



**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 October 1, 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: Frank Gambuza, Ron Gillihan, Yvette Granger, Judy McAllister, Janie Ross, Patricia Richmond, Becky Russell and Amy Tanksley. Ms. Anita Charlton, Mona Sappenfield participated telephonically. Not present: Kelly Barger, Jimmy Boyd, Nina Coppinger and Brenda Graham.

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

### **MINUTES-**

Minutes for the August 6, 2018 board meetings were submitted for changes and/or approval.

Motion made by Judy McAllister and seconded by Patricia Richmond to approve the August 6, 2018 minutes. Motion carried unanimously.

### **APPEAR BEFORE THE BOARD-**

#### **B. Winfrey Baber & Style College – Reinstate Barber School**

Ms. Barbara Winfrey Wilder appeared before the board for a reinstatement of a barber school license. The school is located in Nashville and is 1,900 square feet. The business license, curriculum, contingency plan, fifteen tentative agreements, floor plan, application and fee were received. This school was revoked January 11, 2018. The school attempted to be reinstated in

April but the application was not complete. Ms. Winfrey was aware that the school had no license. The office made had several conversations with Ms. Winfrey and emails were sent explaining the pending items. In completing the documents for the meeting the old school license file was found to have monthly hours reports. Two individuals were enrolled I May 2018 when the school clearly had no license. The Executive Director spoke to Ms. Winfrey to better understand how this could take place. The explanation was that the students were attending the Barber school in Murfreesboro. An investigator was sent to review student files and determine how to treat the hours. The school owner provided a signed affidavit attesting that he spoke to Ms. Winfrey, explained the students would need to sign a contract with his school and pay his fees. That is where it ended. He states no students ever came and no hours were provided at his school.

MOTION made by Patricia Richmond and seconded by Judy McAllister to deny school reinstatement. Motion carried unanimously.

The board requested further investigation into the hours submitted, where students physically completed those hours, the instructors that taught and more information presented at the November board meeting.

MOTION made by Yvette Granger and seconded by Patricia Richmond to investigate further. Motion carried unanimously.

#### **APPLICATIONS FOR EXAMINATION-**

Applications for examination for: Natasha Causby, Ashley Harding and Dewayne Reed. 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 Amy Tanksley and seconded by Judy McAllister to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application for manicure license with hours from Vietnam for Thanh Quoc Huynh. Mr. Huynh presented his documents shortly after the August board meeting. He had his transcript evaluated by Educational Credential Evaluators therefore he was put through to take the Tennessee exams and not be delayed. On 8/13/18 he passed the practical exam.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve license. Motion carried unanimously.

Application to test as a manicurist with hours from Vietnam for Thuy Le. Ms. Le completed 714 hours in 2015 and Aequo International completed the evaluation stating the documents are authentic.

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

Application to test as a manicurist with hours from Vietnam for Luyen Mai. Mr. Mai completed 714 hours in 2016 and Aequo International completed the evaluation stating the documents are authentic.

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

Application to test as a manicurist with hours from Vietnam for Bui Thanh Thao Pham. Ms. Pham completed 800 hours in 2015 and Aequo International completed the evaluation stating the documents are authentic.

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

Request for approval of manicurist license for Cung Nguyen. Mr. Nguyen was licensed by reciprocity in from Texas in 2013. That licensed was revoked in 2016 for failure to obtain licensure as the statute required. Since then he attended a school in Tennessee and passed both exams. The practical exam was passed in August 2018.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve the request for license. Motion carried unanimously.

Request for approval of manicurist license for TrangThanh Pham. Ms. Pham was licensed by reciprocity in from Texas in 2013. That licensed was revoked in 2016 for failure to obtain licensure as the statute required. Since then she attended a school in Tennessee and passed both exams. The practical exam was passed in April 2018.

MOTION made by Judy McAllister and seconded by Patricia Richmond to approve the request for license. Motion carried unanimously.

Request for approval of manicurist license for Tommy Truong. Mr. Truong was licensed by reciprocity in from Texas in 2013. That licensed was revoked in 2016 for failure to obtain

licensure as the statute required. Since then he attended a school in Tennessee and passed both exams. The practical exam was passed in August 2018.

