



**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 April 5, 2021 at 9:04 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, Frank Gambuza, Ron Gillihan, Yvette Granger, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield, Amy Tanksley and Susan Witcher.

Unable to participate: Anita Charlton

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 Judy McAllister. The motion carried by unanimous roll call vote.

MINUTES-

Minutes for the February 1, 2021 board meetings were submitted for changes and/or approval.

Motion made by Judy McAllister and seconded by Patricia Parsons to approve the February 2021 minutes. The motion carried by unanimous roll call vote.

2021 Legislative Updates:

Mr. Hugh Cross updated the board on the status of the rulemaking hearing from October 5, 2020. Mr. Cross provided information regarding the following bills: HB0120/SB0216; HB1427/SB1099; HB0915/SB1339 as of 3/31/2021.

PRESENTED BEFORE THE BOARD-

Hunts Barber Academy – New Barber School

Mr. Brannon Hunt participated to answer questions on his revised application but due to technology issues was not able to answer all the questions. The school is 1,900 sq. ft. The new school application was previous presented at the February 1, 2021 board meeting. The board asked for several corrections and requested the updates be presented at the June meeting.

MOTION made by Judy McAllister and seconded by Mona Sappenfield to deny the new school until the corrections can be reviewed. The motion carried by unanimous roll call vote.

Sumadhi Spa Pro Aesthetics – New Specialty Aesthetics School

Ms. Terica Fitzgerald participated to answer any questions for the board. The school is over 5,200 sq. ft. The new school application, curriculum, blank enrollment agreement, floor plan, contingency plan and five student agreements were all received timely. The board asked that several be clarified and requested the updates be presented at the June meeting.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to deny the new school until the corrections can be reviewed. The motion carried by unanimous roll call vote.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 109 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2020088721

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

A 10-9-20 annual inspection revealed Respondent was practicing without a license. A Notice of Violation was issued. Respondent paid the civil penalty but did not sign the Agreed Citation.

Recommendation: Authorize settlement by consent order – sign the consent order and return (since civil penalty has already been paid by Respondent).

Decision: Approved

2. Case No.: COS-2020092801

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-2-20 inspection revealed an unlicensed shop due to new ownership (failed to apply for new shop license) (previous ownership shop license expiration 6-30-20). A Notice of Violation was issued to the new owner.

Respondent shop's new owner disputes the Notice of Violation and states the business was purchased in February 2020 before the mandatory March 2020 shutdown and was unable to convert new business ownership paperwork to the business name with the state/Board since state offices were mandatorily closed. When business in the city was permitted to reopen in June 2020, the new owner simply forgot to apply for the new shop license with the Board.

Per CORE, there is no current license for this Respondent (new owner).

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

Decision: Approved

3. Case No.: COS- 2020093271

First License Obtained: 07/27/2009

License Expiration: 07/31/2021

Complaint History: None

This 12-5-20 consumer complaint alleges unprofessional conduct/statements of Respondent as well as dissatisfaction with a service Respondent performed on complainant's granddaughter.

These are matters outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved

4. Case No.: COS- 2020094771

First License Obtained: 07/12/2016

License Expiration: 07/31/2022

Complaint History: None

This 12-8-20 annual inspection revealed an expired shop license (expiration 7-31-20). A Notice of Violation was issued. The shop license has since been renewed until 7-31-22.

Recommendation: Letter of warning.

Decision: Approved

5. Case No.: COS- 2020095051

First License Obtained: 03/13/1978

License Expiration: 07/31/2021

Complaint History: None

This 12-10-20 annual inspection revealed several unsanitary conditions which have been a consistent problem on previous inspections with the same Respondent designated manager. A Notice of Violation was issued.

Recommendation: Letter of warning.

Decision: Letter of Warning with request for re-inspection.

6. Case No.: COS- 2020096081

First License Obtained: 05/31/2017

License Expiration: 05/31/2021

Complaint History: None

This 12-15-20 annual inspection revealed an unlicensed shop (named under licensed individual's name) but a licensed individual owner of the shop. A Notice of Violation was issued for the unlicensed shop. A search of CORE did not produce the procurement of recent shop license under the licensed individual's name.

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

Decision: Approved

7. Case No.: COS- 2020096991

First License Obtained: 02/15/2007

License Expiration: 02/28/2021

Complaint History: 2020003151, closed with Letter of Warning
2020003191, closed with Letter of Warning

The civil penalty from the 12-15-20 annual inspection was already assessed against the shop in this matter. This Respondent is the shop owner. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved

8. Case No.: COS-2020096181

First License Obtained: 09/21/2017

License Expiration: 09/30/2021

Complaint History: None

This 12-17-20 consumer complaint alleges a public health violation (mask usage) by an employee of the Respondent shop. Public health violations are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

9. Case No.: COS-2020096901

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-21-20 consumer complaint alleges unlicensed activity (massage/esthetics) of Respondent with social media posts of same. Inspector went to address listed on two occasions and premises was locked with curtains drawn. Inspector contacted owner and was told the shop is not open and is being used for storage. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

10. Case No.: COS- 2020097051

First License Obtained: 10/24/2019

License Expiration: 10/31/2021

Complaint History: None

This 12-22-20 anonymous complaint alleges Respondent is providing health and hygiene classes for braiders without possessing the requisite 16 hours of training. Inspector went to address listed on two occasions and no one answered the door. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

11. Case No.: COS- 2020097131

First License Obtained: 11/06/2019

License Expiration: 09/01/2021

Complaint History: 2020053191, closure

This 12-22-20 student complaint pertinently alleges that:

- (1) student paid the entire tuition up front and was
- (2) forced to take a leave from the school,
- (3) student is being discriminated against for asking questions about the school's CoVid policy, and
- (4) student's personal records are being held from the student by the school.

Respondent school pertinently states:

- (1) student's tuition was scholarship money; and
- (2) student stated on social media she was exposed to CoVid, and per school policy, student would have to take a 45-day leave of absence,
- (3) student is not being discriminated against or punished; and
- (4) school does not understand allegation that student's files are being held by the school; however; student files are indeed kept at the school location and are not being held from her; according to the handbook the student can view their records at any time.

Student pertinently rebuts:

- (1) she was not given a scholarship;
- (2) there was no CoVid policy in place;
- (3) there was no consistency in how the Respondent school administered its CoVid "policy"; and
- (4) student only provided hearsay testimony on this issue.

Actionable conduct/litigation (including but not limited to contractual, discrimination and libel/slander issues/actions) is outside the scope of the board's statutory and regulatory authority.

Recommendation: Closure.

