



**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 5, 2020 at 9:00 a.m. via WebEx.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting taking place through WebEx.

Roxana Gumucio, Executive Director, called roll. The following members participated telephonically: Kelly Barger, Anita Charlton, Frank Gambuzza, Ron Gillihan, Yvette Granger, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield, Amy Tanksley and Susan Witcher.

Unable to participate: Judy McAllister

Others participating Roxana Gumucio, Executive Director and Hugh Cross, Attorney for the Board.

### **STATEMENT OF NECESSITY-**

Attorney Hugh Cross read the statement of necessity for the record. Patricia Parsons motioned to accept the statement of necessity. This was seconded by Mona Sappenfield. The motion carried by unanimous roll call vote.

### **MINUTES-**

Minutes for the August 3, 2020 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Mona Sappenfield to approve the August 2020 minutes. The motion carried by unanimous roll call vote.

## **RULE MAKING HEARING-**

Attorney for the program, Hugh Cross, presented the proposed rule changes for the Barber as well as Cosmetology Rules. Mr. Cross explained the process, read all the changes into the record and asked if there were any questions. He asked for public comments.

Mr. Cross Read the Regulatory Flexibility Addendum on the record. He also read the Impact on Local Governments as well as additional information required by Joint Government Operations Committee.

Motion made by Patricia Parsons and seconded by Mona Sappenfield to approve the Barber rules as amended. The motion carried by unanimous roll call vote.

Motion made by Patricia Parsons and seconded by Janie Ross to approve the Cosmetology rules as amended. The motion carried by unanimous roll call vote.

Motion made by Kelly Barger and seconded by Patricia Parsons to approve the regulatory flexibility addendum as presented and amended. The motion carried by unanimous roll call vote.

Motion made by Patricia Parsons and seconded by Janie Ross to approve the impact on local governments as presented and amended. The motion carried by unanimous roll call vote.

Motion made by Patricia Parsons and seconded by Becky Russell to approve the information for joint government operations committee as presented and amended. The motion carried by unanimous roll call vote.

## **PRESENTED BEFORE THE BOARD-**

### **Hair RX – New Cosmetology Apprenticeship School**

Ms. Towanda Hilson participated to answer any questions for the board. The school is located in Bartlett. The school is over 402 sq. ft. The new school application, curriculum, blank contract, floor plan and contingency plan were all received timely.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve the new school pending updated items and an inspection by a field inspector only. The motion carried by unanimous roll call vote.

### **Sweeting's Cosmetology Braiding Institute - Specialty Natural Hair Styling School**

Ms. Danette Sweetings participated to answer any questions for the board. The school is located in Antioch. The school was previously opened between 2009 and May 2020 when they closed. The school application, blank contract, floor plan and contingency plan were all received timely along with the five student contracts.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Amy Tanksley and seconded by Patricia Parsons to approve the new school pending updated items and an inspection by a field inspector and a board member. The motion carried by unanimous roll call vote.

### **Mark Anthony's School of Cosmetology – New Cosmetology School**

Mr. Mark Anthony Love participated to answer any questions for the board. The school is located in Columbia. The school is 2,460 sq. ft. The new school application, curriculum, blank contract, floor plan and contingency plan were all received timely.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve the new school pending updated items and an inspection by a field inspector and a board member. The motion carried by unanimous roll call vote.

### **DCI Academy of Aesthetics – Advanced Makeup and Lash Extension Program**

Ms. Destiny Cox presented a plan for advanced makeup and separately for a lash extension program to be part of the aesthetics program taught at her specialty school.

MOTION made by Mona Sappenfield and seconded by Becky Russell to approve advanced makeup and lash extension program as presented. The motion carried by unanimous roll call vote.

### **Cure Advanced Aesthetics - Specialty Aesthetics School**

Ms. Malia Hendrix participated to answer any questions for the board. The school is located in Memphis. The school is 1,147 sq. ft. The school application, curriculum, blank contract, floor plan and contingency plan were all received timely along with the five student contracts.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve the new school pending updated items and an inspection by a field inspector and a board member. The motion carried by unanimous roll call vote.

### **Clipperkingz Academy – New Barber School**

Mr. Emanule DeBerry and Mr. Taylor participated on the meeting to answer any questions the board had. The school is located in Ripley. The school is 2,900 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, 15 student contracts, application and fee were all received timely.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve new school pending updated items and an inspection by a field inspector and a board member. The motion carried by unanimous roll call vote.

### **The Memphis Skin Academy – Specialty Aesthetics School**

Ms. Melanie Mull participated on the meeting to answer any questions the board had. This will be the second campus Ms. Mull is opening. The other location has been licensed since January 2018. This school is also located in Memphis. The school is 626 sq. ft. and this is an apprenticeship only aesthetics school. The floor plan, application and fee were all received timely along with the five contracts.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve the new location pending updated items and an inspection by a field inspector only. The motion carried by unanimous roll call vote.

### **C3 Beauty School, LLC. – New Cosmetology School**

Ms. Angelica Rucker participated to answer any questions for the board. The school is located in Memphis. The school is 3,800 sq. ft. The new school application, curriculum, blank contract, floor plan and contingency plan were all received timely.

Chair, Ron Gillihan went over the application. He stated each item that needed correction, anything that should be added and requested updates be submitted to Ms. Gumucio. Once that final submission is approved and added to the license file, the inspections should proceed so the school is not delayed until the December meeting.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve the new school pending updated items and an inspection by a field inspector and a board member. The motion carried by unanimous roll call vote.

### **Jenny Lea Academy of Cosmetology – Name Change**

Ms. Karen Sochon participated on the meeting to answer any questions the board had. She presented a school name change dropping the LLC. from the name. The school is located in Johnson City, Tennessee. This request is coming from the accrediting body.

MOTION made by Patricia Parsons and seconded by Kelly Barger to approve the name change. The motion carried by unanimous roll call vote.

### **The Hair Academy – Name Change**

Ms. Patricia Parsons participated on the meeting to answer any questions the board had. She presented a school name change dropping the LLC. from the name. The school is located in Fayetteville, Tennessee. This request is coming from the accrediting body.

MOTION made by Janie Ross and seconded by Kelly Barger to approve the name change. The motion carried by unanimous roll call vote.

The Executive Director requested permission to approve these type of School Name Change requests going forward so schools would not fail to be in compliance with their accrediting bodies while waiting on a board meeting.

MOTION made by Kelly Barger and seconded by Janie Ross to give permission for the director to process these requests without presenting them to the board. The motion carried by unanimous roll call vote.

### **SUMMARY SUSPENSIONS –**

The Summary Suspensions started at 10:37 Am. Attorney Michael Underhill handled both suspensions.

#### **Summary Suspension of Donald Parris, Jr. (Master Barber License No. 9276)**

Mr. Parris Jr. participated telephonically. Mr. Underhill went over the complaint file and asked Mr. Parris if he had any questions and to explain anything he wanted to the board members. Mr. Parris addressed the board and had no questions. After careful consideration, and the board members questions addressed, the members decided a temporary suspension was in order until proof could be provided from Mr. Parris' physician to Legal Counsel that Mr. Parris is not a concern to the public.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons to temporarily suspend master barber license No. 9276 until Mr. Parris provides proof form a medical professional that he is getting assistance. The motion carried by unanimous roll call vote.

#### **Summary Suspension of Nam Hoang Dinh (Cosmetologist License No. 181440)**

Mr. Underhill went over the complaint file and explained to the board that Mr. Dinh, through legal counsel, signed an Agreed Order for a temporary suspension of his license with an opportunity to provide any countervailing proof he may have at a hearing that will take place at the December 7, 2020 board meeting.

### **LEGAL REPORT- STAFF ATTORNEY**

The State Board of Cosmetology and Barber Examiners met to review the allegations of 150 complaints and make recommendations to the Board.

### **COSMETOLOGY CASES**

#### **1.Case No.: COS- 2020033211**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This anonymous complaint alleges unlicensed individual activity operating from home (no address listed). Disciplinary counsel attempted contact through e-mail and received no response.

**Recommendation:** Closure due to lack of address.

**Decision:** Approved

**2.Case No.:** COS- 2020035201

**First License Obtained:** 09/24/2019

**License Expiration:** 09/30/2021

**Complaint History:** None

This consumer complaint alleges Respondent is providing lash certification classes without a personal certification and is requesting her certification/receipts for the class. The Respondent stated the license number is correct, but the person referenced in the complaint is someone else and Respondent does not work/reside in the town listed in the complaint. Complainant acknowledged the mix-up.

**Recommendation:** Closure.

**Decision:** Approved

**3.Case No.:** COS- 2020036521

**First License Obtained:** 10/30/2006

**License Expiration:** 10/31/2020

**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; 2018001021, closure

This consumer complaint alleges Respondent is not using masks, social distancing, using sanitization or appropriate appointment scheduling to limit contact. Annual inspection revealed a valid individual license not displayed. A Notice of Violation was issued for valid individual license not displayed.

**Recommendation:** Letter of warning for valid license not displayed.

**Decision:** Approved

**4.Case No.:** COS-2020036651

**First License Obtained:** 05/15/2020

**License Expiration:** 05/31/2022

**Complaint History:** None

This competitor complaint alleges Respondent is performing facials during phase one of the pandemic reopening. Inspection revealed no evidence of such services being performed at the Respondent location.

**Recommendation:** Closure.

**Decision:** Approved

**5.Case No.:** COS-2020037041

**First License Obtained:** 07/26/2002

**License Expiration:** 11/30/2020

**Complaint History:** None

This employee complaint alleges Respondent employees/owner are not wearing masks, allowing walk-ins, is not using hot water to clean towels/tools, and not sanitizing bowls or chairs. Respondent stated they are following all state and local guidelines. Inspection revealed no

unsanitary conditions and the Respondent was following pandemic guidelines. An annual inspection was conducted and no Notices of Violation were issued.

