



**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 March 7, 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: Kelly Barger, Anita Charlton, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Yvette Granger, Patricia Richmond, Mona Sappenfield and Amy Tanksley. Not in attendance Judy McAllister 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 February 8, 2016 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Bobby Finger to approve the February 8, 2016 minutes. Motion carried unanimously.

### **2016 Legislative Updates:**

The 2016 legislative session has introduced five bills that affect the State Board of Cosmetology and Barber Examiners. They are listed in no specific order and with the most current information as of Wednesday, March 2, 2016:

#### **SB2324-HB2315 Required Continued Education –**

- Has seen no movement:

This bill creates a new requirement upon cosmetologists, manicurists, natural hair stylists and aestheticians who obtain an initial license after July 1, 2016 to complete at least 16 continuing

education hours. Failure to provide proof to the board within 60 days of the anniversary date of licensure creates an automatic “invalid” licensure status. The board for good cause may grant up to a one year extension to obtain the continuing education credits. The board is also granted authority to establish a scholarship fund. The board is given rulemaking authority to carry out these provisions. For rulemaking purposes this bill is effective upon becoming law and for all other purposes, this bill takes effect on July 1, 2016.

#### SB2374-HB2373 Clean up Bill –

- Has seen no movement:

This bill makes several changes regarding cosmetology and barber licensing. It creates greater flexibility regarding hours taught per day and maximum weekly hours for cosmetology and barber schools. The bill decreases licensure requirements for schools by only requiring that the school submit a copy of the contract that it will use, not provide contracts for 20 students. The bill also provides various revisions to provide clarity regarding activities defined as cosmetology, along with the licensure of natural hair styling, and natural hair styling shops. This bill creates a 3 year experience requirement for a master barber instructor license along with 300 hours of instruction as opposed to current 450 hours, applying only to applications submitted after July 1, 2016. Lastly, the bill allows the board to delegate the administering of the master barber theory and practical exam instead of being before the board, which reflects current practice. This bill takes effect July 1, 2016.

#### SB2594-HB2496 Denial of Licensure for Felony Conviction–

- Passed House business & Utilities Sub-committee on Tuesday, March 1. Will be heard by the Senate Committee the week of March 7<sup>th</sup>. No amendments to this bill.

This bill replaces language in numerous professions allowing denial of a license for a felony, generally, and – instead – requires that the denial be for a felony determined by the agency to reflect on the applicant’s fitness for that profession. Specific TDCI licenses affected are barbers, surveyors, soil scientists, and an exhibitor’s license for fireworks. The amendment to the barber statute also removes the limitation that the felony must have been within the preceding three (3) years. This bill takes effect upon becoming law. This bill references the Cosmetology Act of the Tennessee Code Annotated, (62-4) but not the barber act (62-3).

#### SB2490-HB2499 Extension of Time for Change of Address–

- The Department has not seen any amendatory language; this one is a caption bill.

This bill increases the time in which a licensee is required to provide the program with a change of address from 30 to 60 days with the Board of Cosmetology and Barber Examiners. This bill takes effect upon becoming law. This bill references the Cosmetology Act of the Tennessee Code Annotated, (62-4) but not the barber act (62-3).

#### SB1536-HB1582 Extension of Boards Sunset –

- Has passed the House and Senate. It has been sent to the Governor for his signature.

This Bill extends the sunset of the Board of Cosmetology and Barber Examiners until June 30, 2018 and requires that the Board undergo a question and answer review by the Comptroller in 2017.

## **APPEAR BEFORE THE BOARD-**

### **New online curriculum, Sweetings Cosmetology and Braiding Institute:**

Mrs. Danette Sweeting appeared before the board to present a new online curriculum for their schools natural hair styling program. Also appearing before the board were representatives of the program they plan on using. The school submitted the course plan, sample exams, and list of instructional Dvd's. They did a live demonstration of the system the student would be working on and explained how it would all work. The board asked questions and recommended that the student agreement show a timeline for program. This will address if students has to be dropped from the online site, what they are able to do to continue.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve new online curriculum. Motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION-**

Application for examination for Amber Brown, Ashley Gaumer and Jasmin Loverson. 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 Nina Coppinger and seconded by Patricia Richmond to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application for manicurist license from Kieu Thi Nguyen. Ms. Nguyen surrendered her license in March 2014 because it had been obtained fraudulently. Since then she has records from a school in Georgia where she completed the 600 hour program between November 2014 and May 2015. She passed her practical exam in December 2015 in Tennessee and is now requesting consideration for a manicurist license. Ms. Nguyen had an interpreter assist her with the language barrier so she could respond to the board's questions.

Motion made by Mona Sappenfield and seconded by Bobby Finger to approve request for licensure. Motion carried unanimously.

Application for examination as a master barber from Jermel Minor. Mr. Minor appeared before the board to explain his case and answer questions. He has been working to complete his hours since 2002 in Michigan where he obtained 1,085 hours. In 2007 he completed 376 hours at Pyramid Beauty School but the board office has no record of these. He also did over 200 hours at Last Minute Cuts Barber School in 2004 through 2005. He reached the board office to explain

the back and forth he has been going through. He claims he has release documents from Pyramid but that he owed Last Minute Cuts money. The office advised him to reach Last Minute Cuts and pay for the hours so that school could complete the process and submit him to test. The letter provided by Mr. Minor explains his situation. He states that he has over the 1,500 hours required and is ready to take the exams.

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

Application for examination as a master barber from Tommie Tucker. Mr. Tucker completed an affidavit stating he attended Pyramid Beauty School between 2011 and 2013 and has completed 1,500 hours. This was previously presented to the board at the December meeting but there was a discrepancy of 1,465 hours. The board required additional information. Mr. Tucker is a veteran who states he now owes money back but that he finished his hours. He has submitted a log of hours he kept, and he provided a letter that tells his experience at the school. He has no additional documents. The board asked for the hours to be audited to determine the exact hours accounted for by Mr. Tucker. They also required Mr. Tucker appear before the board at the April 4, 2016 board meeting or be available by conference call to discuss situation.

Motion made by Mona Sappenfield and seconded by Bobby Finger to approve request to take the Tennessee exams. Both board members requested to withdraw their motions. Motion carried unanimously.

Motion made by Patricia Richmond and seconded by Nina Coppinger to request for Mr. Tucker appear or be available via conference call for the April board meeting. Motion carried unanimously.