Decision: Approved

12. Case No.: COS-2020098041

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This is a consumer complaint referred by the Department of Health alleges that the Complainant visited the Respondent's facility for a hair removal service and received an unsatisfactory service that allegedly caused skin damage to the Complainant's chin. An inspector visited the

Respondent's facility and was advised that the Respondent is a "medical spa" and is under the supervision of a licensed doctor. The inspector found that the Respondent owned by a licensed aesthetician and was provided with a list of the services that are being offered by the Respondent that appear to be cosmetic medical services. Medical spas are regulated by the Department of Health and not under the Board's jurisdiction. The complaint failed to provide proof of a violation of the Cosmetology Act.

Recommendation: Letter of Instruction to remind the Respondent's owner (licensed aesthetician) of Board's Rule 0440-02-.16 regarding skin peeling and invasive procedures.

Decision: Approved

13. Case No.: COS-2021002461

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-27-20 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed home with a copy of Respondent's business card in support. Inspector presented to address listed and left a card for Respondent. Respondent called back and stated the complaint arose from social media drama from a childhood friend; Respondent is taking theory/practical test soon and is practicing on relatives for free. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

14. Case No.: COS- 2021001441

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-6-21 annual inspection revealed Respondent was unlicensed. 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

15. Case No.: COS- 2021001381

First License Obtained: 10/19/2016

License Expiration: 10/31/2022

Complaint History: None

Please see fact pattern for Item #14 above. This Respondent is the designated manager who allowed the unlicensed individual to practice and was also cited for failure of responsibilities for same. Respondent paid the civil penalty but did not sign the Agreed Citation.

Recommendation: Authorize settlement by consent order – signing the consent order and return (since the civil penalty was already paid by Respondent).

Decision: Approved

16. Case No.: COS- 2021000461

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-6-21 anonymous complaint alleges unlicensed individual activity from an unlicensed shop. Inspection revealed evidence (pictures) of a workstation at the address listed in the complaint. The shop was not operating, and clients were not being serviced at the time of inspection. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

17. Case No.: COS- 2021000791

First License Obtained: 12/30/2015

License Expiration: 12/31/2021

Complaint History: None

This 1-6-21 administrative complaint alleges Respondent is non-compliant with scheduling an annual inspection. Respondent states business is closed due to pandemic and Respondent's owner further states the owner is not available for appointments as the owner has taken responsibility of homeschooling the owner's children.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00 and/or voluntary revocation (non-compliant with statute/board order) of shop license until such time as Respondent submits to an annual inspection.

Decision: Approved

18. Case No.: COS- 2021000421

First License Obtained: 04/11/2017

License Expiration: Registered

Complaint History: None

This 1-6-21 student complaint alleges Respondent school is not properly teaching an aesthetics class; specifically:

- (1) the aesthetics instructor cancels class for no reason around 40% of the time;
- (2) Monday through Thursday online aesthetic classes are not occurring;
- (3) aesthetic hours are being given to the students for doing nothing;
- (4) after 6-7 months of school, student has yet to learn a basic facial and fears they will not pass the state board exams.

Respondent school states the aesthetics instructor in question has been terminated, with a copy of the 1-8-21 termination letter in support.

Student rebuts, due to the situation with the terminated instructor, the school owes either more schooling or money for outside classes.

Contractual/malpractice matters are outside the scope of the board's authority

Recommendation: Closure.

Decision: Defer to the next Board meeting in order to obtain additional information.

19. Case No.: COS- 2021001411

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-7-21 consumer complaint alleges unlicensed individual activity from an unlicensed home. Inspector did not find any evidence of a home shop from the outside of the home (unable to inspect inside the home), but research revealed social media evidence of providing services from an unknown address. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

20. Case No.: COS-2021001321

First License Obtained: 08/20/2020

License Expiration: 07/31/2022

Complaint History: None

This 1-7-21 anonymous consumer complaint alleges unsanitary conditions and unlicensed individual activity at Respondent shop. Inspection revealed no evidence of either allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

21. Case No.: COS-2021002911

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-7-21 annual inspection revealed an unlicensed shop. A Notice of Violation was issued. A new shop license has yet to be procured.

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

Decision: Approved

22. Case No.: COS-2021002941

First License Obtained: 07/13/2018

License Expiration: 07/31/2022

Complaint History: None

Please see the fact pattern for Item #21 above. This Respondent is the shop owner. This is a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved

23. Case No.: COS- 2021002151

First License Obtained: 08/14/2015

License Expiration: 08/31/2019 (Revoked)

Complaint History: None

This 1-7-21 inspection revealed an unlicensed shop due to a revoked shop license. A Notice of Violation was issued.

Recommendation: Flag and re-inspect. Authorize formal hearing for revocation for continuing to operate under a revoked license. Authorize settlement by consent order for voluntary revocation of shop license.

Decision: Approved

24. Case No.: COS-2021002971

First License Obtained: 02/15/2013

License Expiration: 02/28/2023

Complaint History: 201909605, closed by Agreed Citation and payment of \$1,000 civil penalty; 2020036161, closure

This 1-8-21 annual inspection revealed an unlicensed individual practicing. A Notice of Violation was issued for this infraction as well as for failure of responsibilities of an owner or manager of a shop. This is the Respondent shop's second offense for an unlicensed person practicing.

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

Decision: Approved

25. Case No.: COS-2021003031

First License Obtained: 11/09/1995

License Expiration: 11/30/2021

Complaint History: 201909610, closed by an Agreed Citation and \$1,500 civil penalty

Please see fact pattern for Item #24 above. This Respondent is the owner of the shop and thus would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved

26. Case No.: COS-2021002031

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-8-21 consumer complaint appears to be a duplicate complaint of Item #27 below.

Recommendation: Closure.

Decision: Approved

27. Case No.: COS- COS-2021001761

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-9-21 consumer complaint alleges unlicensed individual activity by the Respondent. Inspection revealed Respondent advertising on social media; the address listed was a motel. Inspector called Respondent's telephone number listed on social media several times and was unsuccessful. Inspector sent an e-mail to e-mail address listed by Respondent on social media and counselled Respondent regarding practicing unlicensed and obtaining a license with the state. A Notice of Violation was not issued.

Recommendation: Closure and flag (unless letter of warning is sent to e-mail address only).

Decision: Letter of Warning to Respondent and Letter of Instruction to the Motel.

28. Case No.: COS- 2021002051

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-10-21 consumer complaint alleges unlicensed shop activity. Inspection revealed evidence (pictures) of workstations; neighbor business stated there is business after hours/on weekends when other businesses are not operating. No evidence obtained of practicing on customers. A Notice of Violation was not issued.

Recommendation: Letter of warning and re-inspect.

