were no advertisements for any cosmetology related services.

Recommendation: Close this complaint and continue with action on complaint No. COS-20150227781

Decision: Accepted

14. Case No. COS-2016021171

First License Obtained: 12/20/2012

License Expiration: 12/31/2016

Complaint history None

Respondent was cited during an inspection. At the time of the inspection respondent was the acting manager and was cited for an employee practicing without a license, not

having an identification tag, exposed surface not clean, and equipment not in working order. Respondent was issued a \$1000 Agreed Citation. Respondent replied and requested that the citation be placed on a payment plan of \$250 over 4 monthly installments.

Recommendation: Allow authority to set up payment plan.

Decision: Accepted

15. Case No. COS-2016015191

First License Obtained: N/A

License Expiration: N/A

Complaint history None

An anonymous consumer complaint was filed accusing the respondent of operating a hair braiding business out of her home. No evidence was found to support this claim.

Recommendation: Close and have an inspector stop by the persons address.

Decision: Accepted

16. Case No. COS-2016022861

First License Obtained: 12/04/2009

License Expiration: 11/30/2017

Complaint history 2015006711, closed by Consent Order and payment of \$500 civil penalty

17. Case No. COS-2016022881

First License Obtained: 07/02/2012

License Expiration: 07/31/2016

Complaint history None

Respondent was cited on their personal and shop license pursuant to an inspection. At the time of inspection the shop was allowing an unlicensed person to practice manicuring. This is the second time this shop was cited for unlicensed activity and for the same person.

Recommendation: authorize for formal charges. Allow authority to settle by consent order assessing \$2000. Include a warning in the Consent order cover letter that the third time a shop is cited for unlicensed activity, the Board usually assesses revocation.

Board Decision: Accepted

18. Case No. COS-201602451

First License Obtained: N/A

License Expiration: N/A

Complaint history None

A complaint was opened against the respondent for posting on the internet that she was offering makeup, nails, and lash care in her home. The respondent is not licensed. After receiving a cease and desist letter the respondent wrote counsel to say that she never got any business from the post and that she removed it from the website. She

also said she did not realize she needed a license to offer these services and will refrain from offering them until a time when she decides to go to school and get a license. I was not able to locate any further advertisements online from the respondent.

Recommendation: Close with a letter of warning.

Board Decision: Accepted

19. Case No. COS-2016024741

<u>First License Obtained:</u>	11/08/1996
<u>License Expiration:</u>	08/31/2016
<u>Complaint history</u>	2005027231, closed by Consent Order and payment of \$500 civil penalty; 2005021951, closed by Consent Order and payment of \$800 civil penalty; 2012021271, closed by Consent Order and payment of \$1,250 civil penalty; 20150216111, closed by Consent Order and payment of \$500 civil penalty;

A consumer complaint was filed alleging that the manicuring shop had used a razor on her feet and this caused her to need medical attention. The complainant said the shop contacted her and offered to pay her medical bills. The shop also wrote counsel saying they only use foot files.

Recommendation: Close. Using the type of razor described is not a violation of the law.

Board Decision: Accepted

20. Case No. COS-2016024821

<u>First License Obtained:</u>	12/08/2009
<u>License Expiration:</u>	11/30/2015
<u>Complaint history:</u>	2010025011, closed by Consent Order and payment of \$1,000 civil penalty; 2011008831, closed by Consent Order and payment of \$2,000 civil penalty; 2014011901, closed by Amended Consent Order and payment of \$1,500 civil penalty; 2015012301, Formal Charges Authorized

A consumer complaint was filed by a competitor and a consumer who visited the shop. When she asked for licenses the manager told her no. An inspector went to this shop. Upon entering the inspector saw there were four males in the shop, and one was working on a customer. Once the inspector announced himself the other three immediately left the shop. The person who was working on the customer had a license. The shop license was expired and there were various sanitary issues noted by the inspector

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000.

