



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 June 7, 2021 at 9:07 a.m. in person in Room 1A and via WebEx.

The Meeting was called to order by Chairman Ron Gillihan.

Roxana Gumucio introduced board members Dr. John Cagle and Ms. Monica Lemons. Ms. Kelly Barger received a thank you letter from the Governor for her years of service on the board.

Roxana Gumucio, Executive Director, called roll. The following members participated: John Cagle, Anita Charlton, Frank Gambuzza, Ron Gillihan, Yvette Granger, Monica Lemons, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell and Mona Sappenfield.

Not available: Amy Tanksley and Susan Witcher

Others participating: Roxana Gumucio, Executive Director, Hugh Cross, Attorney for the Board and Betty Demonbreun, Administrative Assistant.

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 April 5, 2021 board meetings were submitted for changes and/or approval.

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

2021 Legislative Updates:

Mr. Hugh Cross updated the board on the approval of the rules covered at the October 2020 rule making hearing. Those rules go into effect June 13, 2021. The board was reminded to sign up for notifications. Update provided on Public Chapter 117 regarding the Domestic Violence training which goes into effect January 1, 2022.

PRESENTED BEFORE THE BOARD-

Sumadhi Spa Pro Aesthetics – New Specialty Aesthetics School

Ms. Terica Fitzgerald participated to answer any questions for the board. The school is located in Memphis. The school was previous presented at the April 2021 board meeting. The board asked for some clarifications to be sent to the director.

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

BDMC Professional Services – New Specialty Aesthetics School

Mr. Reese and Ms. Bailey appeared before the board to answer questions. The school is located in Nashville. The new school application, curriculum, blank enrollment agreement, floor plan, catalog, five contracts and contingency plan were all received timely. The board asked for some clarifications to be sent to the director.

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

Center Stage Beauty Academy – New Specialty Aesthetics School

Ms. Tiffany Lynch and Ms. Amber Belt participated to answer any questions for the board. The school is located in Maryville. The new school application, curriculum, blank enrollment agreement, floor plan, catalog, five contracts and contingency plan were all received timely.

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

The Institute of Beauty – School Change of Location

Ms. Turner participated to answer any questions for the board. The Natural Hair Styling school is located in Memphis. The school is 1,200 sq. ft. The application, floor plan and updated student agreement were received timely. The new location is across the hallway.

MOTION made by Judy McAllister and seconded by John Cagle to approve the change in location pending an inspection by a field inspector. The motion carried by unanimous roll call vote.

KINCC – New Specialty Instructor School

Ms. Kimberly Anderson participated to answer any questions for the board. The school is located in Memphis. The new school application, curriculum, blank enrollment agreement, floor plan, catalog, five contracts and contingency plan were all received timely. The board discussed that the barber instructor course would need to be taught by a barber instructor and the school needs to determine how to complete the general and physical hours with students for each discipline.

MOTION made by Becky Russell and seconded by Judy McAllister to approve the new school pending required updates and an inspection by a field inspector and board member. The motion carried by unanimous roll call vote.

TSLAY University – New Specialty Natural Hair Styling School

Ms. Donna Walker participated to answer any questions for the board. The school is located in Memphis. The new school application, curriculum, blank enrollment agreement, floor plan, catalog, five contracts and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by Monica Lemons to approve the new school pending required updates and an inspection by a field inspector and board member. The motion carried by unanimous roll call vote.

Master's Barber & Styling College – School Extension

Mr. Ron Gillihan appeared before the board to answer questions. The school is located in Old Hickory. The school is adding more classroom and office space to the existing school location. None of this impacts the services offered to the public.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve the extension. 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 101 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2021000421

First License Obtained: 04/11/2017

License Expiration: Registered

Complaint History: None

This matter was previously presented to the Board at its April 5, 2021 as follows: *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.

Update: Based on the Board's comments at the 4-5-21 Board Meeting, Disciplinary Counsel sent an e-mail to the Respondent and posed the following question: What remedial measures, if any, did [Respondent] take to assure that the hours the terminated employee turned in to the school were actually "earned" instructional hours (since the student in the complaint made the allegation that they were not being taught by the terminated employee)? The Respondent stated: "Once it was determined that the instructor was not providing proper instruction to students enrolled in the evening Aesthetics program, she was terminated from [Respondent]. In order to make up for any hours lost, we are offering scholarships to all students that feel they are not adequately prepared to take the state board exams."

Recommendation: Closure.

Decision: Approved.

2. Case No.: COS-2021001351

First License Obtained: 02/02/2018
License Expiration: 09/01/2021
Complaint History: 202000623, closed by Agreed Citation and payment of \$100.00 civil penalty

This 1-5-21 annual inspection revealed an unlicensed person practicing. A Notice of Violation was issued. Respondent paid the civil penalty but did not sign the Agreed Citation.

Recommendation: Authorize formal hearing. Authorize settlement by signing consent order and return (since the civil penalty has already been paid).

Decision: Approved.

3. Case No.: COS-2021010981

First License Obtained: 04/19/2017
License Expiration: 01/31/2019
Complaint History: None

This 2-4-21 annual inspection revealed an expired shop license (expiration 1-31-19) and no owner/shop manager present. A Notice of Violation was issued for both infractions. The shop license remains expired.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$600.00.

Decision: Approved.

4. Case No.: COS-2021011501

First License Obtained: 06/30/2008
License Expiration: 05/31/2022
Complaint History: None

This 2-10-21 customer complaint alleges shop employees are not enforcing mask usage. Respondent shop states face coverings are not mandatory in their county, but it is their policy for customers/employees to wear masks in the salon. This is a local public health department matter outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

5. Case No.: COS-2021015421

First License Obtained: 12/12/2005
License Expiration: 12/31/2021
Complaint History: 2014031251, closed with Letter of Warning

This 2-10-21 consumer complaint alleges Respondent was offering services (waxing) outside of his license with social media in support. Inspection revealed the waxing equipment at the shop was warm to the touch but no waxing customers were present. Respondent was counselled on procuring the license necessary to perform waxing services. A Notice of Violation was not issued.

Recommendation: Letter of warning (providing services outside of license).

Decision: Approved.

6. Case No.: COS-2021013291

First License Obtained: 02/14/2006
License Expiration: 07/31/2021

Complaint History: 2008011991, closed via Consent Order and payment of \$2,000 civil penalty; 2015012181, dismissed; 2017071291, closure

This 2-18-21 consumer complaint alleges dissatisfaction/injury from a service. Respondent states Complainant was rude/wanted a free service and the claimed injury was from a hangnail/dry skin and not a cut from the employee. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

7. Case No.: COS-2021016231

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-23-21 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.