Application for examination as a natural hair stylist from Deadrick Sims. Mr. Sims completed an affidavit stating he attended Pyramid Beauty School between March 2010 and July 2010 and completed the required 300 hours. This was previously presented to the board but there was a discrepancy because none of the reports included Mr. Sims hours. The board required additional information. Mr. Sims provided an email account of his situation; he also included grade sheets form the school, account details of funds paid and weekly chart with hours attended. Several of these are actual school documents.

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

Request for permission to take PSI theory examination verbally and possibly other consideration for Ms. Gita Ashkazari. Both she and her mother appeared before the board to answer their

questions and explain why they require special consideration on both exams. The board's decision will be relayed to PSI so there is no need for follow up assessment. The document presented includes a psychological evaluation, educational plans from more than one school, and IQ test scores among other items. Mrs. Ashkazari answered questions and explained her request.

Motion made by Nina Coppinger and seconded by Mona Sappenfield to approve request for PSI special consideration. Motion carried unanimously.

Application to test as a manicurist from Hue Phuong Nguyen from Vietnam. Ms. Nguyen provided translated certificate of completion showing a total of 714 hours completed in May 2015. Documents with this exact number of hours and this school were presented for another applicant at the February board meeting.

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

Application to test as a cosmetologist from Ana Sevilla from Mexico. Ms. Sevilla provided translated documents showing breakdown of hours and completion of 1,600 in September 2013.

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

## **MISCELLANEOUS REQUESTS –**

### **Request for Waivers and Extensions:**

Request for waiver of rule 0200-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Mr. Keunte Douglas passed his master barber practical examination in June 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. Douglas took the exam while incarcerated. A letter from the instructor at the facility says that the deadline was missed because they did not have the verification eligibility form to complete the process.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza 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. Jaymes Harrison passed his master barber practical examination in June 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.

Harrison took the exam while incarcerated. A letter from the instructor at the facility says that the deadline was missed because they did not have the verification eligibility form to complete the process.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield 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. Ava Hawkins passed her cosmetologist practical examination in May 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. Hawkins is four months passed the required timely. Her application was missing the verification eligibility form. Her letter states that she did not receive the letter from the board because it was mailed to her mother's home and they are not speaking to one another.

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

Request from instructor Carly Cunningham for an extension of the required continuing education hours. She received her instructor license in April 2014 and this would be the first time she attends a session. She is registered to attend the Memphis session on April 30 and May 1 so she would only be one day late. 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 got married in December and forgot about this requirement.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve request. Motion carried unanimously.

Request from instructor Kathryn Kilburn for an extension of the required continuing education hours. She received her instructor license in May 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 expecting a child on April 29<sup>th</sup> and would like an extension.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve request. Motion carried unanimously.

#### **APPLICATIONS FOR RECIPROCITY-**

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 8:50 AM on Monday, March 7<sup>th</sup> 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 manicurist license from Florida for Ashley Francois. Certification shows initial license in April 2013 with 240 hours and no examination. Ms. Francois appeared before the board to explain her expense experience which covers more than the typical manicuring hours. She provided a letter from an employer for one year work experience. Ms. Francois owns her own nail business in Florida and works for INM, out of California, teaching at trade shows.

Recommendation - is that the applicant takes the Tennessee exams.

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

Application for reciprocity of cosmetology hours from Germany for Sylvia Smith. Ms. Smith appeared before the board to answer questions and explain her pedicurist license, education and experience. She has been practicing in Germany since 2002. The number of hours is unclear. She provided a resume and certificate with successfully passing the examination in 2002 in Chiropody.

Recommendation - is that the applicant take the Tennessee exams for manicuring license.

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

Application for reciprocity of manicurist license from California for Chanel Doan. Certification shows initial licensure in April 1998, with 400 hours and both exams. She provided one letter from an employer that states work experience between 1998 and 2010. When the board office asked for additional work experience, the same employer changed the letter to say 2010 to present. The Director could not approve the application because of this discrepancy.

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

MOTION made by Patricia Richond and seconded by Ron Gillihan to deny recommendation license. Motion carried unanimously. Per the board she must take the practical test only.

Application for reciprocity of cosmetology hours from Mexico for Cecilia Guzman. The application states that she completed 1,825 hours in 1999. There is no transcript of the hours but they are working at obtaining detailed records from the school. Mrs. Guzman is a military spouse so in an effort to expedite the process, her incomplete information is presented to the board for review and possible approval so she can take the Tennessee exams.

Recommendation - is that the applicant take the Tennessee exams upon representation of all pending documents.

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

Application for reciprocity of cosmetology hours from Mexico for Cristina Hernandez. The application states that she completed 2,800 hours in 2014. A translated document listing the classes and credit hours was provided.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of cosmetology hours from Columbia for Alba Rios. The application states that she completed 1,480 hours in 2009. A translated document listing the classes and hours was provided, as well as a letter of recommendation from a salon in Columbia showing work experience in the industry for two years.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from California for Michael Vu. Certification shows initial licensure in July 2010 with 400 hours by examination. He provided tax records from 2011 through 2014 but several of those years show an address and a business in Tennessee.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of master barber license from Michigan for Ali Abed. Mr. Abed was sent a letter stating that he would have to take both exams because his educational hours were from Iraq. He took both PSI exams with a translator in Michigan. He appeared before the board to explain his one year of work experience, the exams and the language barrier. The board considered his request and asked questions.

MOTION made by Mona Sappenfield and seconded by Nina Coppinger to approve reciprocity. Motion carried unanimously.

The committee meeting adjourned at 9:40 AM.

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

MOTION made by Patricia Richmond and seconded by Ron Gillihan 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, March 7<sup>th</sup> to review the allegations of 90 complaints and make recommendations to the Board.

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

### **COSMETOLOGY CASES**

#### **NEW CASES**

- 1. Case No.: L15-COS-RBS-20150220791**  
**First License Obtained: 10/24/2013**  
**License Expiration: 09/30/2017**  
**Complaint history: 2014024981, closed by consent order and payment of \$100 civil penalty**

Respondent shop was cited pursuant to an inspection, at the time of inspection the inspection sheet wasn't displayed, the shop license was expired, there was no owner or manager present, and there were various sanitation violations.