Decision: Approved

29. Case No.: COS-2021003671

First License Obtained: 11/03/2016

License Expiration: 11/30/2022

Complaint History: 201802606, closed by Agreed Citation and payment of \$3,000 civil penalty

This 1-11-21 annual inspection revealed Respondent's owner was practicing on a client while unlicensed. A Notice of Violation was issued. This is the Respondent's second offense for unlicensed person practicing.

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

Decision: Approved

30. Case No.: COS-2021003221

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

A 1-11-21 annual inspection revealed Respondent practicing without a license. 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

31. Case No.: COS-2021002401

First License Obtained: 07/10/2014

License Expiration: 07/31/2022

Complaint History: None

This 1-12-21 anonymous consumer complaint alleges Respondent has an expired individual license (expiration 7-31-20). Inspection revealed an expired individual license and Respondent was not present at the shop; inspector counselled shop owner regarding the expired license and shop owner assured inspector that Respondent would renew the license as soon as possible. A Notice of Violation was not issued. The individual license has since been renewed through 7-31-22.

Recommendation: Letter of warning.

Decision: Approved

32. Case No.: COS- 2021002801

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-13-21 consumer complaint makes similar allegations to Item #19 above. This would be a duplicitous complaint.

Recommendation: Closure.

Decision: Approved

33. Case No.: COS- 2021002751

First License Obtained: 11/06/2019
License Expiration: 09/01/2021
Complaint History: 2020053191, closure

This 1-13-21 parent of student complaint alleges

- (1) Respondent school is not giving student any of her records/hours/transcripts so student can transfer until student pays her remaining \$920.00 of tuition owed to the Respondent school,
- (2) there is an unlicensed teacher at the Respondent school, and
- (3) the Respondent school did not close when a student became CoVid positive. The student requests her records so she can transfer to another school.

Respondent school states

- (1) Student is allowed to inspect her files and the Respondent school will send them directly over to the transfer school,
- (2) the \$920.00 owing in tuition needs to be paid by the student in full,
- (3) the instructor in question has her barber and cosmetology licenses and is also pursuing her instructor license under the direction of the two licensed instructors, and
- (4) no students were infected with Covid prior to the student testing positive and taking a CoVid leave of absence from the Respondent school to quarantine.

Parent of student rebuts with information that would indicate that libel and slander are taking place by the Respondent school.

Libel/Slander actions and contractual issues/actions (school/student contract, tuition matters, etc.) are outside the scope of the Board's statutory and regulatory authority.

Recommendation: Closure.

Decision: Approved

34. Case No.: COS- 2021004611

First License Obtained: 06/24/2015
License Expiration: 06/30/2021
Complaint History: 2017031741, closed with Letter of Warning

This 1-14-21 anonymous consumer complaint alleges warts on complainant's fingers from a manicurist after a nail service. Inspection revealed the manicurist's hands had no evidence of skin irritation or bandages. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

35. Case No.: COS- 2021004171

First License Obtained: 10/11/2011
License Expiration: 08/31/2022
Complaint History: 2012002801, closed by Letter of Warning
2013015191, closed by Letter of Warning

This 1-14-21 annual inspection revealed an expired shop license (expiration 8-31-20) and failure of responsibility on behalf of the designated manager. A Notice of Violation was issued. The shop license has since been renewed through 8-31-22.

Recommendation: Letter of warning.

Decision: Approved

36. Case No.: COS- 2021004191

First License Obtained: 02/12/2014

License Expiration: 02/28/2022

Complaint History: None

Please see fact patter for Item #35 above. This Respondent is the designated manager.

Recommendation: Letter of warning.

Decision: Approved

37. Case No.: COS- 2021004251

First License Obtained: 06/06/1990

License Expiration: 11/30/2022

Complaint History: None

This 1-15-21 annual inspection revealed an expired shop license (expiration 7-31-20) at the Respondent's shop. A Notice of Violation was issued. This Respondent is the shop owner and the violation was against the shop, which would be duplicitous.

Recommendation: Closure.

Decision: Approved

38. Case No.: COS- 2021004411

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-20-21 consumer complaint alleges unlicensed shop activity with social media evidence in support. Inspection revealed through a phone conversation with shop owner that there were no cosmetology services being offered at the business, but inspector was informed to contact the aesthetician in the business to get a better understanding of the services being performed.

Aesthetician informed inspector they were still preparing the shop for services and had been in contact with the board about opening the business. A Notice of Violation was not issued.

Recommendation: Letter of instruction on applying for a shop license and flag.

Decision: Approved

39. Case No.: COS- 2021004671

First License Obtained: 11/30/1992

License Expiration: 05/31/2021

Complaint History: None

This 1-20-21 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

40. Case No.: COS- 2021004951

First License Obtained: 02/16/2018

License Expiration: 02/29/2020

Complaint History: None

This 1-20-21 annual inspection revealed an expired shop license (expiration 2-29-20) and failure of responsibility on behalf of the designated manager. A Notice of Violation was issued. This shop license is still expired.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

41. Case No.: COS- 2021004981

First License Obtained: 04/30/2014

License Expiration: 04/30/2022

Complaint History: None

Please see fact pattern for Item #40 above. This Respondent is the designated manager.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

42. Case No.: COS- 2021006031

First License Obtained: 03/20/2008

License Expiration: 03/31/2016

Complaint History: 2016032761, closed by Consent Order and payment of \$100.00 civil penalty; 2018023901, closed with Letter of Warning; 2019055031, closed by Consent Order payment plan for a civil penalty of \$1,000 and \$100 costs

This 1-21-21 annual inspection revealed an expired shop license (expiration 3-31-16). A Notice of Violation was issued for this infraction as well as having no licensed manager present (individual license expired). This is Respondent shop's second offense for an expired shop license.

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

Decision: Approved

43. Case No.: COS- 2021006071

First License Obtained: 12/11/1989

License Expiration: 02/28/2016

Complaint History: 2016032781, closed by Consent Order and payment of \$100 civil penalty; 2019055071, closed by Consent Order payment plan for a civil penalty of \$1,000 and \$100 costs

Please see fact pattern for Item #42 above. This Respondent is the owner of the shop who also has an expired individual license. This is Respondent's second offense for an expired individual license.

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

Decision: Approved

44. Case No.: COS- 2021006251

First License Obtained: N/A

License Expiration: N/A
Complaint History: None

This 1-26-21 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed apartment. Inspector went to apartment and had to leave a card on the door; inspector did not receive a return telephone call. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Approved

45. Case No.: COS- 2021007631

First License Obtained: 09/03/1992
License Expiration: 07/31/2022
Complaint History: None

This 1-26-21 annual inspection revealed an expired shop license (expiration 7-31-20) and failure of responsibilities of owner or manager of a shop. A Notice of Violation was issued. The shop license has since been renewed through 7-31-22.