8. Case No.: COS-2021016201

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-25-21 annual inspection revealed an unlicensed individual. 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.

9. Case No.: COS-2021017071

First License Obtained: 10/09/2017

License Expiration: 10/31/2021

Complaint History: None

This 3-2-21 annual inspection revealed Respondent was 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.

10. Case No.: COS-2021016931

First License Obtained: 12/17/2018

License Expiration: 12/31/2022

Complaint History: None

This 3-2-21 inspection revealed an expired individual license (expiration 12-31-20). A Notice of Violation was issued. The license has since been renewed until 12-31-22.

Recommendation: Letter of warning.

Decision: Approved.

11. Case No.: COS-2021017031

First License Obtained: 08/03/2020

License Expiration: 08/31/2022

Complaint History: None

This 3-2-21 annual inspection revealed Respondent designated manager was allowing an individual to practice while 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.

12. Case No.: COS- 2021016771

First License Obtained: 03/18/1993

License Expiration: 04/30/2023

Complaint History: 2015009411, closed by Consent Order and payment of \$50.00 civil penalty

This 3-3-21 consumer complaint alleges dissatisfaction/negligence (from another stylist, not Respondent) with a service and unprofessionalism by the Respondent shop manager when requesting a refund. Respondent provided a statement from the stylist attesting that stylist gave (and worked with) the client what was requested and the dissatisfaction did not occur until the following day. Complainant rebuts the statement provided, which does not negate Respondent's lack of professionalism, and states "I would just like to let this go because I don't want to deal with these ladies ever again."

Recommendation: Closure.

Decision: Approved.

13. Case No.: COS-2021017721

First License Obtained: 03/12/2001

License Expiration: 03/31/2023

Complaint History: None

This 3-8-21 student complaint requests Respondent school/instructor answer the following restated questions regarding student's extension issue:

- (1) How did Complainant's tuition go from being completely paid to not paid?
- (2) Why does Respondent refuse to sign my extension?
- (3) If Complainant's name was not on the student roll, then why did Respondent pretend to call Complainant's name for attendance?
- (4) Why did Respondent state if Complainant paid the tuition to re-enroll back in classes, Complainant would be wasting its money?
- (5) Why does Respondent feel like the school/principal would not agree with a student's rights because Respondent specifically has more training than the students and the Respondent knows the Complainant better than a student at Respondent school?

- (6) If Complainant pays the money to finish school, will Respondent teach Complainant the same way as the other students or fail Complainant on purpose to waste the Complainant's money?
- (7) Why was Complainant blocked from asking whether Complainant could get its extension signed?
- (8) Why did Complainant not receive a Shampoo Tech Certificate when Complainant acquired 300 hours and the other students received their certificates to allow them to shampoo in class?
- (9) Is there a problem with Complainant being in the cosmetology class?
- (10) How can Respondent say Complainant is not trying hard enough in class when Respondent does not know how much Complainant has been through to get to the class?
- (11) How did Complainant go from owing \$1,181.00 to \$632.00 within weeks?
- (12) Why did Respondent state she would not sign Complainant's extension because Complainant started to miss 6 hours since 1-4-21 through 1-19-21, but in the computer system it states Complainant only missed 2.5 hours? How did that become a misunderstanding?
- (13) Has Respondent been messing with Complainant's hours the entire time Complainant has been enrolled in school?
- (14) Is Respondent purposely not wanting Complainant in class because of a personal situation with Complainant's friend/cousin that Respondent worked with in the shop?
- (15) Is there a way the parties could resolve this issue to where Complainant will not have to owe money to the Respondent school?
- (16) How was Complainant allowed to stay in school for 3 weeks without noticing Complainant's tuition was not paid when the information stated tuition was paid?

- (17) Why is Respondent more focused on the classes Respondent teaching outside of cosmetology school for money to get their licenses more than the students in the school?
- (18) Is there any camera/surveillance footage from the school premises that would show Complainant refusing to sign the statements for October 13, 2020 and October 19, 2020?

Respondent instructor/school states in a line-item restated response that:

- (1) I have no knowledge of financial tuition. Complainant can contact the Financial Aid Representative at the school. Please see the full explanation under “Money Difference Owed to School” on page 32.
- (2) As an instructor, we have the choice of signing the extension. I based my decision on morals and facts. Complainant was awarded an extension in Fall 2020. Complainant was given an appeal and suspended for the Fall Trimester due to attendance. Complainant was also granted an appeal in the Summer 2020 Trimester. Complainant was allowed to remain in school. Complainant also exceeded her attendance hours in the Spring 2020 Trimester. Please see the full explanation under “Attendance” and “Program Extension.” Attached are supporting documents that support the repeated patterns of attendance issues, sleeping in class, attendance violations, suspensions and write-ups concerning these issues. Please see pages 3 and 13-27.
- (3) Complainant was not initially on my roll when Complainant began the Spring 2021 Trimester. I did report this to Student Services immediately (verbally the first day of class and an e-mail a few days later). The school was aware of this issue and gave me instructions on how to properly handle it. I followed all instructions as told. Complainant’s attendance was in fact recorded each day. Please see full explanation under “State Board Hours for Course and Enrollment” on page 29. I have also attached supporting documents of communicating e-mails, my personal roll book and state board hours sent to the state board each month. Please see pages 1-8.
- (4) I did not make this statement. Please see the full explanation under “Meeting with Student Services Coordinator” on page 31.
- (5) I have no knowledge of this statement. All students are treated fairly according to policy. Please see the full explanation under “Discrimination” on pages 30-31.