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

**Decision: Approved**

- 2. Case No.: L15-COS-RBS-20150220811**  
**First License Obtained: 03/10/2015**  
**License Expiration: 12/31/2016**

**Complaint history:** None

**3. Case No.: L15-COS-RBS- 20150220831**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Respondent shop and unlicensed employee were cited pursuant to an inspection. At the time of inspection the owner attempted to distract the inspector while a person who had been giving a client a pedicure exited through the back door. The inspector told the owner to bring the man back. It was the owner's father who is not licensed. All mail that has been sent to this shop has been returned.

**Recommendation: Authorize for formal hearing, allow authority to settle by consent order assessing \$1000 to each respondent.. If it is determined the shop is closed, since mail is being returned, allow authority to close the complaint and flag the shop.**

**Decision: Approved**

**4. Case No.: L15-COS-RBS- 20150221911**

**First License Obtained:** 09/14/2012

**License Expiration:** 08/31/2016

**Complaint history:** None

**5. Case No.: L15-COS-RBS- 20150221912**

**First License Obtained:** 08/16/1993

**License Expiration:** 07/31/2017

**Complaint history:** None

Respondent was cited on her personal and shop license following an inspection. At the time of inspection the respondent was giving a customer a haircut and her personal license was expired.

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

**Decision: Approved**

**6. Case No.: L15-COS-RBS- 20150222011**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

A consumer complaint was filed against the respondent for unlicensed activity. The respondent is not licensed by this board. As of February 23, she was holding herself out on internet profiles as a self-employed hairstylist. There was no other evidence of her actually doing anyone's hair other than her self-titled job.

**Recommendation: Close with a letter of warning. Send an inspector to the address given in the complaint.**

**Decision: Approved**

**7. Case No.: L15-COS-RBS- 20150222431**

**First License Obtained:** 09/14/2007  
**License Expiration:** 09/30/2015  
**Complaint history:** None

A consumer complaint was field anonymously against the respondent. The complainant, who says they are also a licensee, alleges that they called the respondent who offered to come and do the complainant's hair in the complainant's home. There is no evidence offered and an internet search shows no evidence of offering in home services. Mail to the address that was given as the respondent's home has been returned.

**Recommendation: Close.**

**Decision: Approved**

**8. Case No.: L15-COS-RBS- 20150222451**

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

**9. 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, and the shop was not displaying a current inspection sheet.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$250.**

**10. Case No.: L15-COS-RBS – 20150223151**

**First License Obtained:** 06/29/2006  
**License Expiration:** 06/30/2016  
**Complaint history:** 2015009511, closed by Consent Order and payment of \$1000 civil penalty for allowing unlicensed activity and no manager present

**11. Case No.: L15-COS- 20150223131**

**First License Obtained:** 10/14/1998  
**License Expiration:** 08/31/2016  
**Complaint history:** 2012002211, closed by consent order and payment of \$500 civil penalty allowing unlicensed activity and no manager present; 2012023731, closed with a Letter of Warning; 2013017811, closed by consent order and payment of

**\$500 civil penalty for allowing unlicensed activity; 2014007641, closed by consent order and payment of \$750 civil penalty for no manager present and sanitary violations; 2015009501, closed by Consent Order and payment of \$1000 civil penalty for allowing unlicensed activity and no manager present**

Respondent was cited on their personal and shop license following an inspection. At the time of inspection there was no manager present, and an unlicensed person was giving a customer a haircut. This is the 4th offense for no manager present for shop; 4th offense for unlicensed activity for the shop.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing revocation of the shop license. Conduct a follow up inspection.**

**Decision: Approved**

**12. Case No.: L15-COS- RBS- 20150223251**

**First License Obtained: 04/18/1997**  
**License Expiration: 11/30/2016**  
**Complaint history: 2006005041, closed by Consent Order and payment of \$500; 20060249561, closed w/no action; 2007073881, closed w/Letter of Warning; 2007079091, closed by Final Order and payment of \$2,250 civil penalty; 2008001411, closed by Consent Order and payment of \$2000 civil penalty; 2008014801, closed by Consent Order and payment of \$3000 civil penalty; 2015012651, close with a letter of instruction on sanitation and communicating with the public.**

**13. Case No.: L15-COS- RBS -20150223271**

**First License Obtained: 01/10/2005**  
**License Expiration: 01/31/2017**  
**Complaint history: None**

Respondent was cited on her personal license and shop license following an inspection. Three empty manicure stations were covered with nail clippings and nail dust. The UV Sanitizer compartment was off and had what appeared to be rust and trash in the bottom of the Compartment. This shop has egregious history but only one of those past complaints was for sanitation.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$250.**

**Decision: Approved**

14. Case No.: L15-COS- RBS- 20150223551  
**First License Obtained:** 04/10/2008  
**License Expiration:** 10/31/2017  
**Complaint history:** None

15. Case No.: L15-COS- RBS 20150223571  
**First License Obtained:** 05/09/2005  
**License Expiration:** 05/31/2017  
**Complaint history:** None

Respondent was cited on her personal and shop license following an inspection. The inspector cited her for having an expired personal license. The complaint was returned in the mail. The inspector failed to write down whether the shop was open or if she was working at the time of the inspection.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

16. Case No.: L15-COS- RBS- 20150224391  
**First License Obtained:** 06/30/1999  
**License Expiration:** 11/30/2016  
**Complaint history:** 2005029751, closed by Consent Order and payment of \$500 civil penalty; 2015010581, closed and sent an inspector to ensure sanitation standards are being met.

17. Case No.: L15-COS- RBS- 20150224421  
**First License Obtained:** 08/29/1994  
**License Expiration:** 08/31/2016  
**Complaint history:** None

Respondent was cited on her shop and personal license following an inspection, at the time of inspection the shop was open and serving customers. Drill bits were not clean/ sanitized and disposable files were being re-used. There was excessive nail dust and nail clips on the floor. Nail clips were picked up before photo evidence was taken. The inspector also found and opened containers of drill bits that were not clean/ sanitized and disposable files were being re-used. There was excessive nail dust and nail clips on the floor.

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

**Decision: Approved**

18. Case No.: L15-COS- RBS – 20150224531  
**First License Obtained:** N/A  
**License Expiration:** N/A

**Complaint history:** 2005029921 & 2006035601, closed with no further action

Shop was cited pursuant to an inspection. The shop was not licensed and the inspector observed three individuals, all without licenses practicing on customers' hair. None of the employees would give the inspector their names.