Board Decision: Authorize for formal hearing. Allow authority to settle by consent order assessing \$500. Flag this shop for repeated inspections.

21. Case No. COS-2016025131

First License Obtained: 01/06/2016
License Expiration: 01/31/2018
Complaint history None

A consumer complaint was filed against the respondent. The respondent apparently attends cosmetology school with the daughter of the complainant. The respondent's parents own a cosmetology shop and the complaint alleges that the daughter applies eyelashes in the shop. The complaint had no evidence to support this. The shop wrote in saying the managers daughter is named and sometimes answers phones and helps clean on weekends. They also have a licensed person in their shop who goes by the same name as the respondent who they think the complainant is referring to since she does apply eyelashes.

Recommendation: Close.
Board Decision: Accepted

22. Case No. COS-2016025261

First License Obtained: 10/23/2013
License Expiration: 09/30/2017
Complaint history 2014000671, closed by Consent Order and payment of \$1,000 civil penalty; 2015006664, closed by Consent Order and payment of \$1,000 civil penalty

23. Case No. COS-2016025291

First License Obtained: 07/22/2013
License Expiration: 07/31/2017
Complaint history 2015006663, closed by Consent Order and payment of \$1,000 civil penalty

Respondent was cited on her shop and personal license pursuant to an inspection. At the time of inspection the door was locked but through a window the inspector saw two women braiding a customer's hair. The owner came to unlock the door as another woman left. The woman leaving was the owners sister who does not have a license.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing a \$1000 penalty.
Board Decision: Accepted

24. Case No. COS-2016025951

First License Obtained: 09/11/2012
License Expiration: 08/31/2016
Complaint history 201402918, closed with a letter of warning; 20150225981, closed by an

Agreed Citation and payment of \$250 civil penalty;

A consumer complaint was filed by a competitor claiming that the respondent was applying lashes without a license. The respondent is however licensed by this shop.

Recommendation: Close

Board Decision: Accepted

25. Case No. COS-2016026691

26. Case No. COS-2016027771

First License Obtained: N/A

License Expiration: N/A

Complaint history None

Two consumer complaints were filed, though it appears by the same person, against the respondent. The allegations were that she runs a lash business out of her home without a license. The respondent wrote in that she is in school and almost finished with her program. Several yelp reviews of her website indicate that she has been applying lashes and doing nails for about a year. She is not yet licensed.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$500.

Board Decision: Accepted

27. Case No. COS-2016026831

First License Obtained: 10/31/2014

License Expiration: 10/31/2016

Complaint history 2015019091, Formal Charges Authorized

28. Case No. COS-2016026891

First License Obtained: 10/08/2003

License Expiration: 10/31/2017

Complaint history 2015008621, Formal Hearing Set

Respondent was cited on her shop a personal license pursuant to an inspection. At the time of inspection the shop was allowing an unlicensed person to braid hair for a customer.

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

Board Decision: Accepted

29. Case No. COS-2016029021

First License Obtained: 09/26/2013

License Expiration: 09/30/2017

Complaint history 2015000481, closed by Consent Order and payment of \$2000 civil penalty

Shop was cited pursuant to an inspection. At the time of inspection there was no owner or manager present. The two employees present were unlicensed. One was able to show a copy of a reciprocity application but not a money order.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$1500.

Board Decision: Authorize for formal charges. Allow authority to settle by consent order assessing \$2000.

30. Case No. COS-2016026891

First License Obtained: N/A
License Expiration: N/A
Complaint history 20150227081 & 2015022630, Letter of Warning authorized

This shop was inspected several weeks back and the shop was operating without a license and without any licensed employees. The owner wrote in stating they were new to the state and did not realize they needed a license but that they were now enrolled in school. The Board agreed to close with a LOW and a follow-up inspection. This shop was inspected again. The shop is still open for business and four persons were practicing without a license.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$4000.