- (6) According to policy, all students are treated fairly. Please see the full explanation under “Classroom Success” on page 30 and “Discrimination” on pages 30-31.
- (7) It is my right to have personal privacy. There is a school Facebook page created for students. Please see the full explanation under “Facebook Blocking” on page 30. This explains all methods of contact for students with an instructor – via office e-mail, office phone or cell phone.
- (8) I do not print Shampooist Certifications. This is the responsibility of the Student Services Coordinator. Please see full explanation under “Shampooist Certification” on page 30. I have also attached supporting documentation of e-mails and the certification request on pages 9-12.
- (9) There is not an issue with the Complainant being in the class. By policy, all students are treated equally and fairly. Please see full explanation under “Discrimination” on page 30 and under “Classroom Success” on pages 30-31.
- (10) I have no knowledge of Complainant’s personal struggles during school. Please see full explanation under “Classroom Success” on page 30.
- (11) I have no knowledge of Complainant’s financial aid situation. Complainant can contact the Financial Aid Representative at the school who can help the Complainant. Please see full explanation under “Money Difference Owed to School” under page 32.
- (12) As an instructor, we have the choice of signing the extension. I based my decision on morals and facts. Complainant was awarded an extension in Fall 2020. Complainant was given an appeal and suspended for the Fall Trimester due to attendance. Complainant was also granted an appeal in the Summer 2020 Trimester. Complainant was allowed to remain in school. Complainant also exceeded her attendance hours in the Spring 2020 Trimester. Please see the full explanation under “Attendance” and “Program Extension.” Attached are supporting documents that support the repeated patterns of attendance issues, sleeping in class, attendance violations, suspensions and write-ups concerning these issues. Please see pages 3 and 13-27.
- (13) State board hours are e-mailed by the 10th day of each month. All hours are accurately recorded daily in Banner Attendance. Complainant never disputed these numbers. All forms were signed by the Complainant, the

Respondent, and the school president. Please see full explanation under “Attendance” on page 28 and under “State Board Hours” on page 29. Please see supporting documentation on pages 3-4, 6-8, 13-20, 23-24 and 26-27.

- (14) I have no knowledge of this allegation. Please see full explanation under “Discrimination” on pages 30-31.
- (15) I have no knowledge of Complainant’s financial aid situation. Complainant can contact the Financial Aid Representative at the school who can help the Complainant. Please see full explanation under “Money Difference Owed to School” under page 32.
- (16) I have no knowledge of Complainant’s financial aid situation. Complainant can contact the Financial Aid Representative at the school who can help the Complainant. Please see full explanation under “Money Difference Owed to School” on page 32 and under “Meeting with Student Services Coordinator” on page 31.
- (17) My personal business is operated outside of classroom hours and my employer is aware of this. It does not conflict with school or my teaching ability.
- (18) There is no recorded video availability.

Student/school/instructor contractual matters are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision: Approved.

14. Case No.: COS-2021018081

First License Obtained: 11/07/2019

License Expiration: 10/31/2021

Complaint History: 202004033, closed with Letter of Warning;
2020050291, closure

This 3-9-21 consumer complaint alleges an unlicensed mobile shop and unsanitary conditions. Inspection revealed an unlicensed mobile shop (affiliated with a licensed salon) and employees not wearing nametags. Further, Respondent was cited for manager not being present at the time of inspection; however, Respondent was counselled on these infractions and a Notice of Violation was not issued.

Recommendation: Letter of warning.

Decision: Approved.

15. Case No.: COS- 2021018871

First License Obtained: 03/23/2021

License Expiration: 03/31/2021

Complaint History: None

This 3-10-21 former employee complaint alleges unprofessional conduct on behalf of the Respondent owner regarding Complainant's wrongful termination regarding an issue with time off from work due to lack of available childcare. A referral was made to the Tennessee Department of Labor and Workforce Development due to a possible violation of labor and employment law. Further research/inspection revealed Respondent was operating an unlicensed shop; Respondent was counselled by the inspector on this issue and Respondent stated they would address the licensing issues through their corporate counsel. A Notice of Violation was not issued.

Recommendation: Letter of warning.

Decision: Approved.

16. Case No.: COS-2021018551

First License Obtained: 05/04/2021

License Expiration: 05/31/2021

Complaint History: None

This 3-10-21 consumer complaint alleges unlicensed individual activity with screenshots in support. Inspection of the residence revealed no operation in existence, although location was a farm with many outbuildings where an operation could be occurring. Respondent admitted to inspector that she was unlicensed and providing service in Tennessee (recently moved to Tennessee from Kentucky, where certification only is required), but was in the process of getting her licenses. Inspector asked for documentation of licensing attempt, and was promised to provide same later, but never did. Inspector never saw Respondent performing a service on a customer. A Notice of Violation was not issued; although Respondent was counselled on acquiring her licenses to operate in the state.

Recommendation: Letter of warning and re-inspect.

Decision: Approved.

17. Case No.: COS- 2021019141

First License Obtained: 05/28/2008

License Expiration: 05/31/2022

Complaint History: None

This 3-11-21 consumer complaint alleges dissatisfaction with a hair coloring service. Respondent states Complainant requested the names of the chemicals used on her hair during the service to rectify the coloring and was provided same. Complainant's hair volume factored into the coloring result and Complainant was not charged for the service. Negligence actions are not within the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

18. Case No.: COS- 2021019221

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-11-21 consumer complaint alleges dissatisfaction with a service and unlicensed individual activity with supporting attachments. Inspection revealed Respondent worked briefly at a salon but was let go when she could not produce a license; Respondent (future cosmetology student) was counselled about licensure and the bookings website utilized; a Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved.

19. Case No.: COS- 2021019261

First License Obtained: 09/14/2012

License Expiration: 08/31/2022

Complaint History: 2017045211, closure

This 3-12-21 alleges an employee of Respondent is intoxicated/unprofessional and injured Complainant's hands with photographs in support. Inspection revealed a minor sanitary violation but no evidence to support allegation of intoxication of employee. A Notice of Violation was not issued. Negligence/malpractice actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

20. Case No.: COS- 2021019741

First License Obtained: 02/14/2020

License Expiration: 02/28/2022

Complaint History: None

This 3-15-21 consumer complaint alleges dissatisfaction with a service, with pictures in support, and seeks a partial refund. Respondent pertinently states the pictures shown do not show the service performed, salon policy is no refunds/all sales final, and Complainant has harassed/defamed Respondent on social media as a result. Negligence/defamation actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

21. Case No.: COS- 2021020601

First License Obtained: 10/16/2020

License Expiration: 09/01/2021

Complaint History: None

This 3-16-21 consumer complaint alleges Complainant contracted an infection due to unsanitary conditions from a service performed by an unsupervised student at Respondent school with pictures/screenshots/medical visit documentation in support. Inspection revealed no evidence to support allegation of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

22. Case No.: COS- 2021020711

First License Obtained: 02/07/2012

License Expiration: 01/31/2022

Complaint History: None

This 3-17-21 consumer complaint alleges Respondent declined service to a mask-less child with a disability. Respondent's attorney states no statutory violation of the Tennessee Cosmetology Act has occurred. Public Health/Americans with Disabilities Act issues are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

23. Case No.: COS- 2021021401

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-19-21 consumer complaint alleges dissatisfaction with a service (requesting a refund) and potential unlicensed individual activity. Inspector went to residence address listed in complaint and was unable to make contact; a card was left in the door for a return call. Return contact from the Respondent did not occur. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved.

