



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting May 7, 2018 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: Jimmy Boyd, Anita Charlton, Frank Gambuzza, Ron Gillihan, Yvette Granger, Patricia Richmond, Becky Russell, Mona Sappenfield and Amy Tanksley. Participating telephonically: Nina Coppinger. Not present: Kelly Barger, Brenda Graham and Judy McAllister.

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

MINUTES-

Minutes for the April 9, 2018 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the April 9, 2018 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Barbers University School – New Barber School

Mr. Jwan Buckhalter appeared before the board for a barber school license. The school is located in Memphis and is 2,685 square feet. The business license, curriculum, contingency plan, fifteen tentative agreements, floor plan, application and fee were all received timely.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

D.A.Y. College of Cosmetology – New Cosmetology School

Ms. Amanda Holmes appeared before the board for a new cosmetology school license. The school is located in Henderson and is 2,640 square feet. The business license, curriculum, contingency plan, blank contract, floor plan, application and fee were all received timely.

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

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Brandy Castle, Chantel Kimble, Jessica Sharee Epperson, Erin Gentry, Melissa Martin, Brooke Whitaker and David Kendrick. The applicants have felonies within the last three years and/or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application to test as a master barber with hours from Jordan for Mohammad Al-fugaha. Mr. Al-fugaha provided certification from the school showing 2,500 training hours completed between 2008 and 2010.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology instructor from North Carolina for Deborah Ball. Ms. Ball stated she completed 1,500 hours in cosmetology. North Carolina requires 1,500 hours for the basic cosmetology license and 800 hours for instructors. Certification shows initial licensure in 1971 with 1,200 hours and the instructor license was issued in 1996. She was also licensed in South Carolina as a cosmetology instructor between 2007 and 2011. She provided proof of work experience between 1993 and 2012. She also included an email and two pages reflecting work in the film industry where she did hair design and taught.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetologist license from North Carolina for April Orborne. Certification shows initial licensure in November 2010 with 1,353 hours by examination. Ms. Osborne provided an email explaining work history for the last few years and how she worked at a military installation. She also provided tax records from 2010 through 2012 showing proof of work in the industry.

Recommendation - is that the applicant be approved for reciprocity.

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

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Legislative update: Cherrelle Hooper updated the board on final bills and public chapters filed that impact the industry including HB0710/SB0797 which adds to the exceptions under the cosmetology statute that services may be offered in a person's home or place of employment.

Paul Mitchell the school Knoxville, a school licensed as both a cosmetology and separately a barber school under this board, presented a plan and requested approval to offer the instructor training program as one to all licensed individuals wanting to complete the 300 hours of instructor training. The board explained that the breakdown of 300 curriculum hours needs to match the rules: 100 hours lesson planning, 100 hours general and 100 hours physical.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield for approval of request once curriculum is updated. Motion carried unanimously. Frank Gambuzza-Abstained

Request for extension of continued education for barber instructor Chanda Brady. Ms. Brady is asking for an extension do to surgery, death in the family and taking care of an immediate family member. These situations kept her from being able to complete the required continued education timely. Pursuant to Tenn. Code Ann. §62-3-124(b): the board may for good cause approve up to one additional year to complete the 16 hour requirement.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve request for extension through 2018. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, May 7th to review the allegations of 52 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS-2017070771

First License Obtained: 01/05/2006
License Expiration: 09/01/2016
Complaint history: 2008015181, closed with Letter of Warning;
2008016441, closed after informal conference;
2009009761 combined w/2012011561, closed by Consent Order and payment of \$1,000 civil penalty; 2010007331, closed with no action; 2010007341, closed with no action; 201023701, closed; 201029181, closed; 2016017291, closed by Consent Order and payment of \$1,000 civil penalty

This complaint stems from a consumer, not the student, alleging discrimination. The complaint was sent out for investigation and none of the allegations could be substantiated as the student failed to cooperate with the investigation.