Recommendation: Letter of warning.
Decision: Approved

46. Case No.: COS- 2021007671

First License Obtained: 02/25/1985
License Expiration: 12/31/2022
Complaint History: None

Please see fact pattern for Item #45 above. This Respondent is the owner of the shop. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.
Decision: Approved

47. Case No.: COS- 2021008111

First License Obtained: 05/23/2016
License Expiration: 05/31/2022
Complaint History: 2017049381, closure.

This 1-27-21 consumer complaint alleges unlicensed individual activity at Respondent shop. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Approved

48. Case No.: COS- 2021008521

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

A 1-28-21 inspection revealed an unlicensed 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

49. Case No.: COS- 2021007581

First License Obtained: 12/03/2012
License Expiration: 12/31/2022
Complaint History: None

This 1-29-21 anonymous consumer complaint alleges Respondent is operating an unlicensed shop from her condominium. Inspector went to condominium and had to leave a card on the door; Respondent did not contact inspector. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

50. Case No.: COS- 2021007641

First License Obtained: 06/21/2019
License Expiration: 06/30/2021
Complaint History: 2019055651, closure

This 1-29-21 consumer complaint alleges unlicensed individual activity outside the scope of Respondent's license. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

51. Case No.: COS- 2021007711

First License Obtained: 03/12/2018
License Expiration: 03/31/2022
Complaint History: None

This 1-30-21 consumer complaint alleges a lack of professionalism on behalf of Respondent regarding a cash transaction/late charge for a service. Respondent states Complainant was rude on the telephone; Respondent provided screenshots of the cash transaction/late charge policies for customers on their social media site.

Recommendation: Closure.

Decision: Approved

52. Case No.: COS- 2021008021

First License Obtained: 07/23/2015
License Expiration: 07/31/2021
Complaint History: None

This 2-1-21 consumer complaint alleges Respondent was unprofessional and hurt their child during a haircut with screenshots in support. Complainant addressed the matter with management and a refund was offered. Respondent states complainant was present during the haircut and Respondent did have some issues with the "1 guard blade" but switched to the "1.5 guard blade" and the equipment worked properly; Complainant was present during the service and never immediately brought to Respondent's attention that Complainant thought Respondent was being too rough with the child. Respondent states the scratches (photos) could be from fingernails where the child scratched its neck due to sensitivity and were below the neckline where the cape would have been; Complainant had made comments to the child during the service to not scratch its face and to sit still during the service. Respondent states they would never intentionally harm a child and feels harassed/fears for their safety/slandered on social media. Complainant rebuts they were also watching another child receive a haircut at the same time and was not present the entire time Respondent was performing the service but did observe Respondent remove the cape to cut around the neck/ears of the affected child; Complainant did

not use Respondent's name on social media but has heard from Respondent's family members on social media in slanderous comments. This is a negligence/malpractice/slander matter outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved

53. Case No.: COS- 2021008941

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-3-21 consumer complaint alleges unlicensed individual activity from an unlicensed apartment and unsanitary conditions with a screenshot of a booking appointment website with Respondent. Inspector went to apartment building but could not locate specific apartment listed in complaint and there was no visible directory of tenants. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

54. Case No.: COS- 2021008961

First License Obtained: 03/06/1987

License Expiration: 12/31/2020

Complaint History: None

This 2-3-21 landlord complaint alleges unlicensed activity from a home. Inspector could not make contact and left a card for Respondent to call back; no return call has occurred since. The home is currently for sale. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

55. Case No.: COS- 2021009111

First License Obtained: 10/08/2020

License Expiration: 10/31/2022

Complaint History: None

This 2-4-21 administrative complaint alleges Nevada Respondent is using a Tennessee Cosmetology license number (belonging to a male with the same name/different date of birth and social security number) to seek a reciprocal license in Nevada.

Recommendation: Send certified letter to Tennessee person/Tennessee address listed in CORE for specific individual license number requesting proof of educational documents and an active license from a state/U.S. territory in order to have their Tennessee license credentials evaluated in accordance with Tennessee Code Annotated section 62-4-117 within thirty (30) days. After thirty (30) days, if nothing received or not properly verified, authorize formal hearing for revocation of individual license number. Authorize settlement by consent order for voluntary revocation of individual license. Flag individual license number and authorize immediate seizure of individual license number/license if encountered by inspector.

Decision: Approved

56. Case No.: COS- 2021009541

First License Obtained: 12/23/2020

License Expiration: 12/31/2022

Complaint History: None

This 2-5-21 consumer complaint alleges unlicensed individual activity from the Respondent shop. Inspection revealed no evidence of unlicensed individual activity. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

57. Case No.: COS- 2021009551

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #56 above. This Respondent is the person alleged to be an unlicensed individual. Inspection revealed Respondent was not seen working on any clients at the time of inspection. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

58. Case No.: COS- 2021009821

First License Obtained: 01/08/2001

License Expiration: 12/31/2022

Complaint History: None

This 2-6-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

59. Case No.: COS-2021009841

First License Obtained: 02/09/2021

License Expiration: 12/31/2022

Complaint History: None

This 2-6-21 consumer complaint alleges an unlicensed shop with unsanitary conditions. An annual inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

60. Case No.: COS- 2021010441

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-8-21 anonymous complaint alleges unlicensed individual activity from an unlicensed home with social media in support. Inspector went to residence and could not make contact; left a card for Respondent to call back. Inspector has yet to hear back from Respondent.

Recommendation: Letter of warning and flag.

Decision: Approved

61. Case No.: COS- 2021012131

First License Obtained: 06/11/2020

License Expiration: 05/31/2022

Complaint History: None

This 2-8-21 annual inspection revealed Respondent shop allowing an unlicensed individual to practice in the shop; inspector observed unlicensed individual performing a pedicure on a client. Respondent states unlicensed individual was shop owner's mother from out-of-town and was only checking the temperature of the footbath water for client. 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

62. Case No.: COS- 2021012201

First License Obtained: 06/20/2012

License Expiration: 06/30/2022

Complaint History: None

Please see fact pattern for Item #61 above. This Respondent is the owner of the shop. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved

63. Case No.: COS- 2021010971

First License Obtained: 07/20/2018

License Expiration: 07/31/2022

Complaint History: None

This 2-9-21 consumer complaint alleges unprofessional conduct on the part of the Respondent and dissatisfaction with a service partially performed by the Respondent. Respondent states Complainant was a walk-in client on a busy day and service took longer as Complainant was being worked-in with other clients who had appointments. Respondent will attempt contact with the Complainant about the service/reception.

Recommendation: Closure.