24. Case No.: COS- 2021022491

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-22-21 administrative complaint alleges field inspector noted an unlicensed shop. 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.

25. Case No.: COS- 2021022601

First License Obtained: 09/14/2012

License Expiration: 08/31/2022

Complaint History: 2017045211, closure

This 3-22-21 consumer complaint alleges unprofessional behavior as well as dissatisfaction with a service. This is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Letter of Warning.

26. Case No.: COS- 2021022451

First License Obtained: 09/18/1996

License Expiration: 07/31/2022

Complaint History: None

This 3-22-21 alleges an aggressive dog kept in the shop. Inspection revealed shop owner was counselled on not keeping pets in the shop. A Notice of Violation was not issued.

Recommendation: Letter of warning.

Decision: Approved.

27. Case No.: COS-2021022611

First License Obtained: 09/14/2012

License Expiration: 08/31/2022

Complaint History: 2017045211, closure

This 3-22-21 consumer complaint alleges unsanitary conditions. Inspection did not reveal evidence to substantiate the complaint. A Notice of Violation was not issue.

Recommendation: Closure.

Decision: Approved.

28. Case No.: COS-2021022641

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

This 3-23-21 consumer complaint alleges a negligent service. 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.

29. Case No.: COS-2021023001

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

This 3-23-21 alleges unlicensed individual activity from an unlicensed apartment with a screenshot in support. Inspector went to the townhome listed in the complaint and did not get a response when knocking on the door; a maintenance man informed the inspector the townhome had been vacant for 3 months and the prior tenant (who the maintenance man knew) did not perform hair services out of the townhome. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

30. Case No.: COS-2021023931

First License Obtained: 09/26/2017
License Expiration: 08/31/2021
Complaint History: None

This 3-25-21 consumer complaint alleges a negligent service along with unsanitary conditions and an unlicensed shop. Inspection revealed only minor unsanitary issues (shop owner was counselled) with all licenses current. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

31. Case No.: COS-2021024571

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

This 3-27-21 anonymous complaint alleges Respondent is unlicensed. Inspection revealed Respondent is 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.

32. Case No.: COS-2021024951

First License Obtained: 10/01/2020
License Expiration: 10/31/2022
Complaint History: None

This 3-29-21 consumer complaint alleges dissatisfaction/negligence with a service (laser hair removal of the bikini area). Since there was no allegation of unsanitary conditions/unlicensed activity, an inspection was not requested or performed. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

33. Case No.: COS-2021024801

First License Obtained: 11/20/2019

License Expiration: 09/30/2021

Complaint History: None

This 3-29-21 consumer complaint alleges Respondent's employee hired to do a bride's hair on her wedding day did not show up for the service; complainant wants their deposit back. The Respondent states the situation was human error; the employee apologized to the complainant and the deposit was refunded.

Recommendation: Closure.

Decision: Approved.

34. Case No.: COS- 2021024861

First License Obtained: 03/31/2016

License Expiration: 03/31/2022

Complaint History: 2017070141, closure with request for inspection; 2018079361, closure; 2020081671, closed by Consent Order and payment of \$100.00 civil penalty

This 3-29-21 consumer complaint alleges unsanitary conditions. Inspection revealed an expired shop license (expiration 3-31-20). A Notice of Violation was issued. The shop license has since been renewed through 3-31-22. This is Respondent's second offense within 5 months for the same shop license being expired since 3-31-20.

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

Decision: Approved.

35. Case No.: COS-2021025221

First License Obtained: 10/23/2018

License Expiration: 10/31/2022

Complaint History: None

This 3-30-21 consumer complaint alleges Respondent keeps a pet (non-service dog) in the salon. Inspection revealed a pet in the shop and Respondent was counselled for same. A Notice of Violation was issued.

Recommendation: Letter of warning.

Decision: Approved.

36. Case No.: COS- 2021027371

First License Obtained: 07/22/2005

License Expiration: 07/31/2021

Complaint History: None

Please see fact pattern for Item #35 above. This Respondent is the owner of the salon. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

37. Case No.: COS-2021026041

First License Obtained: 04/13/2021

License Expiration: 04/30/2023

Complaint History: None

This 3-30-21 inspection revealed an unlicensed shop. A Notice of Violation was issued. Respondent states they will get their shop license as soon as possible. The shop license was obtained on 4-13-21 and expires on 4-30-23.

Recommendation: Letter of warning.

Decision: Approved.

38. Case No.: COS- 2021026731

First License Obtained: 08/04/2010

License Expiration: 07/31/2022

Complaint History: 2019082241, closed by Consent Order and payment of \$500.00 civil penalty

This 3-30-21 annual inspection revealed an expired shop license (expiration 7-31-20), the shop owner's individual license was expired (expiration 9-30-20) and thus no owner or manager was present (second offense). A Notice of Violation was issued. The shop license is renewed through 7-31-22. This is the Respondent's first offense.

Recommendation: Letter of warning.

Decision: Approved.

39. Case No.: COS-2021026761

First License Obtained: 09/17/1996

License Expiration: 09/30/2022

Complaint History: None

Please see fact pattern for Item #38 above. This Respondent is the owner that was cited for an expired license (expiration 9-30-20) and therefore there was not an owner/manager at the time of inspection (second offense). The individual license has been renewed through 9-30-22.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00 (shop owner/manager not present – second offense).

Decision: Approved.

40. Case No.: COS-2021026261

First License Obtained: 01/16/2014

License Expiration: 01/31/2022

Complaint History: None

This 3-30-21 annual inspection revealed Respondent designated manager was allowing the shop owner to practice on an expired individual license (expiration 11-30-20). A Notice of Violation was issued. The shop owner's license was renewed through 11-30-22.

Recommendation: Letter of warning.

Decision: Approved.

41. Case No.: COS-2021026791

First License Obtained: 06/11/2004

License Expiration: 11/30/2022

Complaint History: None

Please see fact pattern for Item #40 above. This Respondent is the shop owner with the expired individual license. The individual license was renewed through 11-30-22.

Recommendation: Letter of warning.

Decision: Approved.

42. Case No.: COS-2021025791

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-31-21 anonymous complaint alleges unlicensed individual activity with social media in support. Inspector went to address listed in complaint and did not see any customers at residence; the person who came to the door stated cosmetology was not being practiced at the house – same person was counselled about having a personal/shop cosmetology license to do so. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved.