Recommendation: Closure
Decision: Approved

2. Case No.: COS-2017081861

First License Obtained: 02/01/2001
License Expiration: 01/31/2019
Complaint history: None

This is a complaint from a former employee alleging that the Respondent allowed the inappropriate touching of a minor which has been reported to DCS. The Respondent denies this allegation and the former employee has not provided any additional information.

Recommendation: Closure with recommendation to follow up with DCS.
Decision: Approved

3. Case No.: COS-2017081881

First License Obtained: 03/15/1995
License Expiration: 03/31/2019
Complaint history: None

This is another complaint from the same former employee as above stating that this Respondent is unlicensed.

Recommendation: Closure
Decision: Approved

4. Case No.: COS-2017081831

First License Obtained: 02/20/2014

License Expiration: 01/31/2020

Complaint history: None

This is the shop from the above mentioned complaints. The Respondent in Complaint No. 2017081881 is licensed and a referral has been made to DCS by the Complainant.

Recommendation: Closure with follow up with DCS.

Decision: Approved

5. Case No.: COS-2017082361

First License Obtained: 05/06/2011

License Expiration: 04/30/2019

Complaint history: 2017079421, closed with a Letter of Warning

This is a consumer complaint alleging one unlicensed person is working in the Respondent shop. The Respondent owner admitted that one person was training without the benefit of a license.

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

Decision: Approved

6. Case No.: COS-2018000131

First License Obtained: 05/04/1994

License Expiration: 09/01/2018

Complaint history: 8124, dismissed; 2009023791, closed w/no action; 2017015891, closure; 2017053011, closure; 2017062591; closure

This is a student complaint against a school alleging that the school suspended the student after the student had completed two months of classes. The suspension was due to the student's failure to complete the verification for the US Dept. of Education. The school responded and provided copies of all documentation completed during the enrollment process which shows that the student was flagged for verification by the US. Dept. of Education.

Recommendation: Closure

Decision: Approved

7. Case No.: COS-2018000851

First License Obtained: 11/30/2015

License Expiration: 04/30/2018

Complaint history: None

This is a consumer complaint alleging unsanitary conditions. The owner responded stating that the shop as never had any issues and has consistently receive a score of 100% during times of inspections.

Recommendation: Closure

Decision: Approved

8. Case No.: COS-2018001021

First License Obtained: 10/30/2006
License Expiration: 10/31/2018
Complaint history: 2008023601, closed by Consent Order and civil penalty payment of \$1,000; 2014009011, closed by Consent Order and payment of \$750.00 civil penalty; 2014022211, closed with a Letter of Warning

This is a consumer complaint alleging that the “blue liquid” used to sanitize the equipment caused the consumer to contract an infection. The shop responded and stated that the consumer stated he was diabetic and provided pictures to the salon which are different from the pictures provided with a copy of the complaint. No medical records were provided

Recommendation: Closure

Decision: Approved

9. Case No.: COS-2018001171

First License Obtained: 08/05/1999
License Expiration: 04/30/2018
Complaint history: 2010001261, closed by Consent Order and payment of \$1,000 civil penalty; 2012015601, closed by Consent Order and payment of \$750.00 civil penalty; 2017048841, closure

This is a consumer complaint alleging that two patrons who are not the complainant contracted a rash from services during a pedicure. No medical records were provided or any proof that the rash was actually contracted from the pedicure.

Recommendation: Closure

Decision: Approved

10. Case No.: COS-2018001981

First License Obtained: 05/07/2013
License Expiration: 07/31/2019
Complaint history: None

This is a consumer complaint alleging a bad result for hair extensions. The respondent provided a response outlining the timeline of appointments and procedures used for the extensions.

Recommendation: Closure

Decision: Approved

11. Case No.: COS-2018001701

First License Obtained: 09/25/2017
License Expiration: 09/30/2019
Complaint history: None

This is a consumer complaint alleging services provided outside the scope of the license. As a result of the complaint, an inspection was performed and the Respondent shop through its owner

admitted to allowing a student to perform aesthetic services without first obtaining a license. No services were being performed on the date of the inspection. The Complainant was not a customer of the salon she only provided the Facebook details which led to the inspection. The Respondent now is denying that any unlicensed activity has occurred.