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

**Decision: Approved**

19. Case No.: L15-COS- RBS – 20150224571

**First License Obtained:** 11/12/2014

**License Expiration:** 10/31/2016

**Complaint history:** None

20. Case No.: L15-COS- RBS- 20150224591

**First License Obtained:** 08/29/2013

**License Expiration:** 08/31/2017

**Complaint history:** None

Shop and manager were both cited following an inspection. At the time of inspection the manager was working and had an expired license. An employee who was working had a valid license but it was not displayed. The shop's license was expired.

**Recommendation: Authorize for formal hearing. Allow authority to settle by a consent order assessing \$100 to each respondent.**

**Decision: Approved**

21. Case No.: L15-COS- RBS– 20150224841

**First License Obtained:** 07/29/2014

**License Expiration:** 07/31/2016

**Complaint history:** 2015020121, outstanding Consent Order for \$500 civil penalty

A consumer complaint was filed against the respondent. The complainant said after her nails were done badly, she wanted to see the license number of her manicurist. There was no license posted. Complainant alleges several employees did not have license posted. There is no other evidence offered that unlicensed activity was occurring.

**Recommendation: Close. Send an inspector to look for unlicensed activity.**

**Decision: Approved**

22. Case No.: L15-COS-RBS- 20150224871

**First License Obtained:** 12/17/2002

**License Expiration:** 02/28/2018

**Complaint history:** 201500854, closed by Letter of Warning; 2015021131, closed by Consent Order and payment of \$1000 civil penalty

23. Case No.: L15-COS-RBS- 20150224891

**First License Obtained:** 05/17/2000  
**License Expiration:** 05/31/2016  
**Complaint history:** 201500855, closed by Letter of Warning;  
201502114, closed by Agreed Citation  
and payment of \$1000 civil penalty

Respondent was cited on her shop and personal license following an inspection. The shop had filed an application to go from a manicuring shop to a skin care shop. At the time of inspection there were two individuals giving manicures without licenses. The owner said that one of them did have a license but it wasn't at the shop. Neither the owner nor the two employees would identify themselves.

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

**Decision: Approved**

24. Case No.: L15-COS-RBS- 20150225741

**First License Obtained:** 09/25/2013  
**License Expiration:** 09/30/2015  
**Complaint history:** None

25. Case No.: L15-COS- RBS -20150225761

**First License Obtained:** 12/06/2002  
**License Expiration:** 12/31/2016  
**Complaint history:** None

The shop and its manager were both cited pursuant to an inspection. At the time of inspection the shop's license was expired. The shop was open for business and three customers were being served.

**Recommendation: Authorize for formal hearing. Allow authority to settle the matter against the shop with a consent order assessing \$100. Close against the manager with a letter of warning.**

**Decision: Approved**

26. Case No.: L15-COS- RBS- 20150225791

**First License Obtained:** 02/04/2015  
**License Expiration:** 01/31/2017  
**Complaint history:** None

27. Case No.: L15-COS-RBS- 20150225811

**First License Obtained:** 06/02/2003  
**License Expiration:** 05/31/2017  
**Complaint history:** None

Respondent was cited on both her shop and personal license pursuant to an inspection. At the time of inspection the respondent's personal license was expired.

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

**Decision: Approved**

**28. Case No.: L15-COS-RBS -20150217891**

**First License Obtained:** 07/02/2005  
**License Expiration:** 06/30/2017  
**Complaint history:** None

A consumer complaint was filed against this shop by a previous customer. The customer had been unsatisfied with the service and when discussion with her manicurist got heated she asked to see the licenses of the shop and her manicurist. Another employee intervened and said that state law did not require them to show patron's their licenses. An investigation was requested. The investigator said that when he arrived the shop was licensed and all the manicurists had their licenses present, but not in a conspicuous place. The Owner said they refunded the complainant and denied that they had refused to show her licenses. They told the investigator they are going to display licenses in a more conspicuous manner going forward.

**Recommendation: Close and issue a letter of caution on displaying licenses.**

**Decision: Approved**

**29. Case No.: L15-COS- RBS- 2015017221**

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

Respondent was cited pursuant to an inspection of a natural hair braiding shop. At the time of inspection the respondent was working with customers in the shop and was not licensed by this board. The Shop has settled the complaint that was open against the shop license. When asked, the shop could not provide a home address for the respondent, and said she wasn't working for them any longer. The respondent would not give any address for herself on the day of inspection.

**Recommendation: Close with a letter of warning. This will be sent to the shop in the hopes that they can get it to the respondent.**

**Decision: Approved**

**30. Case No.: L15-COS- RBS- 2015021986**

**First License Obtained:** 11/26/2012  
**License Expiration:** 10/31/2016  
**Complaint history:** 20150223191, Consent Order authorize

A consumer complaint was filed against the shop alleging that a manicure had given the complainants younger sister a staph infection. The shop was inspected following this filing. The shop received a passing score but was cited for various sanitary violations. No other individuals have reported staph infections from this salon, and this salon had no prior history before this incident. The complainant has not provided any medical documents or pictures of the staph infection.

**Recommendation: Close.**

**Decision: Approved**

**31. Case No.: L15-COS-RBS-20150225911**

**First License Obtained:** 11/06/2012  
**License Expiration:** 09/30/2016  
**Complaint history:** None

A complaint was filed against this shop by a past employee. The employee states that the shop is forcing cosmetologists to perform straight razor shaves, and that since he wouldn't, they ruined his character and fired him. The shop owner wrote in saying that after the July 1<sup>st</sup> law passed they began teaching him how to shave with a safety razor, and never required him to partake in that service. There appears to have been many issues with the employment relationship, the employee has contacted the EEOC and the owner has filed complaints from coworkers and customers with their HR department.

**Recommendation: Close and send an inspector to determine what kind of shaving is offered in the shop.**

**Decision: Approved**

**32. Case No.: L15-COS-RBS- 20150225931**

**First License Obtained:** 07/29/2002  
**License Expiration:** 07/31/2016  
**Complaint history:** None

A complaint was filed against the respondent by her past employer. The respondent on three separate occasions changed the amount of a check written to her for hair cut from \$15 to 450. The police came to the salon to arrest the respondent. The complainant included the police report from the incident where the police say she admitted to the offenses. I have also obtained documents from the Blount County court house confirming that she pled guilty to these offenses.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing revocation.**

**Decision: Approved**

**33. Case No.: L15-COS-RBS-20150226241**

**First License Obtained:** 12/03/1999  
**License Expiration:** 02/28/2018  
**Complaint history:** 2006025711, closed by Consent Order and paid \$3000 civil penalty;  
2006034421, closed with Letter of Warning; 2009005301, closed by Consent Order and paid \$2000 civil penalty;  
2011025761, closed by Consent Order and paid \$1000 civil penalty: The above cases were under a former owner.  
2014006001, closed with a Letter of Warning and re-inspection.