43. Case No.: COS- 2021027521

First License Obtained: 10/03/2019

License Expiration: 04/30/2023

Complaint History: None

This 4-1-21 annual inspection revealed Respondent was allowing a licensed master barber to practice in the salon without possessing a dual shop license. A Notice of Violation was issued. The Respondent obtained the dual license within the week thereafter.

Recommendation: Letter of warning.

Decision: Approved.

44. Case No.: COS- 2021027471

First License Obtained: 01/29/2019

License Expiration: 01/31/2023

Complaint History: 201901355, closed by Agreed Citation and payment of \$1,000 civil penalty; 2019056781, closure

This 4-2-21 consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed several unsanitary conditions and an expired shop license (expiration 1-31-21). A Notice of Violation was issued. The shop license has since been renewed through 1-31-23.

Recommendation: Letter(s) of warning

Decision: Approved.

45. Case No.: COS- 2021030081

First License Obtained: 09/15/2016

License Expiration: 09/30/2022

Complaint History:

201706783, closed by an Agreed Citation and payment of \$3,000 civil penalty; 2019016911, closed by Consent Order and payment of \$1,000

Please see fact pattern for Item #44 above. This Respondent is the designated manager cited for the expired shop license that was renewed through 1-21-23.

Recommendation: Letter of warning.

Decision: Approved.

46. Case No.: COS- 2021026671

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-5-21 anonymous complaint alleges unsanitary conditions and unlicensed individual activity from an unlicensed home. Inspector went to residence and had to leave a card; Respondent called back and informed inspector she only cut family members hair. Respondent was counselled on being properly licensed if it went further than family members. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved.

47. Case No.: COS- 2021026691

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-5-21 anonymous complaint alleges unlicensed individual activity with social media in support. Inspector went to residence and spoke to Respondent; she states she had not been performing any cosmetology services at her home and did not have a license. Respondent was counselled on being properly licensed in the future should the situation change. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved.

48. Case No.: COS- 2021026961

First License Obtained: 03/26/2007

License Expiration: 03/31/2023

Complaint History: None

This 4-6-21 consumer complaint alleges dissatisfaction with a service performed by Respondent. Respondent states Complainant is a former friend/client and the complaint was initiated due to extraneous personal reasons. This is a matter outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

49. Case No.: COS- 2021028891

First License Obtained: 02/01/2013

License Expiration: 12/31/2022

Complaint History: 2019073381, closure

This 4-7-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

50. Case No.: COS- 2021027801

First License Obtained: 11/06/2019

License Expiration: 09/01/2021

Complaint History: 2020053191, closure; 2020097131, closure;
2021002751, closure

This 4-8-21 anonymous complaint alleges (1) a student tested positive for CoVid-19 and the only precaution taken was to clean the tables; (2) a receptionist is getting paid while also collecting hours toward her cosmetology certification; (3) the school is split into two classes – one with a licensed instructor and another with a junior instructor – the students in the latter class are not allowed to seek assistance from the licensed instructor in the former class); and (4) the nail tables have fake ventilation systems and the nail tools are rusted. Inspection revealed (1) two persons without masks, (3) students were to go through the junior instructor first before coming to the licensed instructor, and (4) the ventilator was real/nail clippers showed very little rust (may have been put back wet after cleaning). A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

51. Case No.: COS-2021028041

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-9-21 neighbor complaint alleges Respondent is running an unlicensed shop from home. Inspection revealed Respondent had been evicted. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

52. Case No.: COS- 2021028611

First License Obtained: 09/15/2003

License Expiration: 09/30/2021

Complaint History: None

This 4-10-21 consumer complaint alleges unprofessional conduct from the Respondent shop manager. This matter is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

53. Case No.: COS- 2021028621

First License Obtained: 11/16/2020

License Expiration: 11/30/2022

Complaint History: None

Please see Item #52 above. This 4-10-21 consumer complaint alleges unprofessional conduct from the Respondent shop employee. This matter is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

54. Case No.: COS- 2021029541

First License Obtained: 10/21/2015
License Expiration: 10/31/2021
Complaint History: 201602993, closed by Agreed Citation and payment of \$1,000 civil penalty

This 4-12-21 anonymous consumer complaint alleges an unlicensed shop from home. Inspection revealed no customers at the home at the time of inspection. Respondent was counselled on having a shop license for a home shop. A Notice of Violation was not issued.

Recommendation: Letter of warning and flag.

Decision: Approved.

55. Case No.: COS- 2021030141

First License Obtained: 10/01/2019
License Expiration: 05/31/2022
Complaint History: None

This 4-13-21 follow-up inspection revealed an unlicensed individual practicing. Inspector also attached social media where the Respondent shop “welcomed” the unlicensed individual to work in the salon. A Notice of Violation was issued.

The Respondent shop states they only rented the unlicensed individual the upstairs portion of the salon and that they were duped by the unlicensed individual into thinking the unlicensed individual was licensed and was getting her license “framed;” the person the unlicensed individual was performing a service on at the time of inspection was an employee (receptionist) of the Respondent.

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

Decision: Approved.

56. Case No.: COS- 2021032091

First License Obtained: 11/01/2006
License Expiration: 11/30/2022
Complaint History: None

Please see fact pattern for Item #55 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.

57. Case No.: COS- 2021030171

First License Obtained: 02/21/2020
License Expiration: 02/28/2022
Complaint History: None

Please see fact pattern for Item #55 above. This Respondent is the designated manager of the shop.

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

Decision: Approved.

58. Case No.: COS- 2021032151

First License Obtained: 08/14/2015
License Expiration: 08/31/2019 (Revoked)

Complaint History:

2021002151, Formal Charges Authorize

This 4-15-21 re-inspection revealed revoked individual and shop licenses. A Notice of Violation was issued for the unlicensed/expired shop. Respondent was counselled to contact the Board offices in reference to the revoked licenses.

Recommendation:

Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,000.00. Additionally, refer to Attorney General’s office for consideration of prosecution under the civil nuisance statute for businesses. Additionally, refer to Tennessee Department of Revenue for potential investigation of unpaid business taxes.

Decision: Approved.

59. Case No.: COS- 2021032171

First License Obtained:

10/05/2007

License Expiration:

10/31/2019 (Revoked)

Complaint History:

2014011821, closed by Consent Order and payment of \$500.00 civil penalty; 2015019351 closed by Consent Order Payment Plan for \$1,000 civil penalty–Respondent only paid \$200.00 and failed to comply with the terms of the Consent Order and has an outstanding civil penalty balance of \$800 – Pursuant to the Consent Order, Respondent’s cosmetologist license and shop license were revoked

Please see the fact pattern for Item #58 above. This Respondent is the owner with a revoked individual license.