Decision: Accepted

Barber Cases

31. Case No.: BAR-2016013501

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

Respondent was cited after an inspector went to and unlicensed barber shop. The respondent was practicing barbering at the time of inspection. Neither the respondent nor the shop was licensed. Respondent was issued \$1000 Agreed Citation and has not responded.

Recommendation: Authorize for civil penalty. Allow authority to settle by consent order assessing \$1000.

Board Decision: Accepted

32. Case No. BAR-2016013261

First License Obtained: 04/11/1994
License Expiration: 06/30/2017
Complaint history: 2014007331, closed by Letter of Warning for operating on an expired license

Respondent business was cited while open for business and one employee practicing on a customer at the time of the inspection. There was not a manager present while the employee was working with a customer. The shop was also cited for sanitary violations and issued a 500.00 Agreed Citation that they failed to respond to.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$500.

Decision: Accepted

33. Case No. BAR-2016014681

34. Case No. BAR-2016017461

First License Obtained: 10/04/1989
License Expiration: 04/30/2017
Complaint history: 2001042391, closed by Consent Order and payment of \$1,000 civil penalty

Two complaints were filed by past students against this school owner. The complaints alleged severe misconduct. Examples; that he held hours back without cause, that he would reduce hours earned by students right before graduation to hold them back, that he regularly allowed friends to supervise the class, despite them not having licenses. Investigation found five students who supplied affidavits that support allegations of the instructor working on the floor with customers, the instructor allowing students to work on the public while no instructors were present, and that the respondent would reduce the number of hours a student had already earned for infractions.

Recommendation: Authorize for formal charges, allow authority to settle by consent order assessing \$3000. Flag this school for repeated inspections in the next year given the seriousness of the allegations.

Decision: Accepted

35. Case No. BAR-2016023151

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

A complaint was filed against the respondent after a Facebook page advertising a mobile barber salon was found. The page offers haircuts and offers to come to you. We have no license for any shop connected to this page. In response the owner told us that they are not in business at this time.

Recommendation: Authorize formal charges. Allow authority to settle by consent order assessing \$500.

Decision: Accepted

36. Case No. BAR-2016024761

First License Obtained: 03/29/2011
License Expiration: 03/28/2017
Complaint history: 2012016351, close and flag;
2014002001, dismissed; 2014016451,
Formal Charges Authorized

A complaint was opened against this school following an inspection. At the time of inspection the school's shop was open and four students were giving customers haircuts. The owner who is not licensed told the inspector that the licensed instructor was at a Dr. Appointment.

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

Decision: Accepted

37. Case No. BAR-2016026641

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

A complaint was open pursuant to an inspection of this shop. When the inspector arrived and announced himself there was one customer getting a haircut but other several people in the shop immediately exited. The employee who stayed told them that the owner/manager wasn't in yet but would be. The shop is not licensed by this Board.

Recommendation: Authorize formal charges. Allow authority to settle by consent order assessing \$1000.

Decision: Accepted

Represented Cases

38. Case No.: L15-BAR-RBS- 2016014681

First License Obtained: 12/03/2009
License Expiration: 12/31/2017
Complaint history: 2014012661, Formal Hearing Heard on September 24, 2015 and still awaiting the Administrative Law Judge's decision.

The shop and the manager were cited following an inspection. At the time of inspection the manager was not actually present and is not an owner of the shop.

Recommendation: Close

Decision: Accepted

39. Case No.: L15-COS-RBS- 20150212421

First License Obtained: 04/07/2014
License Expiration: 02/28/2016
Complaint history: None

This shop received a notice of violation pursuant to an inspection. At the time of inspection the shop was open for business and did not have their license or inspection sheet posted. The shop is now closed and not operating as was confirmed by our inspector.

Recommendation: Close and flag.