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

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

Application for reciprocity of manicure license from Florida for Thiep Le. Mr. Le was also licensed in California by reciprocity from Florida between 2003 and 2014. He completed 240 hours in Florida and did not take any State exams. Mr. Le has work experience between 2003 and 2017 but did not work in 2015 and 2016.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from Texas for Darlene Mullins. Ms. Mullins was originally licensed in Arizona in 1987 with 300 hours and both exams. That license expired in 2000. She has been licensed in Texas since 2000. She provided letters regarding work experience between 2002 and 2011. She states she retired in 2013 but wishes to have an active license for the professional discounts.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Frank Gambuzza and seconded by Judy McAllister to approve reciprocity. Motion carried unanimously.

Application for reciprocity of manicure license from New York for Mary Nguyen. Certification shows Ms. Nguyen was licensed in September 2014 with 250 hours and both exam. She provided taxes from 2012 through 2016 for the five years of work experience. New York has an apprenticeship program that allows work prior to complete licensure.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of manicure license from California for Minh Thi Vo. Certification from California shows initial licensure in August 2007. Once the transcript of school was requested the documents provided appeared to be altered. State board replied via email that those transcripts would not be acceptable but also that the school in question only provided 400 hours and that they were under review but not listed on the schools with investigations. They added that records from this individual had her attending a different school which is now closed. Further requests for clarification resulted in two new transcripts clearly altered under the last name Dingler and her current last name of Vo. Ms. Vo is also licensed in Alabama since 2007 by reciprocity from California.

MOTION made by Amy Tanksley and seconded by Judy McAllister to pass both Tennessee Exams. Motion carried unanimously.

## **MISCELLANEOUS REQUESTS –**

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

Update: At the August board meeting we presented three applicants applying for reciprocity of manicure license from Georgia with transcripts that appeared to be fraudulent with several errors. Since that time, each of those applicants has provided an error free transcript and the office is now getting applicants from that particular school weekly as opposed to the school we requested an investigation of. This particular school appears to be licensed and they have a presence online. We have at least one example of an individual that presented a transcript from both of these schools causing the concern, questions and the reason the second school was reviewed closer. The office emailed the Executive Director of the Georgia State Board again asking for a status of the schools and the investigation. At this time there are no updates. Legal council is working on a second request to include this school. Until then applicants from both these school are being sent letters explaining that the hours are not accepted at this time.

Request for extension of continued education requirement from cosmetology instructor Sandra Rena Weissinger. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She provided a letter explaining that her husband was diagnosed with cancer and she has been occupied with the stress of that, and other life events, therefore missing when she should have completed her continued education. Records indicate that the last session she took was in 2015. Her license expired in July 2018 and since she had not completed the 16 hours within the two years, the instructor part was removed. She is registered at the October 13-14 session and has never asked for an extension.

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

Request for extension of continued education requirement from cosmetology instructor Teresa Patterson. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She provided an explaining about her ongoing health issues and has medical documents available. She completed the session in Memphis on September 24 and this rule was explained by the executive director, she realized she was passed her renewal cycle. Records indicate that the last session she attended was in August 2016. Her license expired in August 31, 2018 and she would be one month past the required tome to complete the requirement. She has never had an extension.

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

Request for extension of continued education requirement from cosmetology instructor Lisa Wilkerson. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She provided a letter explaining that she stopped teaching in June 2016. She had planned to take the online course which is no longer available. She renewed her license in February 2018 but did not have the required continued education.

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

#### **DIRECTOR'S REPORT:**

Financial information presented through June 2018 reflects an estimated surplus \$242,016 for fiscal year 2018. The final numbers closing the fiscal year should be available at the November meeting. They month of July 2018 reflect \$245,701 in revenue and expenses at \$186,844 leaving a surplus of \$58,857.

Request for approval of continuing education sessions will be presented at the November board meeting.

Ms. Yvette Granger shared her experience while attending the continuing education session offered by PBC, Inc., in Memphis on September 23<sup>rd</sup> and 24<sup>th</sup>. She said the session was amazing and all participants were engaged the entire time.

## LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:30 AM on Monday, October 1<sup>st</sup> to review the allegations of 47 complaints and make recommendations to the Board.

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

### COSMETOLOGY CASES

#### 1. Case No.: COS-2018029501 – Shop

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

**License Expiration:** 08/31/2020

**Complaint history:** 20150221911, closed by Consent Order and payment of \$50.00 civil penalty

#### 2. Case No.: COS-2018032131 – Shop owner

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

**License Expiration:** 07/31/2019

**Complaint history:** 20150221912, closed by Consent Order and payment of \$50.00 civil penalty

Pursuant to inspection, both the shop and the owner's license were found to be expired. The owner is the manager operating with expired license.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$700.00 civil penalty

**Decision:** Approved.

#### 3. Case No.: COS- 2018031221

**First License Obtained:** 12/03/2015

**License Expiration:** 12/31/2019

**Complaint history:** None

This is a consumer complaint alleging a "bad result" from a hair coloring service.

**Recommendation:** Closure

**Decision:** Approved.

#### 4. Case No.: COS-2018031301

**First License Obtained:** 03/28/2017

**License Expiration:** 03/31/2019

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. Based on the complaint, an inspection was performed and no unlicensed activity was found.

**Recommendation:** Closure

**Decision:** Approved.

**5. Case No.: COS-2018031531**

**First License Obtained:** 10/05/2007

**License Expiration:** 10/31/2019

**Complaint history:** None

This is a consumer complaint alleging that this Respondent owns the below Respondent Shop COS 2018031561 and that the shop is a sham for an escort service. Based on this information, an investigation was performed but the shop was closed and no activity was found at the establishment on this date.

**Recommendation:** Closure

**Decision:** Approved.

**6. Case No.: COS-2018031561**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is the Respondent shop from the above complaint. The shop was not open on the date that the investigators attempted to enter the shop and there is no other proof of unlicensed activity. Refer to district attorney given allegations of potential escort service.

**Recommendation:** Closure with referral to local authorities.

**Decision:** Approved.

**7. Case No.: COS-2018031971**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. An inspection was performed and no unlicensed activity was found.

**Recommendation:** Closure

**Decision:** Approved.

**8. Case No.: COS-2018031361**

**First License Obtained:** 09/23/1992

**License Expiration:** 09/30/2019

**Complaint history:** 2014004581, closed by Consent Order and payment of \$1,250 civil penalty; 2017078351, closed w/no action

This is an employee complaint alleging that there is a cat in the salon. The owner/Respondent stated that this employee was recently demoted from management and is of the opinion that this led to the complaint as there is no cat in the salon.

**Recommendation:** Letter of instruction with request for inspection.

**Decision:** Approved.

**9. Case No.: COS-2018031951**

**First License Obtained:** 10/15/2013

**License Expiration:** 04/30/2020

**Complaint history:** None



This is a consumer complaint alleging unlicensed activity at this Respondent shop. Based on the complaint, an inspection was performed and no unlicensed activity was found in the shop at the time of inspection.

**Recommendation: Closure**

**Decision: Approved.**

**10. Case No.: COS-2018031761**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This is a consumer complaint alleging unlicensed activity. The consumer was not a customer but is relying on a Facebook feed as proof of unlicensed activity.

**Recommendation: Closure and request for inspection.**

**Decision: Approved.**

**11. Case No.: COS-2018032601**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

Pursuant to inspection, based on a consumer complaint this shop was found to be providing services without a shop license and two unlicensed persons were found to be providing services at the time of inspection.

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

**Decision: Approved.**

**12. Case No.: COS-2018032721**

**First License Obtained: 03/29/2016**

**License Expiration: 03/31/2020**

**Complaint history: None**

This is a consumer complaint alleging a bad result with placement of eyelashes.

**Recommendation: Closure**

**Decision: Approved.**

**13. Case No.: COS-2018032891**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

Pursuant to consumer complaint regarding unlicensed activity, an inspection was performed and the shop was found to be open for business and providing services without a license.