Recommendation:

Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,000.00. Additionally, refer to local law enforcement/District Attorney’s Office for consideration of prosecution under the impersonation of licensed individual criminal statute.

Decision: Approved.

60. Case No.: COS- 2021030661

First License Obtained:

01/16/1997

License Expiration:

09/01/2021

Complaint History:

**2010001851, close with no action;
2020008421, closure**

This 4-16-21 complaint alleges Respondent school is taking student’s money and the learning program is not what it should be and needs to be investigated (with no supporting documentation). Respondent states they are a NACCAS accredited school and complies with NACCAS standards/Equal Opportunity Laws of the United States Department of Education/Veteran/Title IV; they receive annual scores of 100. The students are supervised and monitored by a licensed instructor; Respondent is unaware of the Complainant mentioned nor any complaint from any client.

Recommendation: Closure.

Decision: Approved.

61. Case No.: COS- 2021034461

First License Obtained:

09/18/2017

License Expiration: 11/30/2022

Complaint History: None

This 4-21-21 consumer complaint alleges the contraction of CoVid-19 at Respondent's salon. Respondent states they have masks/sanitizing available for customers/employees, they utilize social distancing, and even have customers sign a "release" regarding the contraction of CoVid-19. This public health matter is outside the Board's authority.

Recommendation: Closure.

Decision: Approved.

62. Case No.: COS- 2021032271

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-21-21 consumer complaint alleges unlicensed individual activity. Inspection did not reveal an active operation at the residence; however, the Respondent does make wigs. Respondent's social media advertises "braids, weave extensions & etc." so inspector counselled Respondent regarding being licensed in cosmetology. A Notice of Violation was not issued.

Recommendation: Letter of warning.

Decision: Approved.

63. Case No.: COS- 2021032361

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-21-21 consumer complaint alleges unlicensed individual activity and use of strong chemicals. Inspector went to address listed, which was locked, but did not smell any strong chemicals. Inspector left a card on the door and did not receive a return phone call. Inspector looked up Respondent's social media; it states Respondent is closing her location and going to a mobile operation. A Notice of Violation was not issued. Please see Item #71 below.

Recommendation: Closure.

Decision: Approved.

64. Case No.: COS- 2021032891

First License Obtained: 10/31/2001

License Expiration: 03/31/2021

Complaint History: 2010029441 closed by Consent Order and payment of \$500 civil penalty

This 4-22-21 consumer complaint alleges a negligent service and wants a refund. Respondent states the end result was common when touching up tiny roots of blood and it is their policy to repair the problem to the client's expectations. Complainant disputes the process used to touch up her roots and does not feel comfortable with the Respondent performing a remedial service. This is a matter outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

65. Case No.: COS- 2021034121

First License Obtained: 10/15/1987

License Expiration: 05/31/2021

Complaint History: None

This 4-22-21 annual inspection revealed unsanitary conditions. A Notice of Violation was issued.

Recommendation: Letter of warning.

Decision: Approved.

66. Case No.: COS- 2021033211

First License Obtained: 02/26/2008

License Expiration: 03/31/2022

Complaint History: 2011032381, closed with Letter of Warning;
2013006031, closed with Letter of Warning

This 4-23-21 competitor complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

67. Case No.: COS- 2021033321

First License Obtained: 02/02/2018

License Expiration: 09/01/2021

Complaint History: 2019024071, closure

This 4-23-21 anonymous complaint alleges the Respondent school is trying to find out from students the identity of the person who reported the school on 4-16-21 (investigation conducted on 4-21-21) to the board regarding a barber student who was charging his clients/guests for services and then pay the service desk for services (please see Item #88 below).

Recommendation: Letter of instruction [compensation by students per 62-4-122 (f) and 62-3-126].

Decision: Approved.

68. Case No.: COS- 2021033331

First License Obtained: 03/28/2011

License Expiration: 09/01/2021

Complaint History: 2019008951, closure; 2019006161, closure;
2020073161, closure; 2020093351, closure

This 4-23-21 cosmetologist complaint alleges the Respondent school is allowing aesthetician students to charge for services performed at home or from rented spaces; these students have social media regarding same (but no such evidence was provided). Respondent school states they make their students aware of the rules and regulations in regards to performing services outside of school without a license; the students are aware it is against the law. Once students have left campus, the school cannot control what the students do on their own time. The affected students were counselled by the school and the students denied the allegations.

Recommendation: Closure.

Decision: Approved.

69. Case No.: COS- 2021033401

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-24-21 competitor complaint alleges Respondent is unlicensed. Inspection revealed address listed in the complaint was a gated apartment/condominium complex that the inspector could not access. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

70. Case No.: COS- 2021034521

First License Obtained: 06/26/2020

License Expiration: 09/01/2021

Complaint History: None

This 4-27-21 anonymous complaint alleges a licensed instructor is not on the premises at all times while the Respondent school is operating. Respondent states a junior instructor was present at the stated times. Inspection revealed only a junior instructor was present; Respondent owner/licensed instructor was contacted and counselled regarding the violation of the statute for same. 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.

71. Case No.: COS- 2021034681

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-28-21 anonymous complaint alleges Respondent is unlicensed and using MMA acrylics with no ventilation. Inspection revealed a business name on the door but no one answered the door; inspector left business cards that are believed to have been received by the tenant. The tenant did not call the inspector back on either occasion. Please see Item #63 above.

Recommendation: Letter of warning and flag.

Decision: Approved.

72. Case No.: COS-2021036791

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-4-21 consumer complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed Respondent produced a hair braiding certificate and was counselled regarding paying the registration fee with the department. A Notice of Violation was not issued.

Recommendation: Letter of warning to register.

Decision: Approved.