Decision: Accepted

40. Case No.: L15-COS-RBS-20150207971

First License Obtained: 05/19/2014
License Expiration: 05/31/2016
Complaint history: None

41. Case No.: L15-COS-RBS- 20150218001

First License Obtained: 09/23/1998
License Expiration: 09/30/2016
Complaint history: None

The respondent shop received a notice of violation pursuant to inspection. At the time of inspection the inspector observed a person giving a customer a pedicure. The respondent paid the agreed citation for the unlicensed person, believing it to be addressed to the shop. The unlicensed person has not responded to this complaint.

Recommendation: Close
Board Decision: Accepted

42. Case No.: L15-COS-RBS- 2015019601

First License Obtained: 04/02/2004
License Expiration: 04/30/2016
Complaint history: None

Respondent shop received a notice of violation following an inspection. At the time of inspection there was an unlicensed individual working in the shop who also received a notice of violation. The owner of the shop has taken responsibility and paid a \$1,000 civil penalty in full. Respondent is the manager under the owner.

Recommendation: Close this case.
Decision: Accepted

43. Case No.: L16-RBS-COS- 2016022661

First License Obtained: 01/28/2000
License Expiration: 01/31/2018
Complaint history: None

44. Case No.: L16-RBS-COS- 2016022701

First License Obtained: 01/06/2010
License Expiration: 01/31/2018
Complaint history: None

Respondents were cited as the manager and owner pursuant to an inspection. At the time of inspection the inspector observed that several employees who were giving pedicures were using the same tools on multiple customers without any sanitizing in between each customer. When the inspector announced himself two employees stood from their stations where they were working and immediately left through the back of the shop. This case was originally presented as one person but the manager is not the shop owner

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$1000 to each respondent.
Board Decision: Accepted

45. Case No.: L15-COS-RBS- 20150222451

First License Obtained: 09/28/1988
License Expiration: 07/31/2017
Complaint history: None

46. Case No.: L15-COS-RBS- 20150222452

First License Obtained: 09/13/1976
License Expiration: 01/31/2017
Complaint history: None

Respondent was cited on their personal and shop license following an inspection. At the time of inspection the respondent's shop license was expired. The respondent has been a licensee for almost 40 years and has no complaint history. At the time of inspection she had just begun chemotherapy treatments and is still on the chemo therapy. She thought her manager had handled the renewal but never followed through. She has renewed her licenses since the notice of violation was issued.

Recommendation: Close with a letter of warning.

Board Decision: Accepted

47. Case No.: L14-COS-RBS-2014008631

First License Obtained: 04/06/1995
License Expiration: 04/30/2015
Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicurist was performing a shampooing service on a client without possessing a valid shampooing license issued by the Board. The salon owner paid the consent order on this complaint. The manicurist respondent here has no prior history.

Recommendation: Close with a letter of warning

Decision: Accepted

Board Decision: Accepted

48. Case No.: L15-BAR-RBS- 2016017941

First License Obtained: 01/06/2004
License Expiration: 12/31/2017
Complaint history: 2005026961, closed by Consent Order and payment of \$300 civil penalty;
2005044531, closed by Consent Order and payment of \$1000 civil penalty;
2010011431, closed by Consent Order and payment of \$2000 civil penalty, flag file – shop license under probation for one (1) year.

Respondent shop was cited following an inspection. At the time of inspection there was an unlicensed person present in the shop working with customers and the shop owner's license was expired. This shop has been cited two other times for unlicensed activity. The board assessed revocation given the two other citations for unlicensed activity. The respondent has written in a response asking the Board to reconsider. The respondent has not been cited in 6 years. The majority of his citations were not for unlicensed activity. The respondent hired a good friend from his home country who was a licensed professional barber in that country. That friend is not able to work in the US given his

citizenship status. In an effort to help his friend make a living he hired him, trusting his qualifications and assuming if he was caught he would pay the fine, but that the fine was worth allowing his friend to make a living. He asked the Board to forgive his misunderstanding of the seriousness of the regulation and promises that going forward he will not hire unlicensed persons.