Decision: Approved

64. Case No.: COS-2021011201

First License Obtained: 12/12/2012

License Expiration: 11/30/2022

Complaint History: None

This 2-9-21 consumer complaint alleges dissatisfaction with a chin wax service with pictures in support. Inspection revealed no unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

65. Case No.: COS- 2021011451

First License Obtained: 02/09/2021

License Expiration: 12/31/2022

Complaint History: None

This 2-10-21 consumer complaint appears to have the same allegations as in Item #59 above against the same Respondent. An annual inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

66. Case No.: COS- 2021012881

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-16-21 consumer complaint alleges unlicensed individual activity at Respondent shop. Inspection revealed shop location provided in complaint was vacant.

Recommendation: Closure.

Decision: Approved

67. Case No.: COS- 2021015091

First License Obtained: 05/23/2016

License Expiration: 05/31/2022

Complaint History: 2017049381, closure

This 2-16-21 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

68. Case No.: COS- 2021013631

First License Obtained: 07/09/2019

License Expiration: 06/30/2021

Complaint History: 202000667, closed with Letter of Warning
2020038221, closed with Letter of Warning
2020065241, closure 2020097341, closure; 202009661,

Consent Order Sent for \$1,500 civil penalty

This 2-17-21 consumer complaint alleges unlicensed individual activity and unsanitary conditions at a Respondent shop. Inspection revealed an unlicensed individual working and multiple sanitation infractions. A Notice of Violation was issued for these infractions. This is Respondent's fourth offense of 0440-02-.06 (work area not cleaned after each customer and/or floor not swept or mopped daily), second offense of 0440-02-.13 (all tools, implements and equipment not properly cleaned, sanitized and properly maintained), and second offense of persons practicing while unlicensed.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the voluntary revocation of shop license.

Decision: Approved

69. Case No.: COS- 2021013651

First License Obtained: 03/21/2019

License Expiration: 03/31/2023

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
2020038951, closure; 20200097941, closure

Please see fact pattern for Item #68 above. This Respondent is the owner/manager of the shop. This is Respondent's second offense for unlicensed persons practicing and 5th offense/accusation of failure of responsibilities of owner/manager of a shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$5,000.00 due to multiple current/previous complaint history.

Decision: Approved

70. Case No.: COS- 2021013401

First License Obtained: 03/03/2003

License Expiration: 02/28/2023

Complaint History: None

This 2-18-21 competitor complaint alleges Respondent is unprofessional and operating as an unlicensed instructor at a local school. Inspection revealed Respondent was a junior instructor and mentor at the school. The matter will be handled internally at the school; a Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

71. Case No.: COS- 2021013441

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-19-21 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed apartment. Inspector ultimately made telephonic contact with Respondent, and Respondent denied the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

72. Case No.: COS-2021015221

First License Obtained: 06/11/2020

License Expiration: 06/30/2022

Complaint History: None

This 2-25-21 consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

73. Case No.: COS- 2021016101

First License Obtained: 11/14/2005

License Expiration: 10/31/2020

Complaint History: 2008015031, closed by Consent Order and payment of \$2,000; 2009018811, closed with no action; 2011024211, closed by Consent Order and payment of \$500.00 civil penalty; 2014007651, closed and flagged; 2018044041, closed by Agreed Citation and payment of \$1,000 civil penalty; 2019048971, closed by Agreed Citation and payment of \$500.00 civil penalty

This 2-25-21 annual inspection revealed an expired shop license (expiration 10-31-20), two (2) persons practicing without a license, and the shop owner/manager was not present at time of

inspection. A Notice of Violation was issued. This Respondent is the shop. The shop license remains expired. This is Respondent's second offenses for no owner/manager present and unlicensed persons working in the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$3,100.00.

Decision: Approved

74. Case No.: COS-2021016181

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #73 above. This Respondent is one of the unlicensed individuals. Respondent disputes the civil penalty on the grounds that they admitted to the inspector that they were a current student and was performing services for free; this is not reflected in the inspection report. Inspector states Respondent still could not provide a current license; she never told the inspector she was cutting for free or inspector would have done a further investigation of that claim.

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

Decision: Approved

75. Case No.: COS- 2021015671

First License Obtained: 09/22/2009

License Expiration: 09/30/2021

Complaint History: None

This 2-26-21 consumer complaint alleges unlicensed individual activity and unauthorized barbering services. Inspection revealed no evidence to substantiate the complaints alleged. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

76. Case No.: COS- 2021016141

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-1-21 consumer complaint alleges unlicensed individual activity from an unlicensed apartment with social media posts in support. Inspector went to apartment and could not make contact; inspector left a card in the door for Respondent to contact inspector. Respondent never contacted inspector.

Recommendation: Letter of warning and flag.

Decision: Approved

77. Case No.: COS-2021014211

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-2-21 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed home as well as unsanitary conditions. Inspector noted an incorrect address listed in

the complaint and placed a card at what was believed to be Respondent's residence pursuant to a neighbor. A return telephone call from Respondent has not occurred. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

78. Case No.: COS- 2021016241

First License Obtained: 10/27/2016

License Expiration: 10/31/2022

Complaint History: None

This 3-2-21 anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

79. Case No.: COS- 2021016371

First License Obtained: 12/04/2020

License Expiration: 12/31/2022

Complaint History: None

This 3-3-21 consumer complaint alleges unlicensed individual and shop activity with social media posts in support. Inspection of the shop location revealed no active operation; individual's license is expired per CORE. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

80. Case No.: COS-2021016451

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-3-21 consumer complaint is identical to Item #79 above. This Respondent is the owner of the shop with an expired license per CORE.

Recommendation: Closure.

Decision: Approved

81. Case No.: COS- 2021018061

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-8-21 competitor complaint alleges unlicensed individual activity from an unlicensed apartment with 2018 social media in support. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

82. Case No.: COS- 2021018091

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-9-21 anonymous complaint alleges unlicensed individual activity from an unlicensed home with social media in support. Respondent refused an inspection of the property. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved

83. Case No.: COS- 2021018611

First License Obtained: 04/07/2014

License Expiration: 03/31/2022

Complaint History: None

This 3-10-21 consumer complaint alleges a bad service and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

84. Case No.: COS- 2021008841

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This undated consumer complaint alleges an eye infection from a lash service and fraud with no medical records in support. Inspector went to address listed for Respondent on internet and found a licensed, full-service cosmetology shop under a different shop name (not Respondent's name) with licensed persons working there. Inspector performed an annual inspection of the shop and a Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

85. Case No. COS-2021023661

First License Obtained: 05/02/2005

License Expiration: 09/01/2021

Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action; 2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter of Warning; 2009010121, dismissed; 2014003171, 2014019051, 2014030611, 2014030631 and 2015020771 closed via executed Agreed Order and Statement of Understanding; 2016013981, closed; 2016049731, dismissed; 2017036371, Letter of Warning; 2019017061, Formal Charges Authorize

This 3-25-21 administrative complaint alleges Respondent Barber/Cosmetology school has not been fully inspected since 2017; a settlement was reached in 2017 where the Respondent schools agreed to a full and complete state inspection pursuant to Tennessee law. All subsequent state attempts to conduct a full and complete inspection of the Respondent schools have been frustrated and not allowed to be conducted.