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

**Decision: Approved.**

**14. Case No.: COS-2018032951**

**First License Obtained: 04/25/2014**

**License Expiration: 03/31/2020**

**Complaint history:** 201602305, closed by Agreed Citation and payment of \$100.00 civil penalty

Pursuant to a consumer complaint, an inspection was performed and no unlicensed activity was found.

**Recommendation:** Closure

**Decision:** Approved.

**15. Case No.:** COS-2018033091

**First License Obtained:** 07/01/2013

**License Expiration:** 10/31/2018

**Complaint history:** None

This is a consumer complaint alleging that a dog is inside the salon. The Respondent admits that she has a therapy dog that comes in the salon at times.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$500.00 reduced to \$0.00 if Respondent provides documentation within 30 days to meet rules for allowing animals in salon.

**Decision:** Approved.

**16. Case No.:** COS-2018033611

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. The address provided by the consumer is incomplete and was returned by the post office. The consumer did not provide any other information.

**Recommendation:** Closure

**Decision:** Approved.

**17. Case No.:** COS-2018033241

**First License Obtained:** 01/05/2006

**License Expiration:** 09/01/2018

**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; 2017070771, closed w/ no action

This is a consumer complaint alleging unprofessional conduct of the students and an instructor of the school during the time the consumer was receiving services. The owner responded and states that the consumer was very disrespectful towards the students and that the owner spoke to the consumer and the consumer was also disrespectful to the owner.

**Recommendation:** Closure

**Decision:** Approved.

**18. Case No.: COS-2018034371**

**First License Obtained:** 11/17/2009

**License Expiration:** 11/30/2019

**Complaint history:** None

This is an anonymous complaint alleging that this respondent is providing services without a valid license.

**Recommendation:** Closure

**Decision:** Approved.

**19. Case No.: COS-2018034211**

**First License Obtained:** 04/16/2007

**License Expiration:** 03/31/2020

**Complaint history:** None

This is a complaint from a consumer received through the Nashville Health Dept. concerning unsanitary conditions inside the shop. Based on the complaint, an inspection was performed and no violations were found.

**Recommendation:** Closure

**Decision:** Approved.

**20. Case No.: COS-2018034451**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. This appears to be a mobile nail service based on the complaint however, the complaint lacks sufficient information to go forward at this time.

**Recommendation:** Closure with request for inspection.

**Decision:** Approved.

**21. Case No.: COS-2018034551**

**First License Obtained:** 12/01/2004

**License Expiration:** 11/30/2018

**Complaint history:** 2008015511, 2010014181 & 2010029421, Closed by Amended Consent Order and payment of \$2,500 civil penalty; 2009017281, closed with a Letter of Warning; 2015008611, settled by an Agreed Order payment plan to pay \$2,000 civil penalty; 2017020951, closed with request for inspection regarding sanitary conditions

This is a consumer complaint alleging a bad result from a braiding service.

**Recommendation:** Closure

**Decision:** Approved.

**22. Case No.: COS-2018034971**

**First License Obtained:** 10/27/2017

**License Expiration:** 10/31/2019

**Complaint history:** None

Pursuant to inspection based on a consumer complaint, the owner of the shop was found to be providing services without a license, see Complaint No. 2018035961. No licensed manager was present.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty.

**Decision:** Approved.

**23. Case No.: COS-2018035961**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is the Respondent/Owner from the above complaint who was found to be providing services without a license.

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

**Decision:** Approved.

**24. Case No.: COS-2018034991**

**First License Obtained:** 02/15/2017

**License Expiration:** 02/28/2019

**Complaint history:** None

This is an employee complaint alleging unsanitary conditions of the washer. The owner of the shop responded and photographs were provided of the washing machine.

**Recommendation:** Closure with request for inspection.

**Decision:** Approved.

**25. Case No.: COS-2018035221**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed and the Respondent/owner was found to be providing services without a license. The shop was also unlicensed.

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

**Decision:** Approved.

**26. Case No.: COS-2018037801**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is the shop from the above complaint. This shop was found to be open to the public, providing services and unlicensed.