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

Decision: Approved

12. Case No.: COS-2018003601

First License Obtained: 02/27/2015

License Expiration: 02/28/2019

Complaint history: 2017031411, closed with a Letter of Warning

Pursuant to inspection, based on a complaint alleging unlicensed activity, no unlicensed activity was found.

Recommendation: Closure.

Decision: Approved

13. Case No.: COS-2018002671

14. Case No.: COS-2018006251

15. Case No.: COS-2018014211

First License Obtained: 01/01/2014

License Expiration: 12/31/2017

Complaint history: None

These are three consumer complaints alleging that consumers paid for courses but did not receive the CEU. The Respondent has refunded the payments is no longer authorized by the Dept. to conduct CEU courses.

Recommendation: Close and flag.

Decision: Close and flag for case Nos. COS-2018002671 and COS-2018014211. Authorize formal hearing for Case No. COS-2018006251. Authorize settlement by consent order with \$250.00 civil penalty if the Respondent does not provide proof of refund within 30 days for case No. COS-2018006251.

16. Case No.: COS-2018003111

First License Obtained: 07/26/1993

License Expiration: 09/30/2019

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The consumer provided no dates are proof of when the Respondent claims that the Respondent was working unlicensed. The Respondent's license is current.

Recommendation: Closure

Decision: Approved

17. Case No.: COS-2018003161

First License Obtained: 10/05/2001
License Expiration: 03/31/2014
Complaint history: None

This is a consumer complaint alleging unlicensed activity. However, the Complainant provided no dates of service, and no information as to where the unlicensed activity occurred. The respondent responded to the complaint stating that the parties involved had previously been in a romantic relationship and that the Respondent currently has an order of protection against the Complainant.

Recommendation: Closure

Decision: Approved

18. Case No.: COS-2018003181

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

This is a consumer complaint alleging that this Respondent is providing services without a license. As a result of the complaint, an inspection was attempted but the Complainant was unable to provide enough information to pursue an inspection.

Recommendation: Closure.

Decision: Approved

19. Case No.: COS-2018003341

First License Obtained: 10/05/2009
License Expiration: 09/30/2019
Complaint history: 2011030061, close w/no action; 2012010081, closed with Letter of Warning; 20150131441, closed w/no action

This is a consumer complaint alleging a bad result with a natural hair styling service. The Respondent provided a response outlining the service performed and explaining that the Respondent asked the complainant to return to the salon but the complainant failed to return to the shop.

Recommendation: Closure

Decision: Approved

20. Case No.: COS-2018003901

First License Obtained: 10/27/1970
License Expiration: 07/31/2018
Complaint history: 200502101, closed by Consent Order and payment of \$600.00 civil penalty

This is a consumer complaint alleging a bad result with a hair style and unlicensed activity. As a result of the complaint, an inspection was performed and the alleged unlicensed person was not present in the shop on the date of the inspection.

Recommendation: Closure

Decision: Approved

21. Case No.: COS-2018004401

First License Obtained: 04/09/2017

License Expiration: 04/30/2019

Complaint history: None

This is a consumer complaint alleging a bad result with a keratin and color. The Respondent provided a response explaining the service that was performed and offered additional appointment times, but the Complainant cancelled the service.

Recommendation: Closure

Decision: Approved

22. Case No.: COS-2018004311

First License Obtained: 10/25/2012

License Expiration: 09/30/2016

Complaint history: None

This is a complaint that was open administratively after the shop was closed on several occasions during times that the inspector attempted to perform the required annual inspection. The shop has failed to communicate with the board office.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty for expired license and send inspector to confirm whether shop is permanently closed. If shop remains open for business \$500.00 civil penalty for failing to communicate with board office regarding scheduling the annual inspection.