Further, the state (through its counsel) sent a courtesy letter to the Respondent schools on February 4, 2021 to again schedule by March 12, 2021 a full and complete state inspection of the schools pursuant to the 2017 settlement agreement and Tennessee law; the letter went unanswered by the Respondent. On March 23, 2021, state inspectors presented to the

Respondent schools to conduct a full and complete inspection of both schools; a full and complete inspection of both schools was not allowed to be conducted.

The state seeks revocation of both school licenses pursuant to Tennessee Code Annotated sections 62-3-121 (7) and 62-4-127 (b) (9)

Recommendation: Authorize formal hearing for revocation of school license before the Board of Cosmetology and Barber Examiners with an administrative law judge presiding. Settlement by consent order for voluntary revocation of school license.

Decision: Approved

BARBER CASES

86. Case No.: BAR- 2020093751

First License Obtained: 07/14/2019

License Expiration: 07/31/2021

Complaint History: None

This 12-2-20 municipal complaint alleges Respondent and its owner are operating without running water and Respondent's owner is residing in the business. Inspection revealed Respondent's owner's individual license was expired (expiration date not stated) and thus there was not an owner or manager present at the time of inspection; further, there was no running water at the business. A Notice of Violation was issued for the above infractions. Respondent owner's individual license has been renewed until 8-31-22, which was the underlying reason for Respondent being "not present" at the time of inspection. Respondent's owner was issued a letter of warning regarding equipment not in working order or not present (water)/residing in the business; letter of warning regarding expired license that was recently renewed.

Recommendation: Closure.

Decision: Closure with request for re-inspection.

87. Case No.: BAR- 2020093691

First License Obtained: 05/12/2014

License Expiration: 04/30/2020

Complaint History: None

This 12-3-20 annual inspection revealed an expired shop license (expiration 4-30-20) and failure of responsibilities on behalf of the designated manager. A Notice of Violation was issued. The shop license remains expired.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

88. Case No.: BAR- 2020093711

First License Obtained: 07/27/2009

License Expiration: 07/31/2021

Complaint History: None

Please see fact pattern for Item #87 above. This Respondent is the designated manager cited for failure of responsibilities.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

89. Case No.: BAR- 2021002391

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

This 1-12-21 consumer complaint alleges unlicensed individual activity with social media screenshots in support. Inspection revealed Respondent setting up a workstation in a shop but not practicing on a client at the time of inspection. Respondent was counselled that he needed to obtain a Tennessee master barber license. Respondent packed up his equipment and left the shop. A Notice of Violation was not issued.

Recommendation: Letter of instruction to obtain a Tennessee master barber license.
Decision: Approved

90. Case No.: BAR- 2021002671

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

This 1-13-21 school complaint alleges an expelled student, Respondent, is practicing while unlicensed with social media posts in support. Inspection of Respondent's apartment revealed a barber work area/operation, but no customers; he stated he was practicing and not charging persons. Respondent was counselled against practicing at home. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.
Decision: Approved

91. Case No.: BAR- 2021006651

First License Obtained: 08/16/2018
License Expiration: 08/31/2022
Complaint History: 2018075341, closed with referral to collections for failure to pay \$1,000 civil penalty; 2019100171, closure

This 1-25-21 inspection revealed an unlicensed shop (moved to new location). A Notice of Violation was issued. Respondent shop previously applied/paid for a change of location back on 10-26-20 and was approved. The new shop license for the new location is current through 8-31-22.

Recommendation: Letter of warning.
Decision: Approved

92. Case No.: BAR- 2021007111

First License Obtained: 04/07/2017
License Expiration: 04/06/2021
Complaint History: 2019079901, Closure with a follow up with the inspector to see if he checked the hours during the inspection, if not, request a re-inspection to check the students' hours. On February 11, 2020 a follow up inspection was conducted and no Notice of Violation was issued.

This 1-28-21 former student complaint alleges Respondent new school is breaching her privacy regarding her private/professional information contained from/for the old school purchased by the new school. Respondent new school responds the information elicited is for the NACCAS

Annual Report regarding employment of its graduates; NACCAS allows several forms of communication to acquire the information from graduates and is sensitive about the information received. Former student rebuts the forms of communication were misleading and never stated the old school was purchased by the new school.

Recommendation: Closure.

Decision: Approved

93. Case No.: BAR- 2021008351

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-2-21 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

94. Case No.: BAR- 2021009471

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

A 2-2-21 inspection revealed an unlicensed 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

95. Case No.: BAR- 2021009491

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

A 2-2-21 inspection revealed an unlicensed shop at a second location. 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

96. Case No.: BAR- 2021009521

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

A 2-2-21 inspection revealed an unlicensed shop at a third location. 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

97. Case No.: BAR- 2021017731

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-8-21 consumer complaint alleges unlicensed individual activity from an unlicensed shop. Inspector went to business location but did not witness an active shop operation. Respondent is believed to be operating an appointment-only business.

Recommendation: Letter of warning and flag.

Decision: Approved

98. Case No. BAR-2021023681

First License Obtained: 09/27/2002

License Expiration: 09/26/2021

Complaint history: 2003169821 dismissed; 2003173001, closed by Agreed Order; 2004188051, dismissed; 2005011351, closed by Consent Order and payment of \$5,000; 2006021801, 2006024771, 200639701 and 2006039721: closed w/no action; 2007072151, 2007086991: closed and flagged; 2008006581, closed w/no action; 2008006591, 2009006861: closed and flagged; 2010033591, closed by Consent Order and payment of \$500 civil penalty; 2011029341, closed w/no action; 2014018211, 2014019041, 2014030621 and 2015020701 closed via executed Agreed Order and Statement of Understanding; 2019017071, Formal Charges Authorize

This 3-25-21 administrative complaint alleges Respondent Barber/Cosmetology school has not been fully inspected since 2017; a settlement was reached in 2017 where the Respondent schools agreed to a full and complete state inspection pursuant to Tennessee law. All subsequent state attempts to conduct a full and complete inspection of the Respondent schools have been frustrated and not allowed to be conducted.