**Recommendation: Closure.**

**Decision: Approved**

**6. Case No.: COS-2020037141**

**First License Obtained: 12/06/2011**

**License Expiration: 02/28/2022**

**Complaint History: None**

This consumer complaint alleges Respondent is not using an appointment-spacing social distancing technique but instead is using a “call ahead and wait” system where customers are congregating outside the front doors. Respondent states they are only accepting on-line check-ins and not answering the phones for appointments; they cannot control what customers do in the parking lot.

**Recommendation: Closure.**

**Decision: Approved**

**7. Case No.: COS-2020038321**

**First License Obtained: 02/05/2018**

**License Expiration: 01/31/2022**

**Complaint History: 201908980 closed by Agreed Citation and payment of \$1,000 civil penalty**

Pursuant to inspection, it was revealed that Respondent was allowing an unlicensed individual to perform services. A Notice of Violation was issued for person without valid license practicing and responsibilities of owner and manager of a shop. This is Respondent’s second offense for person without valid license practicing.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.**

**Decision: Approved**

**8. Case No.: COS-2020037451**

**First License Obtained: 08/21/2017**

**License Expiration: 07/31/2021**

**Complaint History: None**

This consumer complaint alleges Respondent is not using masks and not sanitizing the chairs. An annual inspection was conducted and no Notices of Violation were issued.

**Recommendation: Closure.**

**Decision: Approved**

**9. Case No.: COS-2020038501**

**First License Obtained: 09/04/2013**

**License Expiration: 09/30/2021**

**Complaint History: None**

This consumer complaint alleges Respondent is not using masks and Respondent’s husband may be providing services while unlicensed. Respondent states the Complainant is a disgruntled former employee and the pictures taken (of no mask use by Respondent) in support by the Complainant were taken after hours when no customers were present. The picture of husband was where he



was cleaning a shampoo bowl after use and the person in the chair was a roommate waiting for a haircut by the Respondent.

**Recommendation: Closure.**

**Decision: Approved**

**10. Case No.: COS-2020038611**

**First License Obtained: 08/13/2020**

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

**Complaint History: None**

Pursuant to inspection, Respondent was performing services while unlicensed. A Notice of Violation was issued. Agreed Citation sent to Respondent's address came back "return to sender – insufficient address – unable to forward."

**Recommendation: Closure due to unable to locate.**

**Decision: Approved**

**11. Case No.: COS-2020038221**

**First License Obtained: 07/09/2019**

**License Expiration: 06/30/2021**

**Complaint History: 202000667, closed with Letter of Warning;**

This consumer/competitor complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed several unsanitary conditions but no unlicensed activity. A Notice of Violation was issued for the unsanitary conditions and for responsibility of owner or manager of a shop.

**Recommendation: Letter of Warning for unsanitary conditions.**

**Decision: Approved**

**12. Case No.: COS-2020038441**

**First License Obtained: 07/21/1989**

**License Expiration: 10/31/2021**

**Complaint History: 201802209, closed with no jurisdiction**

This anonymous complaint alleges Respondent is not using masks. Respondent states they provide free masks for all and all customers must wait in the parking lot until their appointment time.

**Recommendation: Closure.**

**Decision: Approved**

**13. Case No.: COS-2020038951**

**First License Obtained: 03/21/2019**

**License Expiration: 03/31/2021**

**Complaint History: 202000669, closed by Agreed Citation and payment of \$500.00 civil penalty; 202003851, closed by Agreed Citation and payment of \$1,000 civil penalty**

Pursuant to inspection, Respondent (owner) was allowing two (2) persons to perform services while unlicensed. A Notice of Violation was issued for same as well as for failure of responsibilities of owner or manager of shop.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.**

**Decision: Approved**

**14. Case No.: COS-2020039201**

**First License Obtained: 04/22/2003**

**License Expiration: 01/31/2022**

**Complaint History: None**

This competitor complaint alleges Respondent is not following pandemic guidelines but does not elaborate further. Respondent states she is following proper guidelines regarding mask/glove usage, hand sanitization, and social distancing.

**Recommendation: Closure.**

**Decision: Approved**

**15. Case No.: COS-2020039541**

**First License Obtained: 02/15/2016**

**License Expiration: 11/30/2020**

**Complaint History: None**

This former employee complaint alleges Respondent has her license and will not return it after she resigned. Respondent states complainant never brought her license to the shop and paid complainant to replace the license.

**Recommendation: Closure.**

**Decision: Approved**

**16. Case No.: COS-2020039991**

**First License Obtained: 11/30/2015**

**License Expiration: 11/30/2021**

**Complaint History: None**

Pursuant to annual inspection, Respondent's shop license was expired (expiration 11-30-19). A Notice of Violation was issued. Inspector states Respondent renewed shop license the following day.

**Recommendation: Letter of Warning.**

**Decision: Approved**

**17. Case No.: COS-2020039621**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This anonymous competitor complaint alleges Respondent is performing services unlicensed while at home. Complaint does not provide an address, telephone number or e-mail for Respondent. Complainant later provided an address for Respondent, but mail to Respondent was returned "insufficient address – unable to forward."

**Recommendation: Closure due to unable to locate.**

**Decision: Approved**

**18. Case No.: COS-2020039631**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This consumer complaint alleges unlicensed individual activity. When inspector came to the address listed (trailer park), he contacted both Complainant and Respondent and left voicemails in order to get a more specific address. For a week thereafter, neither person returned the Inspector's phone call.

**Recommendation:** Closure.

**Decision:** Approved

**19. Case No.:** COS- 2020040311

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This consumer complaint alleges unlicensed individual activity. Inspection revealed Respondent serving in a clerical role at the shop's front desk. Respondent is a cosmetology student and only performs free services for practice. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Letter of instruction on what services a cosmetology student can perform while a cosmetology student.

**20. Case No.:** COS- 2020040531

**First License Obtained:** 03/07/2012

**License Expiration:** 03/31/2022

**Complaint History:** None

This consumer complaint alleges Respondent is performing services while under the influence of drugs and/or alcohol. Respondent states the alleged complaint is false and has spoken with the Complainant, who advised the Respondent he did not file the complaint. Complainant further corresponded with the Regulatory Complaints section that alleged complainant did not file the original complaint in this matter and that someone else was using his name/identity.

**Recommendation:** Closure.

**Decision:** Approved

**21. Case No.:** COS-2020040041

**First License Obtained:** 04/02/2018

**License Expiration:** 04/30/2022

**Complaint History:** None

This consumer complaint alleges Respondent is charging an unreasonable price for services. An annual inspection revealed some correctable unsanitary infractions. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**22. Case No.:** COS- 2020040091

**First License Obtained:** 08/02/1993

**License Expiration:** 07/31/2021

**Complaint History:** None

This anonymous complaint alleges Respondent and customers are not wearing masks. Inspection revealed Respondent was aware that the Tennessee Pledge program was not compulsory and he did not have to comply; hesitant customers do not need to come to the shop. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

23. Case No.: COS- 2020040231

**First License Obtained:** 03/14/1994

**License Expiration:** 09/01/2020

**Complaint History:** 8686, dismissed; 2005031461, dismissed; 2008012021, closed by Consent Order and payment of \$500.00 civil penalty; 2009001511, 2009010631, 2009016951, 2009020291, 2010020821, and 2011005211, closed with no action;

This former student complaint alleges Respondent school is not providing her 2012-2013 transcripts to her. Complainant added she understands the transcripts will need to be pulled from archives and requested they be forwarded by the school to her current community college e-mail address for financial aid purposes. Respondent states he contacted Complainant when he received the complaint and rectified the matter.

**Recommendation:** Closure.

**Decision:** Approved

24. Case No.: COS- 2020040621

**First License Obtained:** 07/31/2015

**License Expiration:** 06/30/2021

**Complaint History:** 201601359, closed by Agreed Citation and payment of \$100.00 civil penalty; 2017006361, closed by Consent Order and payment of \$2,600 civil penalty; 2018040601, closure; 2020003311, closed by Consent Order and payment of \$500.00 civil penalty

This consumer complaint alleges unlicensed individual activity. Inspection did not reveal evidence of unlicensed individual activity. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

25. Case No.: COS- 2020041041

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This consumer complaint alleges unlicensed individual activity from a home. Inspection revealed the address was an apartment complex and a specific apartment number was provided in the complaint.

**Recommendation:** Closure.

**Decision:** Approved

26. Case No.: COS- 2020041671

**First License Obtained:** 08/02/2007

**License Expiration:** 08/31/2021

**Complaint History:** None

Pursuant to annual inspection, the Respondent's (owner) shop license was expired (expiration 11-30-19). A Notice of Violation was issued for the expired shop license as well as for responsibilities of owner of a shop. The shop license has since been renewed.

**Recommendation:** Letter of warning.

**Decision:** Approved

27. Case No.: COS- 2020041921

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This competitor complaint alleges unlicensed individual and shop activity from home along with social media proof. Inspection revealed that when Inspector went to the residence listed, the Respondent told the inspector that she was not providing unlicensed services. Inspector was not able to view inside the house. Based on the social media proof, inspector counseled Respondent that any unlicensed activity must cease.

**Recommendation:** Letter of Warning with cease and desist language, and flag.

**Decision:** Approved

28. Case No.: COS- 2020042271

**First License Obtained:** 02/19/2016

**License Expiration:** 02/29/2020

**Complaint History:** None

This administrative complaint alleges Respondent has refused to answer repeated requests for annual shop inspection.