A complaint was filed by a past customer against the shop. The complainant alleges that she received a foot fungus after receiving a pedicure. She also admits to going to several different shops. The shop responded that they spoke with her after she claimed to have the fungus and attempted to get a picture. She did not give the shop any

medical records nor did she include them in her complaint. Respondent says that when she watched them cleaning the pedicure tubs, that they wiped down the tubes but didn't use any disinfectant in the tubes.

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

**Decision: Approved**

**34. Case No.: L15-COS-RBS- 20150226281**

**First License Obtained: 04/18/2011**

**License Expiration: 09/30/2017**

**Complaint history: None**

A complaint was filed against this shop by a past customer. The customer claims to have received a chemical burn on her ankle from the callus buster chemical used at the salon. She did send a picture of this burn. The salon has written in saying they have refunded her. They also say that these chemicals have different reactions with different people, and they are reviewing their protocols to ensure that all chemicals are properly used.

**Recommendation: Close.**

**Decision: Approved**

**35. Case No.: L15-COS- RBS- 20150226351**

**First License Obtained: 02/10/2014**

**License Expiration: 01/31/2018**

**Complaint history: None**

A complaint was filed by a past customer for the shop. The complainant said the nail technician did not change the towels, files etc., before she sat at the stations. The Nail tech wrote in saying the women showed up after hours and convinced her to do a quick service. She then sat herself at the station while the tech was ringing up the last customer. The complainant then started loudly saying things about how she needed all new instruments because the last customer probably had nail diseases. Since the last customer was still in the shop and could hear her, the nail tech kicked her out and wouldn't do her nails.

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

**Decision: Approved**

**36. Case No.: L15-COS-RBS- 20150226371**

**First License Obtained: 04/14/2014**

**License Expiration: 03/31/2016**

**Complaint history: 2015004521, Closed with a note in the board records that payment was made for these violations. Flag this license to watch for further activity.**

A consumer complaint was filed after a woman received a manicure from the shop. The shop apparently cut her finger very badly with a drill bit. They did properly stop the bleeding and tend to the wound. The shop still charged the woman full price for her manicure. She called the shop attempting to get a refund but they wouldn't give her

one. They tell her if she needed medical treatment, they had insurance, and offered her half off on her next nail refill.

**Recommendation: Close. A refund because of a cut is not in the Board's jurisdiction.**

**Decision: Approved**

**37. Case No.: L15-COS-RBS-20150226521**

**First License Obtained:** 09/17/2007  
**License Expiration:** 09/30/2017  
**Complaint history:** 2009016971, closed with no further action; 2013019241, closed by Amended Consent Order and payment of \$750 civil penalty

**38. Case No.: L15-COS-RBS -20150226541**

**First License Obtained:** 03/14/2005  
**License Expiration:** 03/31/2017  
**Complaint history:** None

Respondent was cited on both her shop and personal license for operating a shop with an expired shop license. The license was also not posted. The license was 3 months expired. The owner told the inspector she had tried to renew her license on line, but wasn't able to do so.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$250.**

**Decision: Approved**

**39. Case No.: L15-COS-RBS- 20150226791**

**First License Obtained:** 12/11/2013  
**License Expiration:** 12/31/2017  
**Complaint history:** None

**40. Case No.: L15-COS-RBS – 20150226721**

**First License Obtained:** 12/18/2013  
**License Expiration:** 10/31/2017  
**Complaint history:** None

Respondent received a notice of violation pursuant to an inspection. At the time of inspection, the salon had just opened, but no customers were present. Only the receptionist was present. Shortly after the inspector arrived the owner called the receptionist and said there was a medical emergency and to close the shop. At the time of inspection the shop license was expired.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

**41. Case No.: L15-COS-RBS -20150226931**

**First License Obtained:** 08/22/2013  
**License Expiration:** 05/31/2017  
**Complaint history:** 2013011851, closed by Consent Order and payment of \$250 civil penalty;  
2014032641, closed by Amended Consent Order and payment of \$1000 civil penalty

The shop received a notice of violation pursuant to an inspection. At the time of inspection, the owner of the shop who does not have a personal license was braiding a customer's hair. The shop has been cited one other time for unlicensed activity.

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

**Decision: Approved -**

**42. Case No.: L15-COS-RBS-20150226951**

**First License Obtained:** 10/30/2000  
**License Expiration:** 10/31/2016  
**Complaint history:** 2015000141, Dismissed

A consumer complaint was filed by a past employee of the respondent's shop. The complainant alleges that the owner fraudulently used her names and license as the manager of his shop after she stopped working at the shop. It appears that her name is no longer being used by the respondent in any way.

**Recommendation: Close.**

**Decision: Approved**

**43. Case No.: L15-COS-RBS 20150227081**

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

**44. Case No.: L15-COS-RBS- 20150227101**

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

**45. Case No.: L15-COS- RBS- 20150226301**

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

A consumer complaint was filed against this shop following unsatisfactory service. The shop is not licensed by this Board. The Shop wrote counsel to defend the service they gave to the client, admitting that they run a natural hair braiding shop. They do not address the allegation that they are unlicensed.

The respondent was also cited as a shop and as an owner pursuant to an inspection. At the time of inspection the shop had two unlicensed employees braiding customers' hair. The shop does not have a shop license with this board.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$3000.**

**Decision: Approved**

46. Case No.: L15-COS-RBS- 20150227621

**First License Obtained:** 09/18/2014

**License Expiration:** 06/30/2017

**Complaint history:** None

47. Case No.: L15-COS-RBS- 20150227661

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

48. Case No.: L15-COS-RBS- 20150227641

**First License Obtained:** 08/19/2008

**License Expiration:** 08/31/2016

**Complaint history:** 2014012871, closed by Consent Order and payment of \$1000 civil penalty

The shop, owner and an unlicensed employee were all cited pursuant to an inspection. At the time of inspection the unlicensed employee was giving a customer a pedicure. There was also an uncovered trash can in the shop.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000 to the shop and owner, and \$1000 to the unlicensed employee.**

**Decision: Approved**

49. Case No.: L15-COS-RBS- 20150227741

**First License Obtained:** 08/02/2002

**License Expiration:** 08/31/2016

**Complaint history:** None

50. Case No.: L15-COS-RBS- 20150227761

**First License Obtained:** 07/18/2005

**License Expiration:** 07/31/2017

**Complaint history:** None

An anonymous complaint was filed against the two respondents saying they operate out of their homes without shop licenses. One of the respondents wrote in for both of them saying they are friends who have worked in salons at times but right now they travel to wedding sites and work with Christian artists on set. The anonymous complainant

offered no proof other than the allegations and cannot be reached for any more information.