Decision: Approved

23. Case No.: COS-2018004331

First License Obtained: 01/27/1997

License Expiration: 01/31/2020

Complaint history: None

This is a complaint that was opened administratively regarding failure of the shop to coordinate with the inspector and failure to communicate with the board office.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty unless inspector is able to confirm shop is permanently closed.

Decision: Approved

24. Case No.: COS-2018004191

First License Obtained: 12/16/2009

License Expiration: 09/01/2018

Complaint history: None

This is a consumer complaint alleging that a similarly named salon and spa is allowing students to enroll using federal grants and then allowing them to run errands, clean the bathrooms and parking lots and just generally “sitting around” while receiving federal aid. In response, the Respondent states that that the complaint lists a salon that is not part of the school and that the address and phone number for the salon are not the same as the school and that the school has no part or ownership interest in the salon. There is no salon licensed with the department bearing

the name used in the complaint. The Respondent denies the allegations in the complaint.

Recommendation: Closure and send out for inspection.

Decision: Approved

25. Case No.: COS-2018005021

First License Obtained: 11/09/2000

License Expiration: 08/31/2018

Complaint history: 2005033181, closed w/no action

This is a consumer complaint alleging that a stylist at the salon used profane language and that the Complainant's color was not what she expected.

Recommendation: Closure

Decision: Approved

26. Case No.: COS-2018005061

First License Obtained: 01/12/2012

License Expiration: 12/31/2019

Complaint history: 2015000101, closed by Consent Order and payment of \$2,000 civil penalty

This is a consumer complaint alleging that a nail tech used profane language towards her while she was receiving services. The Respondent filed a response to the complaint and acknowledged that an argument did occur in the shop related to this Complainant.

Recommendation: Letter of warning.

Decision: Approved

27. Case No.: COS-2017060691

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The respondent denies providing hair braiding services. However, the complainant provided Facebook information and an address as proof of the Respondent providing services.

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

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

28. Case No.: COS-2017070341

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging a bad result from a hair braiding service. The respondent is unlicensed. The Respondent admits to providing hair braiding services.

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

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

29. Case No.: COS-2017071091

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is an anonymous complaint alleging unlicensed activity. The complainant did not provide any information to support the unlicensed activity and the respondent denies having provided any services

Recommendation: Closure

Decision: Approved

30. Case No.: COS-2017074691

First License Obtained: 04/04/2007

License Expiration: 12/31/2018

Complaint history: None

This complaint alleges that the Respondent, an instructor, was teaching natural hair styling out of her home and that the Complainant paid for classes but never received a license. The Respondent did not provide a response to this complaint.

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

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

31. Case No.: COS-2017075121

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging bad result from a hair braiding service. The respondent is unlicensed. The Complainant provided proof of advertising by the Respondent as a hair braider. The Respondent did not respond to the complaint.

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

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

32. Case No.: COS-2017059101

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2015018261, closed by Consent Order and payment of \$500 civil penalty plus \$100 costs

Pursuant to inspection, this shop was found to be providing services without a shop license.

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

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

33. Case No.: COS-2017060051

First License Obtained: 07/24/2013

License Expiration: 06/30/2019

Complaint history: None

This is a consumer complaint alleging a bad result with a hair braiding session.

Recommendation: Closure

Decision: Approved

34. Case No.: COS-2017060241

First License Obtained: 05/20/2010

License Expiration: 04/30/2018

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The salon is licensed and the person who was allegedly unlicensed was not present in the shop on the day of the inspection. The inspector issued a verbal warning regarding allowing anyone unlicensed to work in the salon.

Recommendation: Closure.

Decision: Approved

35. Case No.: COS-2017078561

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to an inspection, the shop was found to be operating without a license and two individuals were found to be providing services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$3000.00 civil penalty.

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

36. Case No.: COS-2018010791

First License Obtained: 10/23/2013
License Expiration: 09/30/2019
Complaint history: 2014000671, closed by Consent Order and payment of \$1,000 civil penalty; 201500664, closed by Consent Order and payment of \$1,000 civil penalty; 2016025261, closed by Consent Order and payment of \$500.00 civil penalty; 2017045841, Formal Charges Authorized

Pursuant to inspection, one individual was found to be providing hair braiding services without a license.