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

**Decision:** Approved

**27. Case No.: COS-2018035261**

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

Based on a consumer complaint, an inspection was performed but no violations or unlicensed activity was found as the Respondent is working under a medical doctor.

**Recommendation:** Closure

**Decision:** Approved.

**28. Case No.: COS-2018035731**

**First License Obtained:** 06/20/2014  
**License Expiration:** 06/30/2020  
**Complaint history:** None

This is a consumer complaint alleging bad result from nail services with possible sanitary violations.

**Recommendation:** Letter of warning regarding sanitary violations.

**Decision:** Approved.

**29. Case No.: COS-2018035751**

**First License Obtained:** 06/10/2015  
**License Expiration:** 10/31/2019  
**Complaint history:** None

Based on a consumer complaint, an inspection was performed but no violations were found. It is noted in the inspection that a "day spa" is operating in a separate building from the salon but no customers were found to be receiving services on the date of the inspection. It appears salon and spa are one salon.

**Recommendation:** Closure

**Decision:** Approved.

**30. Case No.: COS-2018035711**

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

Based on a consumer complaint, an inspection was performed and no unlicensed activity was substantiated on the date of the inspection.

**Recommendation:** Closure

**Decision:** Approved.

**31. Case No.: COS-2018036941**

**First License Obtained:** 12/20/2010  
**License Expiration:** 11/30/2018  
**Complaint history:** 2013011411, closed w/no action; 2016003401, closed with no action; 2017061711, closure

This is a consumer complaint alleging a bad result from a nail service.

**Recommendation:** Closure

**Decision:** Approved.

**32. Case No.: COS-2018037061**

**First License Obtained:** 01/24/2012

**License Expiration:** 01/31/2020

**Complaint history:** None

This is a complaint from an anonymous source claimed that the Respondent's manicurist hours from the State of Texas are not valid. This matter was reviewed with the board office and she was approved by the Board office. There is no information that she did not complete the requisite hours in Texas.

**Recommendation:** Closure

**Decision:** Approved.

**33. Case No.: COS-2018037111**

**First License Obtained:** 12/21/2011

**License Expiration:** 12/31/2019

**Complaint history:** 2017018051, closure

This is a consumer complaint alleging a bad result from a nail service.

**Recommendation:** Closure

**Decision:** Approved.

**34. Case No.: COS-2018037451**

**First License Obtained:** 07/22/2010

**License Expiration:** 06/30/2020

**Complaint history:** 201706163, closed by Agreed Citation and payment of \$1,000 civil penalty

This is a consumer complaint alleging unlicensed activity. No additional information was provided.

**Recommendation:** Closure and request for inspection.

**Decision:** Approved.

**35. Case No.: COS-2018039081**

**First License Obtained:** 10/09/2015

**License Expiration:** 10/31/2019

**Complaint history:** 201803650, No jurisdiction

This is a consumer complaint alleging that the salon is allowing unlicensed persons to provide services in the salon. No additional information was received. The respondent denied the allegations and stated that the person named in the complaint only sale the product. The consumer did not personally witness any unlicensed activity but provided Facebook posts regarding the event at the salon. There is no indication in the Facebook posts that any services were being provided.

**Recommendation:** Closure and request for inspection.

**Decision:** Approved.

**36. Case No.: COS-2018039101**

**First License Obtained:** 10/09/2015

**License Expiration:** 10/31/2019

**Complaint history:** 201803650, No jurisdiction

This is a consumer complaint alleging that the salon is allowing unlicensed persons to provide services in the salon. No additional information was received. The respondent denied the allegations and stated that the person named in the complaint only sale the product. The consumer did not personally witness any unlicensed activity but provided Facebook posts regarding the event at the salon. There is no indication in the Facebook posts that any services were being provided.