Further, the state (through its counsel) sent a courtesy letter to the Respondent schools on February 4, 2021 to again schedule by March 12, 2021 a full and complete state inspection of the schools pursuant to the 2017 settlement agreement and Tennessee law; the letter went unanswered by the Respondent. On March 23, 2021, state inspectors presented to the Respondent schools to conduct a full and complete inspection of both schools; a full and complete inspection of both schools was not allowed to be conducted.

The state seeks revocation of both school licenses pursuant to Tennessee Code Annotated sections 62-3-121 (7) and 62-4-127 (b) (9).

Recommendation: Authorize formal hearing for revocation of school license before the Board of Cosmetology and Barber Examiners with an administrative law judge presiding. Settlement by consent order for voluntary revocation of school license.

Decision: Approved

RE-PRESENTS

99. Case No.: BAR- 2020088731

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its February 1, 2021 meeting as follows: *This 11-9-20 annual inspection revealed an unlicensed individual practicing in a shop. A Notice of Violation was issued. The shop has already been assessed and paid the civil penalty. This Respondent is the owner of the shop. This would be a duplicitous penalty against the shop and its owner.*

Recommendation: Closure.

Decision: *Approved*

Update: The Respondent has paid the civil penalty for the Respondent's personal complaint and signed the Agreed Citation admitting to the violation(s) prior to the presentation of this complaint to the Board on February 1, 2021. Legal was not notified of such until after the matter was presented to the Board in February 2021.

New Recommendation: Close the case with the executed Agreed Citation and the civil penalty payment already received.

Decision: **Approved**

100. Case No.: BAR- 2020047261

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

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

Complaint History: **None**

This matter was previously presented to the Board at its October 5, 2020 meeting as follows: *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*

Update: **Per CORE, this shop is noted as closed per the inspector on 10-15-20.**

New Recommendation: **Closure.**

Decision: **Approved**

101. Case No.: COS-2017071231

First License Obtained: **09/14/2011**

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

Complaint History: **None**

This matter was previously presented to the Board at its meeting on November 6, 2017 where at such meeting the Board issued an Order for Summary Suspension to suspend the Respondent's manicurist license pending the outcome of the criminal charges against the Respondent on two counts of sexual battery.

Update: **Respondent's sentencing hearing is postponed to 4-21-21.**

Recommendation: **Since Respondent has been found guilty of the felony of sexual battery (on a customer), authorize formal hearing for revocation. Authorize settlement by consent order for the voluntary revocation of individual license.**

Decision: **Approved**

102. Case No. COS-2019017991

First License Obtained: **10/14/2016**

License Expiration: **09/30/2018**

Complaint history: **None**

This matter was previously presented to the Board at its June 3, 2019 meeting as follows: *Pursuant to inspection the shop license was found to be expired. The owner is the manager of the shop.*

Recommendation: Authorize formal hearing. Authorize \$100.00 civil penalty against the shop and owner/manager.

Decision: Approved

Update: Per CORE, this shop is noted as closed per the inspector on 1-20-21.

New Recommendation: Closure.

Decision: Approved

103. Case No.: COS- 2020088751

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its February 1, 2021 meeting as follows:
Please see fact pattern above for Item #5 above. This Respondent is one of the unlicensed individuals practicing in the shop (\$1,000.00).

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

Decision: Approved

Update: Further research showed Respondent's reciprocal license was approved one day after the inspection allegedly showing Respondent was "unlicensed" when she could be working in the interim.

New Recommendation: Closure.

Decision: Approved

104. Case No.: COS- 2020088691

First License Obtained: 06/23/2017

License Expiration: 05/31/2021

Complaint History: 2018066591, closure

This matter was previously presented to the Board at its February 1, 2021 meeting as follows:
This 10-9-20 annual inspection revealed two (2) persons practicing while unlicensed (\$2,000.00) and the owner/manager was not present at the time of inspection. A Notice of Violation was issued. This Respondent is the shop.

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

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

Update: Based on Item #103 above, there was only one (1) person practicing while unlicensed instead of two (2), and the designated manager was away/not present (at lunch) at the time of inspection.

New Recommendation: Authorize formal hearing. Settlement by consent order for the reduced civil penalty of \$1,500.00 instead of \$2,500.00.

Decision: Approved

105. Case No.: COS-2020080521

First License Obtained: 06/17/2015

License Expiration: 06/30/2021

Complaint History: None

This matter was previously presented to the Board at its February 1, 2021 meeting as follows:
This 10-9-20 annual inspection revealed Respondent shop owner was allowing an unknown and

unlicensed individual to practice in the shop (\$1,000.00), failure of responsibilities of owner or manager of a shop, offering/performing services not authorized by a license (\$500.00), and several unsanitary conditions. A Notice of Violation was issued.

Recommendation: Letter of warning for unsanitary conditions and authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.

Decision: Approved

Update: The \$1,500.00 civil penalty against the shop was paid back on 11-2-20. This Respondent is the owner of the shop for the same violations. This would be a duplicitous penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved

106. Case No.: BAR- 2020090791

First License Obtained: 05/22/2012

License Expiration: 04/30/2020

Complaint History: 2013007431, closed by Consent Order and payment of \$500.00 civil penalty; 2016006431, closed by Consent Order and payment of \$125.00 civil Penalty; 2018087851, File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

This matter was previously presented to the Board at its February 1, 2021 meeting as follows: *This 11-19-20 annual inspection revealed an expired shop license (expiration 4-30-20) and the shop owner was not present at the time of inspection. A Notice of Violation was issued. This is Respondent shop's second offense for an expired shop license (\$500.00) and the shop owner not being present at the time of inspection (\$1,000.00). The shop license remains expired.*

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

Decision: Approved

Update: The owner of the shop lives in Houston, Texas and service will be an issue.

New Recommendation: Refer to local law enforcement/district attorney office for prosecution of Respondent shop under Tennessee Nuisance Statute for businesses – Tennessee Code Annotated section 29-3-112; refer to Tennessee Department of Revenue for inspection/investigation of Respondent shop for unpaid business taxes.

Decision: Approved

107. Case No.: BAR-2019102261

First License Obtained: 01/23/2020

License Expiration: 01/31/2022

Complaint history: None

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: *This is a consumer complaint alleging unlicensed activity, also referred to in 112—BAR- 2019100431, 115—BAR-2019102231, and 117—BAR-2020001051. Follow-up inspection revealed two individuals performing barber services without a license. A notice of violation was issued to the Respondent shop and the Respondent shop manager for unlicensed activity and responsibilities of owner and manager of a shop. A notice of violation was also issued to the unlicensed individuals for unlicensed activity. This Respondent is one of the unlicensed individuals.*

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

Decision: Approved

Update: Further research shows the Respondent become licensed the following month on 1-23-20.