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

**Decision:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 which shall be reduced to \$100.00 if Respondent complies with the annual inspection.

29. Case No.: COS- 2020043021

**First License Obtained:** 02/03/1995

**License Expiration:** 02/28/2021

**Complaint History:** 2014007671, closed by Amended Consent Order and payment of \$125.00 civil penalty

Please see fact pattern in #31 below. This Respondent is one of the employees with an expired license and has since renewed their personal license.

**Recommendation:** Letter of Warning.

**Decision:** Approved

30. Case No.: COS- 2020043041

**First License Obtained:** 10/28/1992

**License Expiration:** 07/31/2021

**Complaint History:** None

Please see fact pattern in #31 below. This Respondent is one of the employees with an expired license and has since renewed their personal license.

**Recommendation:** Letter of Warning.

**Decision:** Approved

31. Case No.: COS- 2020042971

**First License Obtained: 04/22/2013**

**License Expiration: 11/30/2021**

**Complaint History: 2014007661, closed by Amended Consent Order and payment of \$375.00 civil penalty**

Pursuant to annual inspection, it was revealed Respondent's shop license was expired (expiration 11-30-19), the manager (owner) license was expired (expiration 2-28-19), the owner's individual license expired (expiration 7-31-19), and two (2) persons were practicing with expired licenses (2-28-19 and 7-31-19, respectively). A Notice of Violation was issued for shop owner/manager not present, persons practicing with an expired license (times two), and expired shop license. This Respondent is the shop/owner. All licenses have since been renewed.

**Recommendation: Letter of Warning.**

**Decision: Approved**

**32. Case No.: COS- 2020043081**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This consumer complaint alleges unprofessional conduct and wants a refund for services paid for but not performed. This is outside the scope of the Board's disciplinary authority.

**Recommendation: Closure.**

**Decision: Approved**

**33. Case No.: COS- 2020043301**

**First License Obtained: 04/09/1986**

**License Expiration: 12/31/2020**

**Complaint History: None**

This anonymous complaint alleges a lack of mask use at Respondent shop. Respondent states she consistently wears her mask, except for when a health condition prevents otherwise.

**Recommendation: Closure.**

**Decision: Approved**

**34. Case No.: COS- 2020043991**

**First License Obtained: 02/10/2006**

**License Expiration: 02/28/2022**

**Complaint History: 2014006131, closed with no action; 2018072861, closed by Consent Order and payment of \$1,000 civil penalty**

Please see fact pattern in #38 below. This Respondent is the co-owner and manager of the shop who was cited for failure of owner or manager of a shop.

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

**Decision: Approved**

**35. Case No.: COS- 2020044061**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

Please see fact pattern in #38 below. This Respondent is one of the unlicensed employees.

**Recommendation:** Authorize formal hearing. Settlement by consent order with the civil penalty of \$1,000.00.

**Decision:** Approved

**36. Case No.:** COS- 2020043571

**First License Obtained:** 11/19/2015

**License Expiration:** 11/30/2021

**Complaint History:** 2017034231, closed by Consent Order and payment of \$1,000 civil penalty

This consumer complaint alleges unlicensed individual activity, not taking temperatures at the door, and not social distancing. Inspection revealed no unlicensed activity, and a Notice of Violation was issued for an employee not wearing a name tag.

**Recommendation:** Letter of Warning.

**Decision:** Approved

**37. Case No.:** COS-2020043811

**First License Obtained:** 08/24/2016

**License Expiration:** 08/31/2018

**Complaint History:** None

This consumer complaint alleges dissatisfaction with services performed on her and wanting a refund. Respondent states Complainant was forewarned about potential hair issues prior to the services being performed, made an attempt to rectify the hair issue, and does not feel it equitable to do a refund based on these actions. This is outside the Board's disciplinary authority.

**Recommendation:** Closure.

**Decision:** Approved

**38. Case No.:** COS-2020043961

**First License Obtained:** 02/15/2018

**License Expiration:** 02/28/2022

**Complaint History:** 2018072831, closed by Consent Order and payment of \$1,000 civil penalty

Pursuant to annual inspection, it was revealed that an inspection sheet was not displayed, there were two (2) persons practicing while unlicensed, and a failure of owner or manager of a shop. A Notice of Violation was issued for these infractions. This is the Respondent shop's second offense for persons practicing while unlicensed.

**Recommendation:** Authorize formal hearing. Settlement by consent order for the civil penalty of \$2,000.00.

**Decision:** Approved

**39. Case No.:** COS-2020045021

**First License Obtained:** 03/05/2020

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

**Complaint History:** None

Please see fact pattern in #42 below. This Respondent is the shop manager/owner. A Notice of Violation was issued for failure of responsibilities of owner or manager of a shop.

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

**Decision:** Approved

**40. Case No.:** COS-2020045041

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

Please see fact pattern in #42 below. This Respondent is the unlicensed individual. A Notice of Violation was issued for same.

**Recommendation:** Authorize formal hearing. Settlement by consent order with the civil penalty of \$1,000.00.

**Decision:** Approved

**41. Case No.:** COS-2020044761

**First License Obtained:** 04/29/2003

**License Expiration:** 03/31/2022

**Complaint History:** 200418872, closed, 2005022431, closed with no action, 200502047, closed by Consent Order and payment of \$3,000 civil penalty; 2007058301, dismissed

This consumer complaint alleges employees not wearing masks. Respondent states Complainant is a competitor who lives out-of-state and was never a client; further, they are following all pandemic guidelines. Complainant rebuts and states she came by the shop to surprise a friend/employee of Respondent shop and get a haircut, but when she saw no masks, she left the shop.

**Recommendation:** Closure.

**Decision:** Approved

**42. Case No.:** COS-2020045001

**First License Obtained:** 12/23/2019

**License Expiration:** 12/31/2021

**Complaint History:** None

Pursuant to inspection, it was revealed that Respondent was allowing an individual to perform services while unlicensed. A Notice of Violation was issued. This Respondent is the shop.

**Recommendation:** Authorize formal hearing. Settlement by consent order with the civil penalty of \$1,000.00.

**Decision:** Approved

**43. Case No.:** COS-2020045711

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence of unlicensed individual activity.

**Recommendation:** Closure.

**Decision:** Approved

**44. Case No.:** COS-2020045811

**First License Obtained:** N/A



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

This consumer complaint alleges dissatisfaction with a service performed on her by the Respondent. Inspection revealed Respondent did not have a valid individual or shop license; inspector went to Respondent's address listed in complaint and did not see evidence of an active operation. The telephone number listed in the complaint was incomplete; inspector left a card at residence with instructions to contact him. Respondent never called back.

**Recommendation:** Close and flag.

**Decision:** Approved

**45. Case No.:** COS- 2020046031

**First License Obtained:** 10/30/2000

**License Expiration:** 10/31/2020

**Complaint History:** None

This consumer complaint alleges Respondent performed services on her minor daughter without complainant's permission. The minor daughter was there with a friend getting services, with the permission of friend's mother. Friend's mother provided letter in support of Respondent stating affirmatively that Complainant gave friend's mother permission to have Respondent perform services on the minor daughter.

**Recommendation:** Closure.

**Decision:** Approved

**46. Case No.:** COS- 2020047441

**First License Obtained:** 08/29/2017

**License Expiration:** 07/31/2021

**Complaint History:** 2018023731, close and flag; 2019056901, closure

This consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed no evidence of either allegation. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**47. Case No.:** COS- 2020047441

**First License Obtained:** 11/12/2015

**License Expiration:** 11/30/2021

**Complaint History:** 2015021677, closed with Letter of Warning

This consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed no evidence of either allegation. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**48. Case No.:** COS- 2020047501

**First License Obtained:** 10/16/2019

**License Expiration:** 10/31/2021

**Complaint History:** None

This consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed no evidence of either allegation. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**49. Case No.: COS- 2020047661**

**First License Obtained: 02/27/2014**

**License Expiration: 02/28/2022**

**Complaint History: None**

This consumer complaint alleges employee were not wearing masks. Respondent states they are complying with state and local pandemic guidelines. Inspection revealed an expired shop license; Respondent was counseled on renewal of shop license and no Notice of Violation was issued.

**Recommendation: Letter of Warning.**

**Decision: Approved**

**50. Case No.: COS- 2020047821**

**First License Obtained: 01/12/2012**

**License Expiration: 12/31/2021**

**Complaint History: None**

This employee complaint alleges a customer may be feigning dissatisfaction with a service performed and wanting a free service; complainant employee also alleges he is being discriminated against regarding this same situation with the alleged dissatisfied customer by the Respondent. Respondent states complainant was let go for cause and not due to discrimination. Complainant rebuts that Respondent's response is fabrication, defamatory and slanderous.

**Recommendation: Closure. Respondent is out of business per inspector as of 7-29-20.**

**Decision: Approved**

**51. Case No.: COS- 2020049211**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This anonymous complaint alleges Respondent is performing services at a nursing home while unlicensed. Inspection revealed, through the administrator of the nursing home, that Respondent was performing services for no compensation.

**Recommendation: Closure.**

**Decision: Approved**

**52. Case No.: COS- 2020049281**

**First License Obtained: 08/17/2017**

**License Expiration: 08/31/2021**

**Complaint History: None**

Pursuant to inspection, it was revealed Respondent shop manager was allowing an individual to practice while unlicensed as well as unsanitary conditions. A Notice of Violation was issued for these infractions, as well as for failure of owner or manager of a shop.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.**

**Decision: Approved**

**53. Case No.: COS- 2020049011**

**First License Obtained: 12/01/2017**

**License Expiration: 09/01/2020**

**Complaint History:** None

This anonymous complaint alleges a lack of mask use and social distancing at the school. The Respondent states they are complying with all local and state regulations regarding mask use, social distancing and sanitization.