**Recommendation: Close with a letter of caution regarding the shop license exception which they both claim to be working under.**

**Decision: Approved**

**51. Case No.: L15-COS-RBS- 20150227781**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

A consumer complaint was filed by the respondents' past teacher. The complaint alleged that the respondent is not licensed but is advertising to cut hair and other treatments at her home. At this time the resident is not licensed with this Board. The respondent's online profile does offer services for money out of her home. She even acknowledges in some posts that her prices are so cheap because she doesn't work out of a salon.

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

**Decision: Approved**

**52. Case No.: L15-COS-RBS- 20150228001**

**First License Obtained: 07/27/2005**

**License Expiration: 11/30/2016**

**Complaint history: 2014020751, closed by Consent Order and payment of \$1000 civil penalty**

**53. Case No.: L15-COS-RBS- 20150228021**

**First License Obtained: 04/16/2008**

**License Expiration: 04/30/2016**

**Complaint history: None**

Respondent received a citation on his personal and shop license pursuant to an inspection. At the time of inspection the shop contained METHYL METHACRYLATE, which has been banned by the FDA.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

**54. Case No.: L15-COS-RBS-20150216681**

**55. Case No.: L15-COS-RBS-2016001301**

**First License Obtained: 05/21/2012**

**License Expiration: 04/30/2016**

**Complaint history: None**

**56. Case No.: L15-COS-RBS-20150227931**

**57. Case No.: L15-COS-RBS-2016001321**

**First License Obtained: 12/08/2006**

**License Expiration:** 12/31/2016  
**Complaint history:** 2014011951 & 2014014041, closed by an Amended Consent Order to pay agreed \$7200 civil penalty via payment plan

58. Case No.: L15-COS-RBS-20150227901

59. Case No.: L15-COS-RBS-2015018721

**First License Obtained:** 02/10/2014  
**License Expiration:** 01/31/2016  
**Complaint history:** 2014014031, closed by an Amended Consent Order to pay agreed \$5700 civil penalty via payment plan

Respondent is the same person for all the above five cases. The respondent has a personal license and three shop licenses. In each of the above cases, two shops were inspected as a follow to the last time they were inspected. In the two shops that were inspected the inspector noted that unlicensed individuals were working in the shop. This respondent has been repeatedly cited for unlicensed activity. There are currently 3 other cases against this person in litigation.

**Recommendation: authorize for formal hearing. Combine these cases with the current litigation that is ongoing.**

**Decision: Approved**

60. Case No.: L15-COS-RBS- 20150227951 (manager)

**First License Obtained:** 12/29/2014  
**License Expiration:** 12/31/2016  
**Complaint history:** None

Manager was cited pursuant to an inspection for one of the shops owned by the owner discussed above. At the time of inspection, there were two unlicensed individual in the shop. The owner was present at this location at the time of the inspection.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

#### **Barber Cases**

61. Case No.: L15-BAR- RBS- 20150223221

**First License Obtained:** 06/13/2011  
**License Expiration:** 05/31/2015  
**Complaint history:** None

Respondent shop was cited pursuant to an inspection; at the time of inspection the shop was open for business. The shop license was expired and there was no manager present.

**Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$250.**

**Decision: Approved**

**62. Case No.: L15-BAR-RBS- 20150212441**

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

Respondent was cited pursuant to an inspection. At the time of inspection the shop she was working in did not have a shop license or inspection sheet displayed, and there was no manager or owner present. However, the shop was validly licensed. The shop was also cited and that case is in the settlement process.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

**63. Case No.: L15-BAR-RBS- 20150221161**

**First License Obtained:** 11/02/2011  
**License Expiration:** 09/30/2017  
**Complaint history:** None

**64. Case No.: L15-BAR-RBS- 20150221181**

**First License Obtained:** 05/26/2011  
**License Expiration:** 05/31/2017  
**Complaint history:** None

The shop and its manager were both cited pursuant to an inspection. At the time of inspection the shop was open and serving customers. The shop's license was expired. The owner was also present at the time of the inspection.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100 to the shop. Close the complaint against the manager for a letter of warning.**

**Decision: Approved**

**65. Case No.: L15-BAR-RBS- 20150221361**

**First License Obtained:** 01/08/2016  
**License Expiration:** 01/31/2018  
**Complaint history:** 2015004031, closed by Consent Order and payment of \$500 civil penalty

Respondent was cited pursuant to an inspection. At the time of inspection the respondent who owns a shop was serving a customer. The shop is not licensed.

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

**Decision: Approved**

**66. Case No.: L15-BAR-RBS- 20150221971**

**First License Obtained:** 10/29/2009  
**License Expiration:** 10/31/2015  
**Complaint history:** None

Respondent was cited pursuant to an inspection. At the time of inspection the respondent was serving a customer. At that time his license was suspended.

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

**Decision: Approved**

67. Case No.: L15-BAR-RBS- 2015022351

**First License Obtained:** 10/07/2013

**License Expiration:** 09/30/2017

**Complaint history:** None

68. Case No.: L15-BAR-RBS- 20150223531

**First License Obtained:** 09/28/2010

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

**Complaint history:** None

The respondent was cited pursuant to an inspection on his personal and shop license. At the time of inspection the respondent's shop license was expired. The shop was open and the respondent was serving a customer.

**Recommendation: authorize for formal hearing. Allow authority to settle by consent order assessing \$100.**

**Decision: Approved**

69. Case No.: L15-BAR-RBS-20150226581

**First License Obtained:** 09/13/2013

**License Expiration:**

**Complaint history:** 2013016661, Closed with Letter of Warning; 2014007211, Dismissed

Shop was cited pursuant to an inspection. On the day of inspection the shop was open and serving customers. There was no manager or owner present and the shop license was expired.

**Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$350.**

**Decision: Approved**

70. Case No.: L15-BAR-RBS-2016005591

**First License Obtained:** 01/16/2002

**License Expiration:** 03/31/2017

**Complaint history:** 2015001621, closed by Amended Consent Order and payment of \$1100 civil penalty

71. Case No.: L15-BAR-RBS-2016005611

**First License Obtained:** 03/10/1999

**License Expiration:** 03/31/2017

**Complaint history:** 2015001641, closed by Consent Order and payment of \$100 civil penalty

The shop and manager were both cited pursuant to an inspection. At the time of inspection there was a student of a barber school working in the shop. The manager told the inspector that the owner thought they were allowed to hire this person as an apprentice. The shop has written counsel apologizing saying that when the law passed for cosmetologists to have apprentices that they thought this applied to barber students as well. They are planning to hire an apprentice as soon as a law passes allowing it.

**Recommendation: Close both with a letter of warning.**

**Decision: Approved**

**72. Case No.: L15-BAR-RBS-2016005931**

**First License Obtained:** 12/17/1991

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

**Complaint history:** 20150210181, pending Consent Order

This shop was inspected as a follow up after the last inspection which determined that the shop had two people and a dog living in the shop. The owner has settled those complaints. In the follow-up inspection the shop still had many personal belongings but no one appeared to be living there. The manager told the inspector that the two people living there had moved out but that they had left behind a lot of personal belongings. The shop also had unclean surfaces and uncovered trashcans. The owner has been in the hospital.

**Recommendation: Close with a letter of warning on sanitation practices.**

**Decision: Approved**

**73. Case No.: L15-BAR-RBS-2015019761**

**First License Obtained:** 10/16/2014

**License Expiration:** 10/31/2016

**Complaint history:** None

A complaint was opened administratively after the named manager on an inspection sheet wrote the Board office claiming to have never worked in the shop. The shop is now closed.

**Recommendation: Close and flag.**

**Decision: Approved**

**74. Case No.: L15-BAR-RBS-2016002201**

**First License Obtained:** 09/18/2013

**License Expiration:** 09/17/2016

**Complaint history:** None

A consumer complaint was filed against the school making allegations that the school was mishandling financial aid. An investigation was requested. Our investigator made several attempts to work with the complainant, but the complainant is not cooperating in any way with our investigation.

**Recommendation: Close and flag. Refer to the Department of Education.**

**Decision: Approved**

## Represented Cases

**75. Case No.: L15-COS-RBS-2014024601**

**First License Obtained:** 02/03/1997  
**License Expiration:** 01/31/2017  
**Complaint history:** 2011007171, Dismissed

This shop was cited in September 2014 for no manager or owner present, and an unlicensed person working. The matter was filed to be heard on January 19, 2016, and could not be served as certified mail was unclaimed. The matter was continued indefinitely because we received word from our inspector that the shop was closed apparently since November. The license expires on January 31, 2017.

**Recommendation: Close and Flag.**

**Decision: Approved**

**76. Case No.: L15-BAR-RBS- 2015012921**

**First License Obtained:** 09/14/2012  
**License Expiration:** 08/31/2014  
**Complaint history:** None

**77. Case No.: L15-BAR-RBS- 201402607**

**First License Obtained:** 09/14/2012  
**License Expiration:** 08/31/2014  
**Complaint history:** None

Shop was cited during two separate inspections for operating with an expired license. The shop license is now closed and the shop was bought by new owners. The old owner has settled the complaints that were against his personal license from these events.

**Recommendation: Close.**

**Decision: Approved**

**78. Case No.: L15-COS-RBS-2015019021**

**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** 2007069211, closed; 2013017711, closed  
by Consent Order and payment of \$250  
civil penalty

This shop was cited for operating without a license. The shop has since closed, as was determined by the inspector who cited the shop.

**Recommendation: Close and flag.**

**Decision: Approved**

**79. Case No.: L15-COS-RBS-20150211321**

**First License Obtained:** 12/17/2002  
**License Expiration:** 12/31/2016  
**Complaint history:** None

**80. Case No.: L15-COS-RBS-20150211301**

**First License Obtained:** 02/13/2003  
**License Expiration:** 07/31/2017  
**Complaint history:** None

Respondent was cited on her shop and personal license for operating on an expired shop license. The respondent sent in a copy of the check showing the check was dated before the inspection. The check was dated during the time our computer system was down while we updated to a new system and she claims she attempted to renew at that time. Had she been successful she would have been renewed by the time of inspection. Her renewal would have still been late.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

**81. Case No.: L15-BAR-RBS-2013003241**

**First License Obtained:** 12/13/2002  
**License Expiration:** 11/30/2016  
**Complaint history:** 2015002911, Dismissed with a Letter of Warning

Owner and shop were cited for operating on expired licenses in 2013. The owner's license is currently suspended. The shop license has been closed. Our inspector drove by recently to determine that no one was operating the shop and it is in fact closed.

**Recommendation: Close and flag.**

**Decision: Approved**

**82. Case No.: L15-COS-RBS- 2015013101**

**First License Obtained:** 04/21/2011  
**License Expiration:** 04/30/2017  
**Complaint history:** None

This matter was opened in May 2015 based on an inspection showing the shop license not displayed, the shop license had expired, and certain people were working without a current license. The shop license was renewed and does not expire until 2017 but based on return mail marked "vacant" an inspection was requested. On February 4, an inspector visited the site and met with the manager of the building who stated that the Respondent was no longer a tenant and had moved out in the fall of 2015. The inspector also observed that the shop door was locked.

**Recommendation: Close and flag.**

**Decision: Approved**

**83. Case No.: L15-COS-RBS- 2014016711**

**First License Obtained:** 11/24/2004  
**License Expiration:** 11/30/2014  
**Complaint history:** None

Respondent was cited for operating without a license displayed in 2014 and assessed a penalty. After further investigation, the respondent's license was current and valid at the time of inspection. The respondent has no history of renewing late.

**Recommendation: Close with a letter of warning.**

**Decision: Approved**

**84. Case No.: L15-BAR-RBS-20150210201**

**First License Obtained: 02/12/2004**

**License Expiration: 02/28/2018**

**Complaint history: None**

Respondent was cited as the manager of shop and was assessed a \$350 fee. The respondent has since contacted counsel. At the time of inspection she was noted as the Barber manager of the barber/cosmetology shop. The respondent says she wasn't present the day of the inspection, and that the owner forged her signature on the inspection sheet. She included sample of her signature to show it did not match the inspection sheet. She also says she has never been the manager of that shop, she no longer works there and only worked there on a part time basis when she did.