New Recommendation: Letter of warning. File Notice/Order of Voluntary Dismissal without prejudice with the Court/Administrative Law Judge. Then, close file.

Decision: Approved

108. Case No.: BAR-2019075771

First License Obtained: 09/11/2019

License Expiration: 09/30/2021

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, 62—BAR-2019075801, 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: 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 with a recommendation that the Respondent appear before the Board at its scheduled meeting on April 6, 2020.

Update: Further research showed the Respondent became licensed two (2) days after the inspection date of 9-6-19.

New Recommendation: Letter of warning. File Notice/Order of Voluntary Dismissal without prejudice with the Court/Administrative Law Judge. Then, close file.

Decision: Approved

109. Case No.: BAR-2019075721

First License Obtained: 05/23/2018

License Expiration: 05/31/2022

Complaint history: 2018077291, closure

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 62—BAR-2019075801 three 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 \$3,500.00 civil penalty.

Decision: Approved

Update: Please see update/recommendation for Item #108 above.

New Recommendation: This matter has been re-set for hearing on May 13, 2021. Authorize settlement by consent order for the reduced civil penalty of \$2,500.00 instead of \$3,500.00.

Decision: Approved

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

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Niyalika Brooks, Atu Campbell, Brandi Jefferson, Vickie Kristiansen and Keneesha Williams. The applicants have felonies within the last three years and/or are currently incarcerated. The request to take the Tennessee examination was submitted for the board's approval along with the required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

Motion made by Judy McAllister and seconded by Mona Sappenfield to approve application for examination with a signed Agreed Order. The motion carried by unanimous roll call vote.

Request by Ms. Vita Villa Ramirez to accept her aesthetics education and experience and approve her for the Tennessee exams. Ms. Villa provided translated documents showing hours of education, certificates of completion, full resume and credentials from Mexico, Belgium, Pennsylvania and others.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve the request. Motion carried unanimously.

Request by Mr. Josh Crowder to accept his attestation and diploma and approve him to take the Barber exams. Pursuant to Tenn. Ann. Code §62-3-110 (b) any person who desires to register as a master barber must complete 1,500 hours in a registered barber school before applying to take the exams. Mr. Crowder submitted an attestation form stating he completed 1,500 hours between 2010 and 2011 at International Barber & Style College. That barber school is closed. He submitted a copy of his diploma stating he graduated on October 6, 2011. The office retrieved boxes from storage that should have included that schools' monthly reports from those dates. The reports were not found. The Records Retention period requires seven (7) years for such records.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Florida for Kali Miller. Certification shows initial licensure in August 2011 with no practical exam. Ms. Miller is asking for the practical exam to be waived since she is very close to being licensed for ten years.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Mona Sappenfield to approve recommendation. The motion carried by unanimous roll call vote.

Application for reciprocity of cosmetologist license from Colorado for Samantha Nira Certification shows a Hair Stylist license, initial licensure in March 2013. Mr. Nira presented a letter explaining her unique situation and a letter from an employer.

Recommendation – is that the applicant take the practical exam.

MOTION made by Mona Sappenfield and seconded by Judy McAllister to approve recommendation. The motion carried by unanimous roll call vote.

Application for reciprocity of aesthetics license from Virginia for Dottie Maselli. Certification shows initial licensure in May 2008 and waiver of examination. Ms. Maselli is also licensed in Florida but that State does not require the exams. Ms. Maselli is asking for the exams to be waived since she has been in the industry since 2008 and did not realize there was a period of time that the examination was waived.

Recommendation – is that the applicant take the practical exam.

MOTION made by Mona Sappenfield and seconded by Judy McAllister to approve recommendation. The motion carried by unanimous roll call vote.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

During the December 2020 board meeting, Ms. Anderson, on behalf of KINCC Group, requested approval of the instructor continuing education seminar for a total of seven sessions. The two virtual sessions split into four-hour increments need to be changed to eight-hour sessions completed in two days. Those dates are:

May 1st & 2nd, 2021 and October 2nd & 3rd, 2021

Motion made by Amy Tanksley and seconded by Mona Sappenfield to approve the change. Motion carried unanimously.

West TN College of Cosmetology presented a letter explaining the school was adding 2,400 sq ft for additional offices, classrooms, and projection room. This was information to be added to the license file as the addition does not impact the public or require an inspection.

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. Erin Burkett provided an explanation that she did not have the funds to pay for the license. She passed the practical exam on 8/07/2019.

MOTION made by Mona Sappenfield and seconded by Judy McAllister to approve extension and approve her 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. Alaynna Jimerson provided an explanation that that she did not have the funds to pay for the license. She passed the practical exam on 11/27/2019.

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

Request for approval of manicurist license for Anna Pham. Ms. Pham was licensed by reciprocity from Texas in 2011. That license was revoked in December 2019 for failure to obtain licensure as the statute requires. Since then she attended a school in Tennessee and passed both exams by October 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 0200-01-.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. Mr. Terrence Scullark provided an explanation that he had problems with the system and was unable to get help. He passed the practical exam on 4/22/2019.

MOTION made by Judy McAllister and seconded by Mona Sappenfield to approve extension and approve her license. The motion carried by unanimous roll call vote.

Request to continue taking PSI exams for manicure license by Ms. Thi Kim Lein Trinh. An incident occurred with PSI during a theory exam on January 2, 2019, at the Memphis testing facility. Ms. Trinh was sent a letter explaining she had to wait two years before testing.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to unblock candidate from exams. The motion carried by unanimous roll call vote.

Request by Ms. Codee Lee Hansberry with The Branded Lash. Ms. Hansberry requested waiver of some equipment pursuant to 0440-02-.07(2) for skin care shops. The shop will only offer lash extension services.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons to deny the request. The motion carried by unanimous roll call vote.

DIRECTOR'S REPORT:

The financial numbers through January 2021 were presented. January had a deficit of \$135,357 causing a year to date net deficit of 98,250.

Updated licensing numbers were provided.

NEW BUSINESS:

The board discussed old school hours reports and the records retention period for such records. The RDA requirements allows the board to shred school hours reports after seven years. The board members discussed the school monthly hour reports be destroyed following the States RDA guideline but only after 10 years. They requested this information be posted on the board website.

MOTION made by Patricia Parsons and seconded by Frank Gambuzza. The motion carried by unanimous roll call vote.

Roxana shared the loss of Mrs. Callie Terrell, the longest practicing cosmetologist/aesthetician in Tennessee who worked 76 years in Memphis, TN. Future students and current licensees could learn much from her passion and work ethic. Frank Gambuzza asked for her information to be forwarded to the board members.

Additional Questions:

Motion to adjourn: Meeting adjourned at 11:57.