**Recommendation:** Closure.

**Decision:** Approved

**54. Case No.:** COS- 2020049861

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This consumer complaint alleges Respondent is unlicensed and operating out of her home as an unlicensed shop. Inspector research revealed Respondent did not have a valid license and was operating an unlicensed shop. A Notice of Violation was not issued because inspector did not have access to the home or the Respondent (Respondent was at her initial job at the time of inspection at the home; through social media [offering services for money on a Facebook page], it was confirmed Respondent was performing services from home as a second form of employment). However, the Inspector nor the complainant actually saw services being performed on a customer for money by the Respondent.

**Recommendation:** Letter of instruction on application process for licensure and flag.

**Decision:** Approved

**55. Case No.:** COS-2020050141

**First License Obtained:** 10/03/2007

**License Expiration:** 02/28/2021

**Complaint History:** 2009001401, closed by Consent Order and payment of \$1,000 civil penalty; 2012015701, closed by Consent Order and payment of \$750.00 civil penalty; 2012011661, closed by Consent Order and payment of \$500.00 civil penalty; 2016013901, closed by Consent Order and payment of \$750.00 civil penalty;

201701711, closed by Agreed Citation and payment of \$100.00 civil penalty and Letter of Warning

Pursuant to annual inspection, it was revealed Respondent's manager (owner) was not present at the time of inspection. A Notice of Violation was issued for to the Respondent shop.

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

**Decision:** Approved

**56. Case No.:** COS- 2020050151

**First License Obtained:** 02/01/2013

**License Expiration:** 11/30/2020

**Complaint History:** None

This consumer complaint alleges a fungal infection from a service performed at the Respondent shop due to unsanitary conditions; no medical records were provided in support. Inspection revealed no evidence of unsanitary conditions nor unsanitary practices. No Notice of Violation was issued.

**Recommendation: Closure.**

**Decision: Approved**

**57. Case No.: COS- 2020050211**

**First License Obtained: 07/06/2020**

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

**Complaint History: None**

This complaint alleges unsanitary conditions at Respondent shop. Inspection revealed no evidence of unsanitary conditions. No Notice of Violation was issued.

**Recommendation: Closure.**

**Decision: Approved**

**Case No.: COS- 2020050291**

**First License Obtained: 11/07/2019**

**License Expiration: 10/31/2021**

**Complaint History: 202004033, closed with Letter of Warning**

This consumer complaint alleges Respondent is not taking temperatures of customers nor following social distancing of customers in the waiting area. Respondent states they are following pandemic guidelines and provided pictures in support of social distancing.

**Recommendation: Closure.**

**Decision: Approved**

**58. Case No.: COS- 2020050891**

**First License Obtained: 08/03/2016**

**License Expiration: 08/31/2022**

**Complaint History: None**

This anonymous complaint alleges an employee is exhibiting coronavirus symptoms and Respondent is not making the employee follow quarantine procedures. Respondent states they are following temperature/glove/mask/sanitation guidelines for employees and the employee in question tested negative for coronavirus.

**Recommendation: Closure.**

**Decision: Approved**

**59. Case No.: COS- 2020051301**

**First License Obtained: 07/26/2011**

**License Expiration: 06/30/2021**

**Complaint History: 201605870, closed by Agreed Citation and payment of \$1,000 civil penalty; 2018070391, closed by Consent Order and payment of \$2,000 civil penalty**

This consumer/competitor complaint alleges continuing unlicensed activity and unsanitary conditions by the Respondent. Inspection was performed and shop license 33591 is out of business and a new shop license was issued for 42916 for a new shop owner/shop license. A Notice of Violation was issued to the new shop license. Please see #93 below.

**Recommendation: Closure. Out of business.**

**Decision: Approved**

**60. Case No.: COS- 2020051661**

**First License Obtained: 11/23/2005**

**License Expiration:** 11/30/2021  
**Complaint History:** 201602328, closed by Agreed Citation and payment of \$100.00 civil penalty

This anonymous complaint alleges Respondent is not following pandemic guidelines for masks and social distancing. Respondent states they wear masks and observe social distancing.

**Recommendation:** Closure.

**Decision:** Approved

**61. Case No.:** COS- 2020053121

**First License Obtained:** 07/16/2003

**License Expiration:** 02/28/2021

**Complaint History:** None

This consumer complaint alleges dissatisfaction with a service performed and requests a refund. Respondent states she tried to rectify the complaints, performed services at a discount, and does not feel she has done anything wrong that would warrant a refund. This is outside the Board's disciplinary authority.

**Recommendation:** Closure.

**Decision:** Approved

**62. Case No.:** COS- 2020052111

**First License Obtained:** 07/18/2014

**License Expiration:** 07/31/2022

**Complaint History:** None

This consumer complaint alleges the contraction of a foot fungus through unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**63. Case No.:** COS- 2020053571

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This consumer complaint alleges unlicensed shop activity. Inspection revealed inspector contacted the Respondent's owner, who had a similar shop in a different location that was a licensed shop. Inspector counseled Respondent owner that each shop location must have a valid shop license. No Notice of Violation was issued.

**Recommendation:** Letter of instruction with directions on application for shop license.

**Decision:** Approved

**64. Case No.:** COS- 2020053191

**First License Obtained:** 11/06/2019

**License Expiration:** 09/01/2021

**Complaint History:** None

This anonymous complaint alleges questionable and unsanitary teaching/training practices at Respondent school. Inspection revealed no evidence of the allegations. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**65. Case No.: COS- 2020054311**

**First License Obtained: 11/29/2004**

**License Expiration: 11/30/2020**

**Complaint History: None**

This consumer complaint alleges Respondent is not wearing a mask while performing services and provided pictures of Respondent without a mask. Respondent states complainant is the family member of recent disgruntled former employee and the picture taken was when she took her mask off briefly due to a health condition. Otherwise, she wears a mask.

**Recommendation: Closure.**

**Decision: Approved**

**66. Case No.: COS- 2020055741**

**First License Obtained: 02/11/2013**

**License Expiration: 01/31/2021**

**Complaint History: 2014004681, closed with Letter of Warning;  
2017023741, closed with no action**

This anonymous complaint alleges Respondent shop does not wear masks with a social media post from Respondent owner in support. Respondent owner states social media post was from a social media group that she has since removed herself from. The post was a personal expression of her personal belief.

**Recommendation: Closure.**

**Decision: Approved**

**67. Case No.: COS- 2020057621**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This anonymous complaint alleges Respondent is operating a "mobile" cosmetology operation while unlicensed. Inspection research revealed an alleged webpage of services with an address belonging to Respondent's mother; inspector presented to same address and was able to get in telephone contact with Respondent. Respondent states she has performed services for family members in the past for no compensation and was unaware of a webpage of services listing her mother's address. Respondent provided further information to inspector that she had researched the e-mail address associated with the webpage and it was not her electronic mail address; she is in contact with the webmaster to have the webpage taken down. Inspector counseled Respondent on the licensure requirement process.

**Recommendation: Letter of Instruction and flag.**

**Decision: Approved**

**68. Case No.: COS- 2020058001**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

See fact pattern above. This appears to be a duplicitous complaint with the same inspection report.

**Recommendation: Closure.**

**Decision: Approved**

**69. Case No.: COS-2020058151**

**First License Obtained: 05/17/2019**

**License Expiration: 05/31/2021**

**Complaint History: None**

This consumer complaint alleges Respondent is not wearing masks and observing social distancing. Respondent provided pictures (with distances) showing the social distancing utilized in the shop; masks are used in "close contact" settings.

**Recommendation: Closure.**

**Decision: Approved**

**70. Case No.: COS-202005851**

**First License Obtained: 01/25/2017**

**License Expiration: 12/31/2020**

**Complaint History: None**

This anonymous consumer complaint alleges masks are not being used and are allowing walk-in customers as opposed to scheduling appointments that promote social distancing. Respondent states that walk-ins do come to the shop, but everyone (including appointments) must wait in their car until time for services to be rendered; mask usage is in compliance with local pandemic guidelines.

**Recommendation: Closure.**

**Decision: Approved**

**71. Case No.: COS-2020059001**

**First License Obtained: 08/04/2020**

**License Expiration: 07/31/2020**

**Complaint History: None**

This anonymous complaint alleges Respondent is allowing walk-in customers. Respondent states they are not enrolled in the Tennessee Pledge program.

**Recommendation: Closure.**

**Decision: Approved**

**72. Case No.: COS-2020059701**

**First License Obtained: 12/17/2018**

**License Expiration: 12/31/2020**

**Complaint History: None**

This anonymous consumer complaint alleges unlicensed individual activity. Respondent owner responded all employees are licensed and provided photographs of the license for each employee. Inspection revealed no evidence of unlicensed individual activity.

**Recommendation: Closure.**

**Decision: Approved**

**73. Case No.: COS-2020059991**

**First License Obtained: 04/18/2007**

**License Expiration: 04/30/2019**

**Complaint History: 2011023451, closed with no action; 2014001831, closed by Agreed Order and payment of \$1,000 civil penalty**

**and \$200.00 costs; 2015012891, closed by Amended Consent Order and payment of \$2,500 civil penalty**

Pursuant to annual inspection, it was revealed the Respondent had an expired shop license (expiration 4-30-19), the shop owner was performing services while unlicensed, and for owner or manager of a shop not being present (owner unlicensed). A Notice of Violation was issued for all infractions. This is Respondent's second offense for person practicing without valid license (owner) and owner or manager of shop not present (owner unlicensed).