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

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

37. Case No.: COS-2018019101

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

Pursuant to inspection, the shop was found to be operating without a license and two individuals were also found to be practicing hair braiding without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$3000.00 civil penalty.

Discussion: During subcommittee the members discussed the factors provided in T.C.A. Sec. 56-1-308. After reviewing the five factors, the specifics of each case and the desire to be consistent with complaints, the subcommittee voted to approve the recommendation.

Decision: Approved

BARBER CASES

38. Case No.: BAR-2018000051

First License Obtained: 03/02/2004
License Expiration: 09/30/2018
Complaint history: 200604001, closed by Consent Order and payment of \$1000 civil penalty; 2017001951, closed by Agreed Citation and payment of \$1,000

39. Case No.: BAR-2018003231

First License Obtained: 05/27/2005
License Expiration: 05/31/2019
Complaint history: None

Pursuant to inspection, one barber was found to be providing services with expired license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty to the shop and \$100 civil penalty to the manager.

Decision: Approved

40. Case No.: BAR-2018001091

First License Obtained: 05/01/2017

License Expiration: 05/31/2019

Complaint history: None

This is a consumer complaint alleging a bad result in a haircut.

Recommendation: Closure.

Decision: Approved

41. Case No.: BAR-2018003301

First License Obtained: 08/19/2003

License Expiration: 08/31/2017

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services with expired license.

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

Decision: Approved

42. Case No.: BAR-2018004671

First License Obtained: 10/22/2009

License Expiration: 09/30/2019

Complaint history: None

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

Recommendation: Closure.

Decision: Approved

43. Case No.: BAR-2018004981

First License Obtained: 05/10/2001

License Expiration: 04/30/2019

Complaint history: None

Pursuant to inspection based on a consumer complaint alleging unlicensed activity. No violations were found at the time of inspection.

Recommendation: Closure

Decision: Approved

44. Case No.: BAR-2018005751

First License Obtained: 07/16/1997

License Expiration: 07/31/2017

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services with expired license.
Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.
Decision: Approved

45. Case No.: BAR-2018005731

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

Pursuant to inspection, this shop was found to have one person, the owner, providing services with expired license and no manager was present.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty as no manager was present. Owner is the Respondent in Complaint No. 2018005751.
Decision: Approved

46. Case No.: BAR-2018006811

First License Obtained: 12/03/2010
License Expiration: 07/31/2019
Complaint history: None

Pursuant to inspection, the owner was found to be providing services with expired license and the owner was operating as the manager with expired license.

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

47. Case No.: BAR-2018007351

First License Obtained: 07/29/2008
License Expiration: 05/28/2017
Complaint history: 2009020101, closed with Letter of Warning; 2010031411, closed with Letter of Warning; 2013008341, closed with Letter of Information; 2014020381, Dismissed - the investigation revealed that allegations made against the school are either untrue or unprovable; 2015012431, closed and sent an inspector to count the ratio of students to teachers. Referred the financial aid issues to the Department of Education; 2016039871, Formal Charges Authorized

Pursuant to inspection based on a consumer complaint alleging unsanitary conditions, lack of instructors, and broken equipment. At the time of inspection only minor deficiencies were noted and the school received a score of 93.

Recommendation: Closure

Decision: Approved

REPRESENTS

48. Case No.: COS-2017006261

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at the April 3, 2017 meeting as follows: This is a consumer complaint alleging unlicensed activity. The Respondent admits to performing braiding services on Facebook in response to the complaint. Authorization: Authorize settlement by consent order with civil penalty of \$1000.00. Authorize formal charges.

Update: A Consent Order was sent to the Respondent to the address provided in the complaint, and it returned back marked “vacant”, and as such, unable to locate the Respondent.