**Recommendation: Closure and request for inspection**

**Decision: Approved.**

**37. Case No.: COS-2018039141**

**First License Obtained: 10/09/2015**

**License Expiration: 10/31/2019**

**Complaint history: 201803650, No jurisdiction**

This is a consumer complaint alleging that the salon is allowing unlicensed persons to provide services in the salon. No additional information was received. The respondent denied the allegations and stated that the person named in the complaint only sale the product. The consumer did not personally witness any unlicensed activity but provided Facebook posts regarding the event at the salon. There is no indication in the Facebook posts that any services were being provided.

**Recommendation: Closure and request for inspection**

**Decision: Approved.**

**38. Case No.: COS-2018039401**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

Pursuant to inspection, this salon was found to be operating without a license. The owner was found in the shop providing services without a license as same had expired in 2013 and appears to have been altered to appear to be current.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.**

**Decision: Approved.**

**BARBER CASES**

**39. Case No.: BAR-2018033521**

**First License Obtained: 07/25/2003**

**License Expiration: 07/31/2019**

**Complaint history: None**

Pursuant to inspection, this individual 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.**

**40. Case No.: BAR-2018034871**

**First License Obtained: N/A**

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

**41. Case No.: BAR-2018036601**

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

These complaints are filed on behalf of the shop and the owner. Pursuant to inspection, the shop was found to be open and providing services through its owner who is also unlicensed.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.

**Decision:** Approved.

### **REPRESENTS**

**42. Case No.: COS-2017031531**

**First License Obtained:** 12/05/2016  
**License Expiration:** 12/31/2018  
**Complaint history:** None

This matter was previously presented to the Board at the October 2, 2017 meeting as follows: *This is an anonymous consumer complaint alleging that the Respondent licensee has been arrested and charged with misdemeanor theft. The Respondent entered into a diversion program which does not constitute a conviction. Authorization: Litigation monitoring with recommendation for closure if probation is complete without incident as probation ends May 2018.*

**Update:** The Respondent completed her probation without incident and the theft charge was dismissed.

**Recommendation:** Closure

**Decision:** Approved.

**43. Case No.: COS-2018001701**

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

This matter was previously presented to the Board at the May 7, 2018 meeting as follows: *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. Authorization: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.*

**Update:** The Respondent has provided additional information that the person who was allegedly providing the services was the receptionist and that there was confusion between the inspector and the owner over who was providing which services in the salon.

**Recommendation:** Closure

**Decision:** Approved.



**44. Case No.: COS-2018008841**

**First License Obtained:** 12/12/2003  
**License Expiration:** 12/31/2019  
**Complaint history:** 201601463, closed by Agreed Citation and payment of \$1000 civil penalty

This matter was previously presented to the Board at the June 4, 2018 meeting as follows: *Pursuant to inspection, the owner was found to be providing services with expired license. The owner is also the manager. The shop was also offering services not authorized by the license. Authorization: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty.*

**Update:** **After this case was presented to the Board, it was discovered that the Respondent had already entered into an Agreed Citation with the Board and paid the assessed \$100.00 civil penalty, both of which were accepted. Due an inadvertently administrative error, the Legal Division was not notified of such until after the case was presented it in June 2018.**

**Recommendation:** Close this complaint by the executed Agreed Citation and the \$100.00 civil penalty payment.

**Decision:** Approved.

**45. 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

**UPDATE:** **All mail to local addresses was returned. In CLEAR report of September, new address is in another city, in another state. It would appear that Respondent is no longer living in Tennessee.**

**New Recommendation:** Close and flag should Respondent return to the state and continues to do unlicensed work.

**Decision:** Approved.

**46. Case No.: COS-2016060531**

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

This individual was cited for unlicensed activity for performing work without a license providing services out of her home not a licensed shop but instead was simply advertising on Facebook. However, she made application for a license in Tennessee on September 20, 2016 and is awaiting a final determination since she had been licensed in Florida.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with civil penalty of \$1000.00 for unlicensed activity and \$1000 for unlicensed shop.