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$3,000.00.**

**Decision: Approved**

**74. Case No.: COS-2020059661**

**First License Obtained: 08/16/2006**

**License Expiration: 08/31/2022**

**Complaint History: None**

This consumer complaint alleges masks are not being worn at Respondent shop. Respondent states temperatures are taken daily and there are no signs of symptoms; if there is a health concern then the customer should remain at home.

**Recommendation: Closure.**

**Decision: Approved**

**75. Case No.: COS-2020053681**

**First License Obtained: 03/06/1996**

**License Expiration: 03/31/2022**

**Complaint History: 2014009751, closed by Consent Order and payment of \$500.00 civil penalty**

This consumer complaint alleges Respondent is not using a mask or observing social distancing/sanitization per pandemic guidelines.

**Recommendation: Closure.**

**Decision: Approved**

**76. Case No.: COS-2020059251**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This consumer complaint alleges unlicensed individual activity from an unlicensed home shop. Inspection revealed that, when presenting to the address listed in the complaint, Respondent does not live at the address.

**Recommendation: Closure and flag.**

**Decision: Approved**

**77. Case No.: COS-2020060151**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This consumer complaint alleges unlicensed individual activity from an unlicensed home shop. Inspection revealed social media indicating an unlicensed individual and home operation; when



presenting to the home address, Respondent was allegedly not at home and inspector was not allowed entrance into the home by Respondent's husband. Husband conceded to inspector that Respondent is not individually licensed. Inspector left card with Husband for Respondent to contact him so he could counsel Respondent on the process for licensure; Respondent never called back. Due to the above circumstances, a Notice of Violation was not issued to the Respondent.

**Recommendation:** Letter of Instruction on licensure process.

**Decision:** Approved

**78. Case No.:** COS-2020060161 **First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This consumer complaint alleges the same unlicensed activity as stated above and would appear duplicitous.

**Recommendation:** Closure.

**Decision:** Approved

**79. Case No.:** COS-2020057721

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This consumer complaint alleges unlicensed activity, potential Covid-19 exposure, and not following pandemic guidelines. Inspection revealed that when he went to the address listed in the complaint, there was no indication of a "Styled by Eri" present at that location. Further, inspector research revealed another business, Jackie's Hair Studio (status – closed), was previously at the address.

**Recommendation:** Closure.

**Decision:** Approved

**80. Case No.:** COS-2020059741

**First License Obtained:** 08/16/2019

**License Expiration:** 08/31/2021

**Complaint History:** None

This anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence of unlicensed individual activity. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**81. Case No.:** COS-2020061211

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This anonymous complaint alleges unlicensed activity. Inspection revealed, when presenting to the address listed in the complaint, there was not an ongoing operation (no signage/looked abandoned) but that there were indications of an operation that had now closed. No Notice of Violation was issued.

**Recommendation:** Close and flag.

**Decision:** Approved

**82.Case No.:** COS-2020061991

**First License Obtained:** 10/08/2015

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

**Complaint History:** 2017025231, closure

This consumer complaint alleges unlicensed activity. Inspection revealed no evidence of unlicensed activity. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**83.Case No.:** COS-2020062671

**First License Obtained:** 07/01/2016

**License Expiration:** 07/31/2022

**Complaint History:** None

This consumer complaint alleges unlicensed activity and an unsuccessful hair service. Initial inspection revealed Respondent never occupied the address listed in the complaint and Respondent states she does not perform hair services (only skin services); Respondent was counseled to only perform services within her license specialty and no Notice of Violation was issued.

**Recommendation:** Letter of Instruction on what specific services Respondent can perform with her license.

**Decision:** Approved

**84.Case No.:** COS-2020053241

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

Pursuant to annual inspection, Respondent was performing services on a client and could not produce her cosmetology license. A Notice of Violation was issued for not displaying a name tag and practicing while unlicensed.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

**Decision:** Approved

**85.Case No.:** COS-2020062861

**First License Obtained:** 07/24/2020

**License Expiration:** 07/31/2022

**Complaint History:** None

This anonymous complaint alleges Respondent is practicing unlicensed from her apartment and causing odors. Inspection revealed no one home at the apartment and no odors emanating therefrom; inspector left a card at the location.

**Recommendation:** Closure.

**Decision:** Approved

**86.Case No.:** COS-2020062961

**First License Obtained:** 09/21/2017

**License Expiration:** 07/31/2021

**Complaint History:** None

This consumer complaint alleges Respondent is not following social distancing and sanitization guidelines. The Respondent provided pictures of their signs warning customers to be socially distant and sanitization. Complainant rebutted that Respondent was placing customers next to each other at service stations.

**Recommendation:** Closure.

**Decision:** Approved

**87. Case No.: COS-2020064201**

**First License Obtained:** 05/31/2018

**License Expiration:** 09/01/2021

**Complaint history:** 2018027341, closed with Letter of Instruction; 2019036461, closure; 2019059191, closure

This student complaint alleges (1) Respondent school is making students execute a weekly “checklist” of mandatory practical cosmetology activities or students will have their cosmetology hours taken away; (2) is making students sign a new contract stating that if the student does not finish their required hours by their scheduled “graduation date,” students will have to pay an additional \$300.00 per month tuition to finish out their required hours; (3) the school owner is also servicing her own clients for profit at the school during school hours; and (4) the school owner leaves the school with no other instructor present. Respondent owner states she uses the practical activities “checklist” form to motivate students to perform services so they can learn as much as possible and not stand around doing nothing; in the past, Respondent would dock them 8 hours but has since changed the policy and has the student “clock out” when not busy. Respondent attached a copy of the “new” contract executed/approved by the Complainant, which states “if student should take longer than 12 months \$[300.00] will be charged for each additional month she/he attends.” Finally, Respondent owner states she is an instructor; when she leaves the school for lunch, she has a junior instructor present at all times. The Complainant rebutted stating the junior instructor is only a nail instructor and does not advise on cosmetology services. The contractual issue between the parties is outside the scope of the Board’s authority.

**Recommendation:** Letter of Warning that an approved junior cosmetology instructor should present when the Respondent owner cosmetology instructor is not present.

**Decision:** Approved

**88. Case No.: COS-2020064741**

**First License Obtained:** 05/17/2000

**License Expiration:** 05/31/2022

**Complaint History:** 20150224891, closed by Consent Order and payment of \$750.00 civil penalty; 201500855 Letter of Warning; 201502114, closed by Agreed Citation and payment of \$1,000 civil penalty

This consumer complaint states Respondent is employing a specific unlicensed employee and provided a picture/telephone number/vehicle description of employee; also, liquor is being consumed on the premises and marijuana is being sold on the premises. Inspection revealed all personal and shop licenses are current and specific unlicensed employee was not present; no mention of alcohol or marijuana on the premises. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**89. Case No.: COS-2020064641**

**First License Obtained: 04/13/2018**

**License Expiration: 03/31/2022**

**Complaint History: 2019089651, closure with request for inspection**

This anonymous complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed no evidence of either allegation. No Notice of Violation was issued.

**Recommendation: Closure.**

**Decision: Approved**

**90. Case No.: COS-2020064901**

**First License Obtained: 04/24/2020**

**License Expiration: 02/28/2022**

**Complaint History: None**

This anonymous complaint alleges Respondent shop is not observing pandemic guidelines as well as unlicensed activity. Inspection revealed no evidence to substantiate the alleged complaints. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**91. Case No.: COS-2020065111**

**First License Obtained: 12/22/1997**

**License Expiration: 09/31/2021**

**Complaint History: 200502085, closed by Consent Order and payment of \$400.00 civil penalty**

This consumer complaint alleges Respondent shop is being “passed” without an actual inspection and apprentice students are paying Respondent for services to get their school “hours” at the salon. An annual inspection performed two (2) months earlier revealed a 100 score with the shop license to expire on 9-30-21 even though internal research (CORE) revealed a shop license expiration date of 9-30-19. No Notice of Violation was issued.

**Recommendation: Closure.**

**Decision: Defer to the next Board meeting.**

**92. Case No.: COS-2020065241**

**First License Obtained: 07/09/2019**

**License Expiration: 06/30/2021**

**Complaint History: 202000667, closed with Letter of Warning;**

This consumer complaint alleges Respondent shop is not promoting social distancing and smells dirty. Inspection revealed two (2) individuals practicing while unlicensed and the owner or manager of the shop not present. A Notice of Violation was issued for each of these infractions.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.**

**Decision: Approved**

**93. Case No.: COS-2020067161**

**First License Obtained: 09/13/2019**

**License Expiration: 08/31/2021**

**Complaint History: None**

This consumer complaint alleges unlicensed activity. Inspection revealed no evidence of unlicensed activity. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**94. Case No.:** COS-2020069761

**First License Obtained:** 02/05/2018

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

**Complaint History:** None

This anonymous complaint alleges unlicensed shop activity and not following pandemic guidelines. Inspection revealed the shop is about to change owners, but the shop is not in operation yet. New owner was counseled on application process for new shop license. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**95. Case No.:** COS-2020070081

**First License Obtained:** 09/28/2018

**License Expiration:** 09/30/2022

**Complaint History:** 2019057811, closure

This anonymous complaint appears to be a duplicate of number 83 above.

**Recommendation:** Closure.

**Decision:** Approved

**96. Case No.:** COS- 2020065191

**First License Obtained:** 01/10/2017

**License Expiration:** 01/31/2021

**Complaint History:** None

This consumer complaint alleges Respondent is operating an unlicensed home cosmetology business. Inspection revealed, when presenting to Respondent's home, no one came to the door. There were no signs of services being rendered or advertising located at the residence. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**97. Case No.:** COS- 2020070391

**First License Obtained:** 11/24/2015

**License Expiration:** 11/30/2021

**Complaint History:** None

This former employer complaint alleges Respondent is now operating from an unlicensed home shop. Inspection revealed, when presenting to the home address, an unknown male came to the door and informed the Inspector that Respondent is out of town and is not performing services on clients at home. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**98. Case No.:** COS-2020071841

**First License Obtained:** N/A

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

This administrative complaint alleges, during an annual inspection of a business, Respondent's posted license number was assigned to another individual's name in CORE; further, a search of Respondent's name and social security number yielded no results in the licensure database. The Inspector contacted the school Respondent attended and was informed that Respondent never finished the school curriculum. A Notice of Violation was not issued.