Recommendation: Closure

Decision: Approved

49. Case No.: COS-2017035891

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at the November 6, 2017 meeting as follows: At the June 2017 board meeting, the board authorized a complaint to be opened against the shop owner due to new ownership of the salon as the NOV was dated November 9, 2016 and the salon had changed ownership. The original complaint was for unlicensed activity of the current owner of the salon who was also the owner in November 2016. Authorization: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Update: A Consent Order was sent to the owner’s address and it returned back marked “unclaimed”. Another correspondence along with a copy of the Consent Order were sent to the shop’s address and they also returned back marked “Not deliverable as addressed – unable to forward”. Further investigation of this matter revealed that the Respondent’s shop is now out of business and the shop is in “CLOSED” status.

Recommendation: Closure

Decision: Approved

The three cases below were previously presented to the Board at the December 14, 2015 meeting as follows:

50. Case No.: L15-COS-RBS- 2015019721

First License Obtained: 07/01/2013

License Expiration: 06/30/2019

Complaint history: 201403246, paid \$1000 civil penalty via Agreed Citation

Shop license and manager’s license received notices of violation pursuant to an inspection. The owner of the shop was working in the shop and is licensed by Florida but not Tennessee. The

shop license was expired. Authorization: Authorize complaint against the shop for formal hearing. Allow authority to settle by consent order assessing \$1000.

51. Case No.: L15-COS-RBS-2015020001

First License Obtained: 07/01/2013
License Expiration: 06/30/2019
Complaint history: 201403246, paid \$1000 civil penalty via Agreed Citation

52. Case No.: L15-COS-RBS-2015020011

First License Obtained: 05/28/2013
License Expiration: 07/31/2019
Complaint history: None

Respondent received a notice of violation on both their personal and shop license following a change in location inspection. This was the second time this inspection had to be taken place since they were not prepared the first time. When the inspector walked in he saw women giving a manicure to a customer who then immediately exited the shop. Both the old owner and the new owner confirmed to the inspector that she was not licensed by the Board. The inspector noted the same discrepancies that were noted on the first change in location inspection and then additionally cited them for unlicensed activity. The owners both refused to sign the citation, the inspector attempted to leave the shop and the respondent attempted to block his exit and held onto his arm to keep him from leaving. The inspector forced his way past the respondent and left the shop. Authorization: Authorize both complaints for formal hearing. Allow authority to settle each matter by consent order assessing \$2000 to each respondent. Issue a letter of caution to both respondents that any future physical altercations will likely result in the Board seeking revocation of licenses. Flag this shop for increased inspections.

Update: The salon and owner have retained counsel and settlement negotiations have been successful with total settlement of \$3000.00 to be paid by the respondents. Legal recommends approval of the settlement of \$3000.00.

Decision: Approved

Attending were Board members Frank Gambuzza, Ron Gillihan, Becky Russell and Amy Tanksley.

The meeting adjourned at 9:50 AM.

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

NEW BUSINESS:

Financial information presented through March 2018 reflecting an estimated surplus \$226,183 for fiscal year 2018.

The California Regulatory Board sent information to every State Board sharing their concern for fraudulent documents and fraudulent hours possibly affecting many of their schools. The board has been in communication with the Deputy Executive Officer for the Cosmetology and Barber Board to better understand the magnitude. At this time Tennessee does not receive applicants from California who wish to take the exams and are only bringing their hours. The reciprocal applicants that we get weekly do not show the school they attended and California is not planning on changing their certification. With that said, the board discussed how to treat these applicants moving forward.

MOTION made by Patricia Richmond and seconded by Amy Tanksley for approve of California applicants. Motion carried unanimously.

The Residential Barber program was updated and the new equipment list shown to the board. To date, two master barbers have been inspected and are licensed to go to client's residence. The rule is very specific on what is needed but our licensees are likely to forget some items. Also the portable ultra violet sanitizer was an issue. The office will be offering options and examples of ones out in the market. The board discussed how to best handle some of these issues moving forward.

Additional Questions:

Motion to adjourn

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