Recommendation: Authorize for formal charges. Allow authority to settle by a consent order assessing a \$2000 civil penalty. In the consent order cover letter include a warning that further citations for unlicensed activity will cause the Board to seek revocation.

Decision: Accepted

49. Case No.: L15-BAR-RBS 2013017271

First License Obtained: 03/07/2008

License Expiration: 02/28/2010

The Notice of Violation alleges that pursuant to a lawful inspection, the area inspector observed that the Respondent shop had no license posted, that the shop's license was expired, and that the only practicing barber in the shop did not have his license (which was current and valid) posted at the time of inspection. This case is from 2013, they have no prior history and have not been cited since.

Recommendation: Close.

Decision: Accepted

The meeting adjourned at 9:00 AM.

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

MOTION made by Nina Coppinger and seconded by Judy McAllister for approval by the full board of the Legal Report as amended. Motion carried unanimously.

Cosmetology Consent Orders – May- Totaling \$9,750

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

Agreed Citations – May - Totaling \$6,600

MOTION made by Amy Tanksley and seconded by Frank Gambuzza for approval of all agreed citations. Motion carried unanimously.

Letters of warning

201602894

201602896

During the month of May, there were two letters of warning issued.

MOTION made by Nina Coppinger and seconded by Bobby Finger for approval of all letters of warning. Motion carried unanimously.

NEW BUSINESS

The Rule making committee met at 9:30 to discuss the proposed rules to go along with Public Chapter 983 for mobile shop licenses.

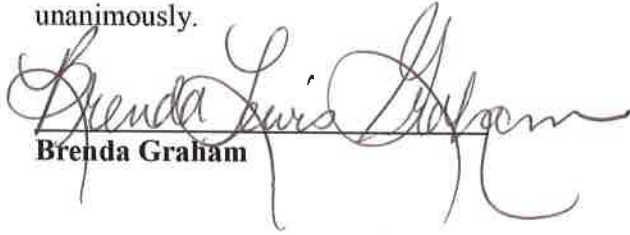
A proposed plan and three key points: relationship between standalone shop and mobile shop, inspections and equipment waived based on services provided, was presented to the committee for discussion and recommendations present to the full board.

The board discussed additional thoughts and/or concerns with: inspections, possibility of requiring a Global Positioning System (GPS), disposal of waste, mobile unit being parked, posting of license and inspection sheets, visible notice to public, services offered only inside the mobile unit, equipment required and other items. The board asked Laura Martin, attorney for the board to put the full proposed rules together. They will be emailed to each board member so during the month of July they could review and do additional research. The rules are to be discussed and finalized at the August 8, 2016 board meeting.

Additional Questions:

Motion to adjourn

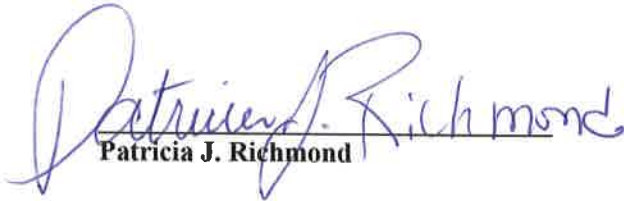
MOTION to adjourn made by Nina Coppinger and seconded by Judy McAllister. Motion carried unanimously.


Brenda Graham


Nina Coppinger

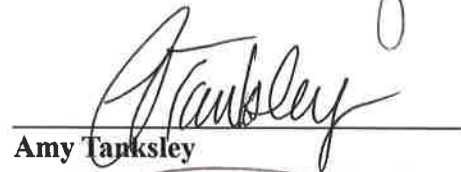
Judy McAllister


Kelly Barger


Patricia J. Richmond


Mona Sappenfield


Frank Gambuzza


Amy Tanksley

Anita Charlton


Yvette Granger


Ron R. Gillihan


Bobby N. Finger