**Recommendation:** Referral to local law enforcement/district attorney's office for investigation of fraud.

**Decision:** Approved

**99. Case No.:** COS2020072531

**First License Obtained:** 04/28/2011

**License Expiration:** 04/30/2021

**Complaint History:** 201802369, closed by Agreed Citation and payment of \$100.00 civil penalty

This consumer complaint alleges unsanitary conditions at a salon. Respondent is the designated shop manager. Inspection revealed no unsanitary conditions but did reveal two (2) individuals practicing while unlicensed and failure of responsibilities of owner or manager of a shop. Respondent is the designated shop manager. A Notice of Violation was issued to the shop and designated manager for all infractions.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.

**Decision:** Approved

**100. Case No.:** COS- 2020072561

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

Please see fact pattern to #100 above. This Respondent is one of the unlicensed individuals.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

**Decision:** Approved

**101. Case No.:** COS- 2020072591

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

Please see fact pattern to #100 above. This Respondent is one of the unlicensed individuals.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

**Decision:** Approved

**102. Case No.:** COS- 2020061951

**First License Obtained:** 02/11/2013

**License Expiration:** 01/31/2021

**Complaint History:** 2014004681, closed with Letter of Warning;  
2017023741, closed with no action

This anonymous complaint alleges rudeness and racism on behalf of the Respondent. Respondent states she believes the anonymous complainant was a rude potential customer who was extricated from her shop due to being disruptive and yelling obscenities.

**Recommendation: Closure.**

**Decision: Approved**

**103. Case No.: COS- 2020070601**

**First License Obtained: 07/30/2020**

**License Expiration: 02/28/2022**

**Complaint History: None**

Please see fact pattern to #100 above. This Respondent is the shop.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,000.00.**

**Decision: Approved**

**104. Case No.: COS- 2020070811**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed, when presenting the Respondent's address, Respondent's mother (homeowner) would not let the inspector into the home, but admitted Respondent was "practicing manicure services at this location." A Notice of Violation was not issued. Respondent's mother was counseled on process for Respondent to obtain individual license/shop license for home.

**Recommendation: Letter of Instruction.**

**Decision: Approved**

**105. Case No.: COS- 2020072231**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This anonymous complaint alleges unlicensed activity from home. Inspection revealed, when presenting to the address listed in the complaint, inspector could not successfully find the home from an area of "multiple abandoned structures."

**Recommendation: Closure due to unable to locate.**

**Decision: Approved**

**106. Case No.: COS- 2020073161**

**First License Obtained: 03/28/2011**

**License Expiration: 09/01/2021**

**Complaint History: 2019008951, closure; 2019006161, closure**

This student complaint alleges unprofessional conduct on the part of an instructor. Respondent school owner responded that he addressed the complaint with the instructor, and that Complainant was rude to the instructor and the complaint is unfounded. Complainant rebutted that Respondent's explanation does not negate the fact that the instructor was still rude to her.

**Recommendation: Closure.**

**Decision: Approved**

## BARBER CASES

**107. Case No.: BAR- 2020032831**

**First License Obtained: 03/02/2017**

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

**Complaint History: None**

This anonymous complaint alleges unlicensed individual shop activity operating out of a garage. Inspection revealed an unlicensed shop operating out of the garage. A Notice of Violation was issued. Respondent states she only cuts her family member's hair for no compensation and that inspector did not witness her cutting anyone's hair for money. Inspector confirmed that he did not witness any practicing on a customer for compensation.

**Recommendation: Closure with a letter of instruction to apply for a shop license for the home operation and flag.**

**Decision: Approved**

**108. Case No.: BAR- 2020038211**

**First License Obtained: 12/08/2011**

**License Expiration: 11/30/2021**

**Complaint History: None**

This consumer complaint alleges Respondent is not using masks nor cleaning seats after use. Respondent states they are complying with the guidelines of the Tennessee Pledge and have the appropriate signs posted in the shop.

**Recommendation: Closure.**

**Decision: Approved**

**109. Case No.: BAR- 2020044591**

**First License Obtained: 11/29/2000**

**License Expiration: 11/30/2020**

**Complaint History: 2009000651, closed with license suspended for 60 days**

This administrative complaint alleges unprofessional conduct of Respondent (threats and profanity) during inspection, similar to T.C.A. section 62-4-127 (b) (2). Barber statutes do not have a similar worded statute. Inspector no longer does inspections of this Respondent and requests to have Respondent "blocked" from his state-issued cellular phone.

**Recommendation: Letter of warning with cease and desist language regarding contacting inspector on his state-issued cellular telephone. Include in letter of warning that continued unprofessional conduct "may" result in suspension, revocation or refusal to issue/renew barber license.**

**Decision: Letter of Warning with cease and desist language regarding contacting inspector on his state-issued cellular telephone. Include in the letter of warning that continued unprofessional conduct "may" result in suspension, revocation or refusal to issue/renew barber license. Also, flag this file for future complaints.**

**110. Case No.: BAR- 2020047261**

**First License Obtained: 09/16/2019**

**License Expiration: 09/30/2021**

**Complaint History: None**



This anonymous complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed a person practicing while unlicensed and unsanitary conditions (tools/implements not cleaned, sanitized and/or stored in closed container). This Respondent is the shop. Respondent was issued a Notice of Violation for unsanitary conditions, no manager on duty sign displayed, and person without valid license practicing.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.**

**Decision: Approved**

**111. Case No.: BAR- 2020046981**

**First License Obtained: 06/17/1991**

**License Expiration: 08/31/2022**

**Complaint History: None**

This consumer complaint alleges Respondent is not using masks and allowing customers to sit in the waiting area. Respondent states she is complying with pandemic guidelines and complainant is a disgruntled former employee of the shop.

**Recommendation: Closure.**

**Decision: Approved**

**112. Case No.: BAR- 2020048221**

**First License Obtained: 02/04/2003**

**License Expiration: 02/28/2021**

**Complaint History: None**

Please see fact pattern in #111 above. This Respondent is the owner/manager of the shop. Respondent was issued a Notice of Violation for valid individual license not displayed and responsibilities of owner/manager of a shop (unlicensed individual practicing).

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

**Decision: Approved**

**113. Case No.: BAR- 2020048241**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

Please see fact pattern in #111 above. This Respondent is the unlicensed individual practicing in the shop. A Notice of Violation was issued.

**Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.**

**Decision: Approved**

**114. Case No.: BAR- 2020049311**

**First License Obtained: 07/20/2018**

**License Expiration: 07/31/2022**

**Complaint History: None**

Pursuant to annual inspection, Respondent (owner) was operating a barber shop with an expired shop license (expiration 1-31-19) that was for a different location. A Notice of Violation was issued. The Respondent has a new, updated shop license.

**Recommendation: Letter of Warning.**

**Decision:** Approved

**115. Case No.:** BAR- 2020050971

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

**License Expiration:** 06/30/2022

**Complaint History:** None

This consumer complaint alleges unlicensed shop activity. Inspection revealed Respondent shop was moving to a new location (where the inspection was conducted) and the shop move was known in advance to the inspector. A relocation inspection of the closed shop was done at the same time and no Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**116. Case No.:** BAR- 2020054551

**First License Obtained:** 04/12/2018

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

**Complaint History:** None

This consumer complaint alleges unlicensed individual activity. Inspectors went to the shop location but did not feel to conduct an inspection at that time. The Respondent is out of business per the inspector as of 4-29-20.

**Recommendation:** Closure.

**Decision:** Approved

**117. Case No.:** BAR- 2020059871

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

Please see fact pattern in #120 below. This Respondent is the owner of the shop.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.

**Decision:** Approved

**118. Case No.:** BAR- 2020059681

**First License Obtained:** 03/25/1976

**License Expiration:** 11/30/2020

**Complaint History:** 2019076051, closure

This anonymous complaint alleges a cosmetologist practicing in a licensed barber shop only. Inspection revealed no unlicensed activity. No Notice of Violation was issued.

**Recommendation:** Closure.

**Decision:** Approved

**119. Case No.:** BAR- 2020059851

**First License Obtained:** 12/09/2013

**License Expiration:** 11/30/2021

**Complaint History:** 2017035331, closure; 2018071081, closed by Consent Order and payment of \$500.00 civil penalty

Pursuant to inspection, it was revealed that the Respondent was allowing an individual (owner) to practice while unlicensed. A Notice of Violation was issued for person without valid license practicing (owner) and no owner/manager present (owner).

**Recommendation: Closure.**

**Decision: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.**

**120. Case No.: BAR-2020064711**

**First License Obtained: 03/01/1990**

**License Expiration: 07/31/2021**

**Complaint History: 2019080591, closure**

This administrative complaint alleges the Kingsport Police Department has received numerous reports that Respondent has been involved in violent behavior with patrons on numerous occasions in possible violation of T.C.A. section 62-3-121 (a)(6) [Immoral or Unprofessional Conduct]. This matter is set for summary suspension on October 5, 2020.

**Recommendation: Summary suspension.**

**Decision: Approved**

**121. Case No.: BAR-2020059601**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This administrative complaint alleges possible unlicensed activity. Inspection revealed an unlicensed shop. All individual licenses were valid and current. Inspector counseled owner on the shop license application process and no Notice of Violation was issued.