73. Case No.: COS- 2021038461

First License Obtained: 02/06/2020

License Expiration: 02/28/2022

Complaint History: None

This 5-10-21 competitor complaint alleges unlicensed individual activity. Inspection revealed an apprentice/current student from a local cosmetology school was working at the Respondent salon. Respondent shop and the local cosmetology school were counselled on what needed to be

on site regarding an apprenticeship student working at the salon. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

74. Case No.: COS- 2021040511

First License Obtained: 10/15/2013

License Expiration: 10/31/2022

Complaint History: None

This 5-10-21 anonymous complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

75. Case No.: COS- 2021039891

First License Obtained: 03/18/2020

License Expiration: 03/31/2022

Complaint History: None

This 5-13-21 consumer complaint alleges unlicensed shop activity with screenshots in support. Inspection revealed Respondent is a registered hair braider and there was not any evidence of a business being operated at the address listed. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

76. Case No.: COS- 2021019071

First License Obtained: 06/03/2020

License Expiration: 05/31/2022

Complaint History: None

This undated, anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

77. Case No.: COS-2021026201

First License Obtained: 05/08/2020

License Expiration: 04/30/2022

Complaint History: None

This undated anonymous complaint alleges unlicensed individual activity and criminal activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

78. Case No.: COS-2021026311

First License Obtained: 05/03/2017

License Expiration: 05/31/2023

Complaint History: 2017046681, closure; 2018028481, closed, 2018044351, closure, 2019057751, closure

Please see fact pattern in Item #77 above. This is a duplicitous complaint against the same owner at another location. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

BARBER CASES

79. Case No.: BAR- 2021009621

First License Obtained: 08/25/2003

License Expiration: 03/31/2022

Complaint History: 201500097, closed by Letter of Warning

This 2-3-21 annual inspection revealed an expired shop license (expiration 3-31-20). A Notice of Violation was issued. The shop license has since been renewed through 3-31-22.

Recommendation: Letter of warning.

Decision: Approved.

80. Case No.: BAR- 2021010221

First License Obtained: 04/13/2012

License Expiration: 03/31/2020

Complaint History: None

This 2-4-21 annual inspection revealed an expired shop license (expiration 3-31-20). 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.

81. Case No.: BAR- 2021010251

First License Obtained: 03/25/2019

License Expiration: 03/31/2021

Complaint History: None

Please see fact pattern for Item #80 above. This Respondent is the designated manager cited for failure of responsibilities (expired shop license).

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

Decision: Approved.

82. Case No.: BAR- 2021015021

First License Obtained: 06/19/1991

License Expiration: 06/30/2022

Complaint History: None

This 2-23-21 annual inspection revealed Respondent owner's individual license was expired (expiration 6-30-20) and thus Respondent owner was "not present" at the time of inspection. A Notice of Violation was issued. The individual license has since been renewed through 6-30-22.

Recommendation: Letter of warning.

Decision: Approved.

83. Case No.: BAR- 2021014881

First License Obtained: 12/12/2018

License Expiration: 12/31/2020
Complaint History: 2019037771, closed by Consent Order and payment of \$1,500 civil penalty

This 2-25-21 consumer complaint alleges unprofessionalism and unlicensed individual activity. Inspection revealed expired shop license (expiration 12-31-20), the owner/manager not present, and an individual practicing with an expired individual license (expiration 12-31-20). The shop license remains expired.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$700.00.

Decision: Approved.

84. Case No.: BAR- 2021021191

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 3-8-21 school complaint alleges Respondent former student is practicing without a license. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

85. Case No.: BAR- 2021024501

First License Obtained: 11/22/2016

License Expiration: 11/30/2022

Complaint History: None

This 3-26-21 school complaint alleges Respondent is utilizing an “apprenticeship” student in its shop and is stating the apprenticeship is sanctioned by the Complainant school. Respondent submits a general denial of the allegation. Complainant and Respondent have spoken on this matter and Complainant requests a withdrawal of the complaint.

Recommendation: Closure.

Decision: Approved.

86. Case No.: BAR- 2021026581

First License Obtained: 10/06/1997

License Expiration: 09/30/2021

Complaint History: None

This 4-5-21 consumer complaint alleges criminal activity and the lack of a working bathroom. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

87. Case No.: BAR- 2021029711

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-14-21 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspector went to premises, which was locked, and left a business card; Respondent called

inspector and informed inspector he does not cut hair and the premises is a “man cave” used for entertainment purposes. The suite was not open to the public, there was no signage, and there was not any advertising for a barber shop for the address. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

88. Case No.: BAR- 2021030771

First License Obtained: 02/02/2018

License Expiration: 02/01/2022

Complaint History: 2019020891, closure, 2019021131, closed by Consent Order and payment of \$1,000 civil penalty; 2019074811, closure with request for inspection and referral to authorities regarding drug distribution.

This 4-16-21 anonymous complaint alleges a student barber is bringing in clients where the clients pay student barber with a cash app and then the student pays the front desk. Inspector met and counselled general manager, who would investigate immediately. Please see Item #67 above.

Recommendation: Letter of instruction [compensation by students per 62-4-122 (f) and 62-3-126].

Decision: Approved.

89. Case No.: BAR-2021031461

First License Obtained: 01/12/2021

License Expiration: 01/31/2023

Complaint History: None

This 4-20-21 consumer complaint alleges unprofessional conduct from the manager. The Respondent states complainant was disrespectful to the majority of their barbers. Complainant has been refused as a future client. This matter is outside the Board’s authority.

Recommendation: Closure.

Decision: Approved.

RE-PRESENTS

90. 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 April 5, 2021 meeting as follows:

*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

Update: The civil nuisance statute is not criminal in nature.

New Recommendation: Refer to Attorney General's office for their consideration to pursue the civil nuisance statute for businesses (not local law enforcement/District Attorney's office).

Decision: Approved.

91. Case No.: BAR-2020068561

First License Obtained: 04/01/2011

License Expiration: 04/30/2015

Complaint History: None

This matter was previously presented to the Board at its December 7, 2020 meeting as follows: *This 8-29-20 administrative complaint alleges unlicensed individual activity. Inspection revealed Respondent individual was practicing on a suspended barber license (\$1,000.00). A Notice of Violation was issued for unlicensed activity.*

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

Decision: Approved

Update: Respondent's individual license was suspended by the Board in 2015 so Respondent will need to re-test for license.

New Recommendation: Close and flag.

Decision: Approved.

92. Case No.: COS- 2020091111

First License Obtained: 09/10/2013

License Expiration: 09/30/2021

Complaint History: None

This matter was previously presented to the Board at its February 1, 2021 meeting as follows: *This 11-23-20 consumer complaint alleges Respondent, an esthetician at a salon, is performing chemical peels outside the scope of her license (\$500.00) at clients' homes during the pandemic with chemical peel products stolen from the salon. Disciplinary counsel spoke with Complainant and witness to corroborate the complaint as well as to receive screenshots of Respondent advertising the chemical peel services, performing the service at Complainant's home, and the Venmo cash transaction for the service. Complainant/witness are available and willing to testify at a hearing, if necessary.*

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

Decision: *Approved*

Update: When Disciplinary Counsel followed up with complainant to pursue a hearing, complainant would not return any voicemails or e-mails.

New Recommendation: Closure.

Decision: Approved.