**Decision:** Approved

**Update:** **The investigative report contains no evidence that Respondent actually engaged in unlicensed activity; rather the report only shows that Respondent advertised to perform services without a license. Further, the report includes the investigator's statement to**

**Respondent that he advised Respondent that she could only perform manicure services with a license and from a licensed shop, and that “he would report the verbal warning to the state and no further action would be taken if she complied.” To date, there have been no further complaints regarding this individual. Further, a CLEAR report indicates that Respondent no longer resides in state. In light of the lack of evidence contained in the report and the investigator’s own statements made to Respondent, Counsel recommends this matter be dismissed.**

**New recommendation: Dismiss/ close and flag.**

**Decision: Approved.**

**47. Case No.: COS-2017052221**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This is the unlicensed individual from the above Complaint No. 2017052201.

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

**Decision: Approved**

**Update: All mail addressed to Respondent has been returned to sender unclaimed, and a CLEAR report was unable to locate any individual by Respondent’s name. No additional information for Respondent could be determined.**

**New recommendation: Dismiss/ close and flag.**

**Decision: Approved.**

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

The meeting adjourned at 9:40 AM.

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

### **Summary Suspension:**

Litigating attorney, Pamela Spicer presented a request for summary suspension of two separate licenses: Mr. Dameon DaJuan Rigsby, master barber license No. 20237 and barber shop In The Cut Barbershop, license No. 11920. Ms. Spicer read the police report and explained the threat to the public and reason for request to suspend both licenses.

MOTION made by Patricia Richmond and seconded by Judy McAllister to deny the request to continuance.

MOTION made by Judy McAllister and seconded by Janie Ross for approval of summary suspension for Mr. Rigsby, license No. 20237. Motion carried unanimously.

MOTION made by Amy Tanksley and seconded by Patricia Richmond for approval of summary suspension for In the Cut Barbershop, license No. 11920. Motion carried unanimously.

## **NEW BUSINESS:**

On September 18, 2018 Tennessee Academy of Cosmetology closed its two campuses located in Memphis. They provided the students with a letter with an email and telephone number to assist them through the process. Since that date, the board as well as the Tennessee Higher Education Commission have received excel reports listing all the students enrolled at the school at the time of the closure. The executive Director had several conversations with one of the owners to assist the students through this horrible process. Students were emailed Withdrawal forms and their hours released. A total of 87 students are on the reports submitted. In a few cases the number of hours needed to be corrected by TAC and the office will create students files for all those students. Eleven students had been at the school three weeks when it closed. Four or five students were within a month of finishing their education.

Three students presented their specific requests for the board to consider:

Megan Holcomb, aesthetics student: requesting board waive the 78 hours she is lacking in order to take the Tennessee exams. She presented a letter explaining her search to continue her education and the financial burden this would create not to mention the time she has already lost.

MOTION made by Patricia Richmond and seconded by Becky Russell to table the request to the November meeting. Motion carried unanimously.

Kyra Saulsberry, manicure student: requesting board waive the less than 70 hours she is lacking in order to take the Tennessee exams. She presented a letter explaining her search to continue her education and the financial burden this would create not to mention the time she has already lost.

MOTION made by Patricia Richmond and seconded by Becky Russell to table the request to the November meeting. Motion carried unanimously.

Samantha Bedford, cosmetology student: requesting board put her in PSI to take the Tennessee exams. She completed 167 hours toward cosmetology in high school. She was not aware that these hours counted or could have been accepted. On August 11, 2018 she went past the seven years. If these hours could be approved and TAC corrects her hours to the 1,362 she says they have confirmed she has then she meets the requirements and can be put to test. She has baby due early November and was just in an automobile accident.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request to test. Motion carried unanimously.

Ms. Becky Russell offered to see if the Tennessee College of Applied Technology (TCAT) Schools would be able to take on some of these students. The board discussed how to handle other students not able to find a great solution to their situation. Further decision and conversations would take place in November.

**Rule Updates:**

The attorney for the board, Cherrelle Hooper, updated the board and the rules. The board reviewed the updated redline version. These rules were presented at the August board meeting and had a few changes. The rulemaking process was explained, statement of necessity read and the Governor's questions covered.

MOTION made by roll call to accept the rules as amended. Motion carried unanimously.

**Additional Questions:****Motion to adjourn**

MOTION to adjourn made by Patricia Richmond and seconded by Judy McAllister. Motion carried unanimously.