**Recommendation: Letter of Instruction on shop license application process.**

**Decision: Approved**

**122. Case No.: BAR-2020063101**

**First License Obtained: 12/02/2009**

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

**Complaint History: None**

This consumer complaint alleges unlicensed activity from a home. Inspection revealed a workstation in the Respondent's home; Respondent stated he had the workstation set up for a few weeks but had not performed services on any customer. Respondent had an expired individual license (expiration 12-31-17). Inspector counseled Respondent on renewing individual license and applying for a shop license. No Notice of Violation was issued.

**Recommendation: Letter of instruction on renewal/application processes.**

**Decision: Approved**

### **RE-PRESENTS**

**124. Case No.: COS-2018042151**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This matter was previously presented to the Board at its November 5, 2018 meeting as follows: *Pursuant to inspection, this Respondent 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.

**Update:** Respondent is a resident of the state of Mississippi and service will be an issue.

**New Recommendation:** Closure.

**Decision:** Approved

**125. Case No.: COS- 2018088231**

**First License Obtained:** 07/14/2006

**License Expiration:** 07/31/2012

**Complaint history:** None

This matter was previously presented to the Board at its April 1, 2018 meeting as follows: *Pursuant to inspection, this Respondent was found to be providing services with expired license. Due to the length of time that the license has been expired the Respondent would be required to test in order to have the license reinstated.*

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

Decision: Approved

**Update:** The Respondent's license is expired over three years and will have to re-test in the future.

**New Recommendation:** Closure.

**Decision:** Approved

**126. Case No.: COS-2019042441**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was previously presented to the Board at its August 5, 2019 meeting as follows: *Pursuant to inspection, this Respondent 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

**Update:** Respondent provided a work authorization card with a country of origin of El Salvador at the time of inspection. Respondent was evasive on the telephone with disciplinary counsel and indicates a service issue as unable to locate.

**New Recommendation:** Closure.

**Decision:** Approved

**127. Case No.: COS-2019066341**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was previously presented to the Board at its December 9, 2019 meeting as follows: *Pursuant to inspection, this individual 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*

Update: Respondent's Facebook page indicates she is back in her home state of Mississippi and going to cosmetology school. This will be a service issue.

New Recommendation: Closure.

Decision: Approved

**128. Case No.: COS- 2019054611**

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its October 7, 2019 meeting as follows:  
*Pursuant to inspection, this shop 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*

Update: Disciplinary counsel has learned that the Respondent shop owner has moved out of the area and the leased building is now vacant.

New Recommendation: Closure.

Decision: Approved

**129. Case No.: COS-2019058561**

First License Obtained: 01/07/2013

License Expiration: 12/31/2020

Complaint history: 20150213651, executed Consent Order to pay \$500.00 civil penalty – only paid \$250, and as such, the matter was sent to collections; 2017002241, closed by Consent

**Order and payment of \$100.00 civil penalty**

This matter was previously presented to the Board at its December 9, 2019 meeting as follows:  
*Pursuant to inspection, the shop was found to be providing services not authorized by the license.*

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

Decision: *Approved*

Update: The Respondent shop owner states the waxing pot was for personal use only. The inspector did not actually see waxing services being performed on a customer for compensation. This will be a proof issue.

New Recommendation: Closure.

Decision: Approved

**130. Case No.: COS-2019058491**

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its December 9, 2019 meeting as follows:  
*This is a consumer complaint alleging unlicensed activity. The respondent admits that she has been providing services as a trainee but offers no further explanation as to what exact services are being performed.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty reduced to zero if the Respondent provides proof of hair wrapping exemption.

Decision: Approved

**Update:** Respondent provided a copy of her hair braiding certification pursuant to statute [T.C.A. section 62-4-109 (6)].

**New Recommendation:** Closure.

**Decision:** Approved

**131. Case No.: COS-2019078891**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was previously presented to the Board at its February 3, 2020 meeting as follows: Pursuant to inspection, this complaint alleges Respondent was providing manicure services from their residence without a license. Follow-up inspection revealed Respondent is a cosmetology student whom is providing manicure services without a license. Respondent stated they were not aware of the laws regarding cosmetology students and thought cosmetology students could provide manicure services from their residence. The inspector provided photos of the Respondent advertising manicure services on social media. A notice of violation was issued. Respondent refused to sign the notice of violation.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty.

Decision: Approved

**Update:** Respondent states she was practicing on a friend for free at the time of inspection. Inspector did not see compensation change hands between friend and Respondent. This will be a proof issue.

**New Recommendation:** Closure.

**Decision:** Approved

**132. Case No.: COS- 2018065521**

**First License Obtained:** 09/26/2017

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

**Complaint history:** None

This matter was previously presented to the Board at its January 28, 2019 meeting as follows: Based on a consumer complaint alleging unlicensed activity an inspection was performed. No unlicensed activity was found but no manager was present at the time of inspection.

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

Decision: Approved

**Update:** A drive-by inspection revealed the Respondent shop is no longer in business and another business occupies the leased building space.

**New Recommendation:** Closure.

**Decision:** Approved

**133. Case No.: COS-2019062951**

**First License Obtained:** 09/26/2017

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

**Complaint history: 2018065521, Formal Charges Authorized**

This matter was previously presented to the Board at its December 9, 2019 meeting as follows: *Pursuant to inspection, two individuals were found to be providing services in the Respondent shop without a license. There was also no manager present.*

Recommendation: *Authorize formal hearing. Authorize settlement by consent order with \$2500.00 civil penalty.*

Decision: *Approved*

**Update: A drive-by inspection revealed the Respondent shop is no longer in business and another business occupies the leased building space.**

**New Recommendation: Closure.**

**Decision: Approved**

**134. Case No.: COS-2020008001**

**First License Obtained: 12/23/2015**

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

**Complaint History: 201802170, closed by Agreed Citation and payment of \$100.00 civil penalty**

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: *Pursuant to inspection, this complaint alleges an expired shop license, also referred to in 65—COS-2020008021, 68—COS-2020008041, and 66—COS-2020008061. A notice of violation was issued to the Respondent shop and the Respondent shop manager for expired shop license and for responsibilities of owner/manager. Here, the Respondent is the skin care shop. The skin care shop license at issue here is still expired. The manicure shop license has since been renewed.*

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

Decision: *Approved*

**Update: There was no proof that a skin care shop was in operation at the time of inspection. The skin care shop license is now in “closed” status in CORE.**

**New Recommendation: Closure.**

**Decision: Approved**

**135. Case No.: COS- 2020008021**

**First License Obtained: 04/28/2011**

**License Expiration: 04/30/2021**

**Complaint History: 201802369, closed by Agreed Citation and payment of \$100.00 civil penalty**

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: *Pursuant to inspection, this complaint alleges an expired shop license, also referred to in 67—COS-2020008001, 68—COS-2020008041, and 66—COS-2020008061. A notice of violation was issued to the Respondent shop and the Respondent shop manager for expired shop license and for responsibilities of owner/manager. Here, the Respondent is the shop manager. The skin care shop license is still expired. The manicure shop license has since been renewed.*

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

Decision: *Approved*

**Update: Please see the fact pattern for the skin care shop license in # 134 above.**

**New Recommendation: Closure.**

**Decision: Approved**

**136. Case No.: BAR-2018042301**

**First License Obtained: 08/26/2011**

**License Expiration: 08/31/2013**

**Complaint history: None**

This matter was previously presented to the Board at its November 5, 2018 meeting as follows:  
*Pursuant to an inspection on June 25, 2018, the Respondent was found to be providing barbering services to a client with an altered expiration date of his posted master barber license which had been expired since August 31, 2013.*

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

*Decision: Approved.*

**Update: Respondent's license is expired over three years and will have to re-test in the future.**

**New Recommendation: Closure.**

**Decision: Approved**

**137. Case No.: BAR-2019065481**

**First License Obtained: 02/28/2003**

**License Expiration: 02/28/2021**

**Complaint history: 2015009451, closed by Initial Order and assessment of \$100.00 civil penalty and \$187.50 hearing costs; 2018042531, closed with no action**

**138. Case No.: BAR-2019065511 (John Karlton Wright II, License # 14116)**

**First License Obtained: 01/03/2002**

**License Expiration: 01/31/2022**

**Complaint history: 2015009461, closed by Initial Order and assessment of \$100.00 civil penalty and \$187.50 hearing costs**

These matters were previously presented to the Board at its December 9, 2019 meeting as follows:  
*Pursuant to inspection, the shop and the owner/manager were found to have expired license. Shop cited for no manager present.*

*Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$700.00 civil penalty (\$100.00 to individual and \$600.00 to shop)*

*Decision: Approved*

**Update: Personal license and shop license are now renewed.**

**New Recommendation: Closure.**

**Decision: Approved**

**139. Case No.: BAR-2019075801**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This matter was previously presented to the Board at its February 3, 2020 meeting as follows:  
*Pursuant to inspection, also referred to in 60—BAR-2019075751, 61—BAR-2019075771, and 64—BAR-2019075721, this complaint alleges unlicensed activity. Respondent is a barber student.*



Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop.

Decision:

**Update: Respondent lives out-of-state in Kentucky. Service will be an issue.**

**New Recommendation: Closure.**

**Decision: Closure and flag.**

**140. Case No.: BAR-2020009931**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: *Pursuant to inspection, this complaint alleges an unlicensed activity, also referred to in 124—BAR-2020009901. A notice of violation was issued to the unlicensed individual for practicing without a license.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty.