93. Case No.: BAR- 2020048241

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

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

Update: A Notice of Hearing and Charges was filed and an Administrative Law Judge assigned to the case. Personal service could not be effectuated on the Respondent due to the Respondent now being out-of-state.

New Recommendation: File a Notice/Order of Voluntary Dismissal and close the file.

Decision: Approved.

94. Case No.: COS- 2021001441

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its April 5, 2021 meeting as follows:
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*

Update: Respondent provided a North Carolina drivers' license/address at the time of inspection; further research indicates Respondent does not maintain a Tennessee address for service of process.

New Recommendation: Closure.

Decision: Approved.

95. Case No.: COS- 2021000791

First License Obtained: 12/30/2015

License Expiration: 12/31/2021

Complaint History: None

This matter was previously presented to the Board at its April 5, 2021 meeting as follows:

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

Update: Further research indicates the shop was closed per the inspector on 4-19-21.

New Recommendation: Closure.

Decision: Approved.

96. Case No.: COS- 2021002151

First License Obtained: 08/14/2015

License Expiration: 08/31/2019 (Revoked)

Complaint History: None

This matter was previously presented to the Board at its April 5, 2021 meeting as follows:
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

Update: Further research indicates Respondent shop voluntarily turned in its shop license for revocation, and thus the furtherance of an ongoing business indicates a pattern of conduct.

New Recommendation: Refer to Attorney General's Office for consideration of prosecution of civil nuisance statute for businesses. Additionally, refer to Tennessee Department of Revenue for potential investigation of unpaid business taxes.

Decision: Approved.

97. Case No.: COS-2020080441

First License Obtained: 02/08/2021

License Expiration: 02/28/2023

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 an unlicensed shop due to new ownership (\$1,000.00). A Notice of violation was issued. This Respondent is the shop. The Respondent shop still does not have a license.

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

Decision: Approved

Update: Further research indicates the new shop license was obtained on February 28, 2021 and this would be the Respondent's first offense.

New Recommendation: Letter of warning.

Decision: Approved.

98. Case No.: COS- 2021004951

First License Obtained: 02/16/2018

License Expiration: 02/28/2022

Complaint History: None

This matter was previously presented to the Board at its April 5, 2021 meeting as follows:
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

Update: Further research indicates the shop license was renewed through February 28, 2022 and this would be the Respondent's first offense.

New Recommendation: Letter of warning.

Decision: Approved.

99. Case No.: COS- 2021004981

First License Obtained: 04/30/2014

License Expiration: 04/30/2022

Complaint History: None

This matter was previously presented to the Board at its April 5, 2021 meeting as follows:
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

Update: Please see the update for Item #98 above. This Respondent is the designated manager of the shop cited for the expired shop license that was renewed.

New Recommendation: Letter of warning.

Decision: Approved.

100. Case No.: COS- 2020072591

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

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

Update: A Notice of Hearing and Charges was filed and an Administrative Law Judge was assigned. The process server was unable to personally serve the Respondent; process server was informed the Respondent was out of the country and could not return to the United States due to the pandemic.

New Recommendation: File a Notice/Order of Voluntary Dismissal and close the file.

Decision: Approved.

101. Case No.: COS- 2020060181

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its December 7, 2020 meeting as follows:

This 8-8-20 anonymous complaint alleges Respondent individual is practicing while unlicensed. Inspection revealed Respondent individual was practicing while unlicensed (\$1,000.00) and for failure of responsibilities of owner or manager of a shop. A Notice of Violation was issued. Please see Item #7 below regarding the manager of the shop.

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

Decision: Approved

Update: A Notice of Hearing and Charges was filed and an Administrative Law Judge was assigned. The process server was unable to personally serve the Respondent at the last known address; process server ultimately spoke with the shop manager of Respondent's former employer was informed that Respondent had relocated to Georgia; process server requested shop manager have Respondent contact process server; Respondent ultimately contacted inspector from an unpublished number and inspector spoke with Respondent about meeting inspector locally to receive process; Respondent would not agree to do so and was more concerned about what was being served on him. Respondent requested to call process server back (after calling a third party) and never did so, which may indicate Respondent could still be somewhere locally in Tennessee.

New Recommendation: File a Notice/Order of Voluntary Dismissal; close the file and flag.

Decision: Approved.

MOTION made by Patricia Parsons and seconded by Judy McAllister for approval of the Legal Report as amended. Motion carried by unanimous roll call vote.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Stacey Bradshaw, Danielle Cutshall and Lacy Emory . 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 Patricia Parsons to approve application for examination with a signed Agreed Order. The motion carried by unanimous roll call vote.

Request for extension of the rule for original license. Ms. Karlie Mingle-Prater passed her cosmetology practical exam in January 2020. Pursuant to Rule 0440-01-.10 an applicant must obtain their original license within six (6) months after they are notified of having passed the examination. The board has given the executive director up to one-year permission for such extensions with good cause. Ms. Mingle explained that due to COVID19 she moved to Texas and had multiple deaths in the family.

MOTION made by Judy McAllister and seconded by Becky Russell to approve the request. Motion carried by unanimous roll call vote.

APPLICATIONS FOR RECIPROCITY-

No reciprocity applications were presented.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Goshen School of Cosmetology: Ms. Latonya Williams submitted information for instructor continuing education seminars. She requested approval for three virtual sessions to be offered July 25 -26, August 30 – 31 and November 14 - 15, 2021.

Motion made by Patricia Parsons and seconded by Becky Russell to approve the 2021 session and requested dates. Motion carried by unanimous roll call vote.

Master Educators Academy: Ms. Ameerah Jones submitted information for instructor continuing education seminars. They are requesting approval for two virtual sessions to be offered August 29 - 30 and October 24 - 25, 2021.

Motion made by Patricia Parsons and seconded by Becky Russell to approve the 2021 session and requested dates. Motion carried by unanimous roll call vote.

Mr. Thomas James was presented at the December 2020 board meeting requesting approval of an in-person instructor continuing education seminar in Murfreesboro. The June location was changed to Knoxville. The board gave the director permission to approve a future change.

Motion made by Judy McAllister and seconded by Monica Lemons to approve the change. Motion carried by unanimous roll call vote.

DIRECTOR'S REPORT:

The financial numbers through March 2021 were presented. The year to date net surplus/deficit shows a deficit of 62,931. The fiscal year should close with a surplus.

NEW BUSINESS:

2022 meeting dates were presented.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve the 2022 dates. The motion carried by unanimous roll call vote.

Additional Questions:

Motion to adjourn

Meeting adjourned at 10:55. MOTION made by Monica Lemons and seconded by Judy McAllister.