**Recommendation: Close**

**Decision: Approved**

**85. Case No.: L15-COS-RBS-2015018501**

**First License Obtained: 12/11/1997**

**License Expiration: 12/31/2017**

**Complaint history: None**

**86. Case No.: L15-COS-RBS-2015018491**

**First License Obtained: 11/07/2012**

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

**Complaint history: None**

Respondent was cited on her personal and shop licenses for operating on an expired license. She later showed proof that she had paid the fines for the agreed citations, but the checks had been misplaced in our filing system.

**Recommendation: Close.**

**Decision: Approved**

**87. Case No.: L15-COS-RBS- 2015012381**

**First License Obtained: 04/15/2009**

**License Expiration: 03/31/2017**

**Complaint history: 2012015681, closed with Letter of Warning**

This shop was cited for operating on an expired license. The shop has since closed. And inspector has driven by this shop to confirm that it is not operating.

**Recommendation: Close and flag.**

**Decision: Approved**

**88. Case No.: L15-COS-RBS- 2015019561**

**First License Obtained:** n/a  
**License Expiration:** n/a  
**Complaint history:** n/a

Respondent was cited for practicing unlicensed. The shop is currently in settlement negotiations for the complaint filed against them. The department has been unable to locate the respondent.

**Recommendation: Close with a letter of warning to the respondent, mailed to the shop.**

**Decision: Approved**

**89. Case No.: L15-BAR-RBS- 2015011021**

**First License Obtained:** n/a  
**License Expiration:** n/a  
**Complaint history:** n/a

Respondent was cited for practicing unlicensed. The shop is currently in settlement negotiations for the complaint filed against them. The department has been unable to locate the respondent.

**Recommendation: Close with a letter of warning to the respondent but mailed to the shop.**

**Decision: Approved**

**90. Case No.: L15-COS-RBS-2015020131**

**First License Obtained:** 05/09/2008  
**License Expiration:** 05/31/2016  
**Complaint history:** None

Respondent was cited an assessed fee following an inspection. At the time of the inspection her license was expired, and beyond the renewal period. A month after inspection her license was reinstated by reciprocity from GA. The shop was also cited and has deducted money from her paycheck to pay their fine. Respondent contacted counsel saying she only worked after she had submitted a reciprocity application because the owner of the shop she was hired at told her she was allowed to..

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

**Decision: Approved**

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

The meeting adjourned at 8:35 AM.

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

**Cosmetology Consent Orders – February - Totaling \$20,400**

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

**Agreed Citations – February - Totaling \$14,050**

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

**Letters of warning**

During the month of February, there were no letters of warning issued.

**NEW BUSINESS**

**Microblading and Microneedling:**

The board office received several inquiries about “microblading”. There is a group that is teaching this process and issuing certificates. Early in February the Director checked with Ms. Sappenfield regarding this new procedure given it was the first time the office learned of it. Her interpretation of the issues was presented for the board to consider. The Health Board does not currently view this as something they regulate. It is our understating that they do not consider it the same as tattooing since it is not permanent. This is clearly a relatively new technique that could be viewed as beautification but there is no precedent to determine if the Cosmetology and Barber Examiners Board regulates it. The board members referred most of their questions to Ms. Sappenfield. The determination was to recommend that licensees not put themselves at risk by providing these services but they are not regulated at this time. Schools should not be teaching these procedures because they are: not FDA approved; they cause pain (we are not trained in pain management) and there is risk of infection. The board requested we ask for the Attorney General’s opinion on whether these procedures are regulated by our board and how to proceed.

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

The board also discussed the presence of Methel Methacrylate (MMA) in shops and how to best approach inspections and citations, if it is found. The first step will be to educate shops by providing them with literature and to give proper discposal information. The attorney for the board will begin to work on this.

**Additional Questions:**

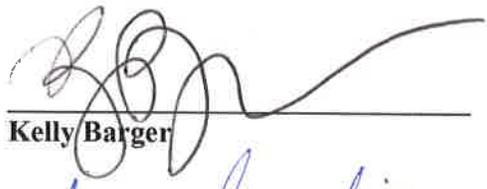
**Motion to adjourn**

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

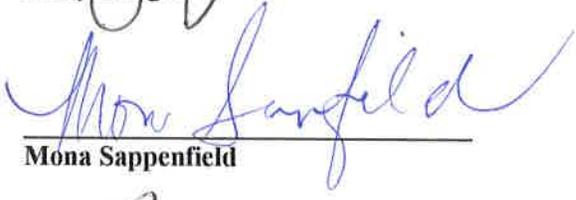
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**Dianne Teffeteller**

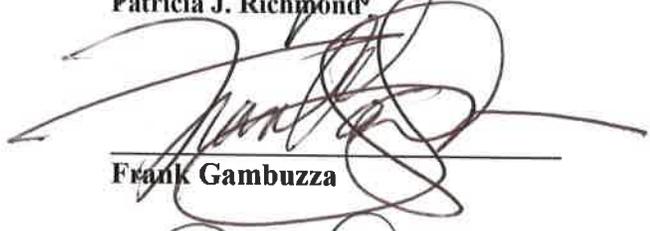
  
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**Nina Coppinger**

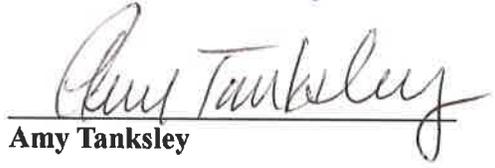
  
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**Judy McAllister**

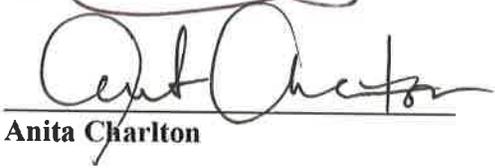
  
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**Kelly Barger**

  
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**Patricia J. Richmond**

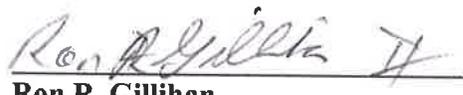
  
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**Mona Sappenfield**

  
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**Frank Gambuzza**

  
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**Amy Tanksley**

  
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**Anita Charlton**

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**Yvette Granger**

  
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**Ron R. Gillihan**

  
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**Bobby N. Finger**

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**Brenda Graham**