Decision: Approved

**Update: Respondent has relocated back to his home state of South Carolina.**

**New Recommendation: Closure.**

**Decision: Approved**

**141. Case No.: BAR-2018005731**

**First License Obtained: 09/30/2008**

**License Expiration: 09/30/2022**

**Complaint history: 2013003281, closed by Agreed Order and payment of \$500.00 civil penalty and \$200 costs**

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: *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

**Update: The Manager/Owner was cited for an expired license and has renewed. This was the underlying reason why there was no manager present. All licenses for the shop are current.**

**New Recommendation: Close.**

**Decision: Approved**

**142. Case No.: BAR-2019075921**

**First License Obtained: 07/03/2007**

**License Expiration: Revoked**

**Complaint history: 2013021411, closed by Consent Order and revocation of license and payment of \$1,000 civil penalty**

This matter was previously presented to the Board at its February 3, 2020 meeting as follows: *This consumer complaint, also referred to in 8—COS-2019074501, alleges unlicensed activity. Follow-up inspection revealed the Respondent shop owner practicing with a revoked license (revoked due*

to a fine being due and unpaid since 08/20/2014). Respondent shop also did not have a license posted. A notice of violation was issued to the Respondent shop and owner.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty against the individual.

Decision: Approved

**Update: A drive-by revealed the business/owner is no longer in business.**

**New Recommendation: Closure.**

**Decision: Approved**

**143. Case No.: COS-2019074501**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This matter was previously presented to the Board at its February 3, 2020 meeting as follows: *This consumer complaint, also referred to in 63—BAR-2019075921, alleges unlicensed activity. Follow-up inspection revealed the Respondent shop owner practicing with a revoked license (revoked due to a fine being due and unpaid since 08/20/2014). Respondent shop also did not have a license posted. A notice of violation was issued to the Respondent shop and owner.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty against the shop.

Decision: Approved

**Update: A drive-by revealed the business/owner is no longer in business.**

**New Recommendation: Closure.**

**Decision: Approved**

**144. Case No.: BAR- 2020031751**

**First License Obtained: 07/13/2006**

**License Expiration: 07/31/2020**

**Complaint History: None**

This matter was previously presented to the Board at its August 3, 2020 meeting as follows: *This anonymous complaint alleges Respondent is operating an unlicensed barber shop out of her residence/garage. Subsequent inspection revealed an unlicensed barber shop in the garage. A Notice of Violation was issued.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty.

Decision: Approved

**Update: Respondent states she only provides services for free to family members and inspector never saw her performing services on a customer for pay. Inspector states he did not actually observe Respondent performing services on a customer for pay. This will be a proof issue.**

**New Recommendation: Closure.**

**Decision: Approved**

**145. Case No.: COS-2018041221**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: 2017053031, closure**

This matter was previously presented to the Board at its November 5, 2018 meeting as follows: *Pursuant to inspection, this shop was found to be providing services without a license and two individuals were servicing clients without a license.*

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

Decision: *Approved.*

**Update:** This case was set for a hearing. Multiple attempts were made to personally serve the Respondent and all were unsuccessful. All attempts at reaching the Respondent have been unsuccessful.

**New Recommendation:** Closure

**Decision:** Approved

**146. Case No. COS-2019020451**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2018037801& 2019002051, Formal Hearing Heard

This matter was previously presented to the Board at its June 3, 2019 meeting as follows: *This is a consumer complaint alleging that this establishment continues to operate as a lash extension and removal shop.*

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

Decision: *Approved*

**Update:** This complaint is being represented because it does not contain sufficient proof for litigation as an inspection was not performed, and the consumer was unresponsive. However, this complaint was also filed for litigation along with COS-2018035221, COS-2018062801, COS-2018037801, and COS-2019002051 against the same Respondent and the same Respondent shop. Each of these subsequent complaints contained sufficient proof for litigation, including a notice of violation based on inspections, and were successfully litigated.

**New Recommendation:** Closure.

**Decision:** Approved

**147. Case No.: COS- 2019098681**

**148. Case No.: COS- 2019100341**

**149. Case No.: COS- 2020005371**

**150. Case No.: COS- 2020008901**

**First License Obtained:** 12/18/2017

**License Expiration:** 09/01/2020

**Complaint history:** 2019042881, closed with request for inspection

These matters were previously presented to the Board at its June 1, 2020 meeting as follows: *These complaints are from various consumers alleging improper reporting of school hours and other questionable behavior on part of the Respondent school. Follow-up inspection resulted in various discrepancies with eighteen (18) student files. The inspector requested a follow-up investigation be opened to focus on the missing student files. A follow-up investigation was requested on December 19, 2019 with a focus on the allegations of false hours and other fraudulently activity, as well as the missing student files. The investigator confirmed there are still missing student files, and it appears the Respondent may be selling hours. The complaints were sent to the Respondent for a response to the allegations. The Department has not received a response to the allegations.*

*Recommendation:* Authorize settlement by consent order for the voluntary revocation of Respondent's school license. If no settlement is reached, authorize hearing for revocation.

*Decision:* Approved

**Update:** This Respondent school no longer exists. The Respondent school/affected students who did not have academic files/incurred hours have been flagged and are not allowed to test with the preferred testing provider.

**New Recommendation:** Closure of all four (4) files.

**Decision:** Approved

MOTION made by Patricia Parsons and seconded by Becky Russell for approval by the full board of the Legal Report as amended. Motion carried unanimously.

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

Applications for examination: There were no felony requests for consideration to test and licensure presented at this meeting.

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

Application for reciprocity of cosmetology instructor license from Ohio for Marlene Roach Certification shows initial licensure in June 2020 as an instructor. Ms. Roach has been a licensed cosmetologist since 2004. Ohio does not require additional hours or exams to obtain an instructor license. She does not have any experience teaching yet. Previous similar applicants have been submitted to take the exams for the instructor license otherwise, she they are approved for the cosmetology license.

Recommendation - is that the applicant takes the Tennessee Instructor exams or be approved for Cosmetology license.

MOTION made by Amy Tanksley and seconded by Janie Ross to approve recommendation. The motion carried by unanimous roll call vote.

#### **MISCELLANEOUS REQUESTS –**

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

Request for waiver of the reinstatement exam due to continued education requirement from cosmetology instructor Brenda Brannon. 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. These requests are supposed to be presented before the license expires. Ms. Brannon has never asked for an extension before and presented a letter explaining the family obligations she had that kept her from working, keeping

up with her license and that she was in Mississippi. Because she had not asked for the extension timely, her instructor part of the license was removed in April 2020.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to approve the request. The motion carried by unanimous roll call vote.

Request for accept continued education session completed from cosmetology instructor Randall Ross. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. Mr. Ross first got licensed as an instructor in June 2018. He passed his exams and applied for the instructor license in April 2018. He says in his explanation he attended an approved session with others from his school in April 2018 not realizing the session had to be after the license was issued. He requested that the session taken in April 2018 count for this renewal period so he would not have to go again and now he would be considered out of compliance.

MOTION made by Janie Ross and seconded by Patricia Parsons to approve the request. The motion carried by unanimous roll call vote.

Request for approval of cosmetology license for Hong Duc Pham. Ms. Pham was licensed by reciprocity from Texas in 2013. That license 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. Since then she completed hours in a school in Tennessee and passed the practical exam in August 2020.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve the license. The motion carried by unanimous roll call vote.

Request to waive the need to retest pursuant to rule 0440-1-.10 which states an applicant must apply for and pay for the original license within six (6) months after passing the examination. The Board may, for good cause, waive this requirement. The board previously authorized the Director to approve these extensions past the six months but for only up to a year and for good cause. Ms. Kathryn Grace Spellings provided an explanation that she was unaware of the deadline, she traveled to visit family, had issues applying and with COVID19 she struggled getting a hold of someone to assist her. She passed her practical exam in July 2019.

MOTION made by Amy Tanksley and seconded by Kelly Barger to approve extension and approve her license. The motion carried by unanimous roll call vote.

Request for waiver of the reinstatement exam due to continued education requirement from cosmetology instructor Anthony Eanes 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. These requests are supposed to be presented before the license expires. Mr. Eanes has never asked for an extension before. He provided medical records regarding his personal health condition and that keeping him from attending a session prior to June 30, 2020. He attended a session July 12, 2020 and would like that to count toward his 2020 renewal.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve/deny the request. The motion carried by unanimous roll call vote.

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

The financial numbers for fiscal year 2020 show an ending balance of \$897,858. July financials add an additional \$22,785 to the surplus.

### **NEW BUSINESS:**

PSI updates: PSI representative for Tennessee, Lynn Thomas and Shawn Conder participated on the call. They explained to the board what PSI has been working on not only due to COVID19 but for the last couple of years. A risk project was explained which let PSI to work with many States and pull in leading experts across the Country to develop a National Exam. She also explained the online theory exam that is ready to be released and the online practical exam coming soon. Board members asked questions and were very happy to hear the progress made to allow more mobility, and testing options given new health concerns.

After much consideration and shared information, the board members were all in agreement to add a couple of amendments to the contract so candidates in Tennessee can take advantage of these changes.

MOTION made by Frank Gambuzza and seconded by Patricia Parsons to approve an amendment to the contract for PSI theory exams to be offered virtually. The motion carried by unanimous roll call vote.

MOTION made by Frank Gambuzza and seconded by Patricia Parsons to approve an amendment to the contract for PSI practical exams to be offered virtually. The motion carried by unanimous roll call vote.

MOTION made by Frank Gambuzza and seconded by Patricia Parsons to approve an amendment to the contract for PSI to switch to the National Exam as soon as it is ready and add the Tennessee Laws and Rules. The motion carried by unanimous roll call vote.

### **Additional Questions:**

**Motion to adjourn: Meeting adjourned at 2:05 PM.**

MOTION to adjourn made by Patricia Parsons and seconded by Kelly Barger. The motion carried by unanimous roll call vote.