



**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 August 1, 2022, at 9:00 a.m. in person in Room 1A and via Teams.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

Roxana Gumucio, Executive Director, called roll. The following members participated: Ron Gillihan, Monica Lemons, Jeffery Moran, Patricia Parsons, Janie Ross, Kimberly Ray, Becky Russell, Mona Sappenfield and Amy Tanksley.

Not available: Anita Charlton, Frank Gambuzza and Judy McAllister.

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

Dr. John Cagle thanked the board for their work and will not be back for another term.

MINUTES-

Minutes for the June 2022 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Mona Sappenfield to approve the June 2022 minutes. The motion carried unanimously.

PRESENTED BEFORE THE BOARD-

Memphis Barber College – Change in Location

Mr. Emory Hammonds participated to answer questions for the board. The school is in Memphis. The application and floor plan were all received timely.

MOTION made by Patricia Parsons and seconded by Jamie Ross to approve the change in location pending an inspection by a field inspector. The motion carried unanimously.

Legacy Beauty Institute – Change in Location

Ms. Pricilla Herron participated to answer questions for the board. The school is in Milan. The application, updated enrollment agreement, catalog, and floor plan were all received timely.

MOTION made by Mona Sappenfield and seconded by Monica Lemons to approve the change in location pending the curriculum update and an inspection by a field inspector. The motion carried unanimously.

Lynn’s Academy of Cosmetology – New Cosmetology Apprenticeship School

Ms. Aserlean Sanders participated to answer questions for the board. The school is in Memphis. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely.

MOTION made by Amy Tanksley and seconded by Kimberly Ray to approve the new school pending required updates and an inspection by a field inspector and a board member. The motion carried unanimously.

Online CE Provider – Know your Personality

Ms. Amanda Manigault participated to answer questions for the board. The 16-hour instructor continued education session is completely online. The instructors taking the session have the option to pause the 16 hours, to go back and review a section but not to skip forward. The assessment is available at the end of the 16 hours and could be added after each section. Board members asked to view the full presentation. One or two members will get a unique log in so they can review the session before approving it.

MOTION made by Patricia Parsons and seconded by Kimberly Ray to defer the new CE online session until the October board meeting so members can review in its entirety. The motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 83 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2022014791

First License Obtained: 10/16/2019

License Expiration: 10/31/2023

Complaint History: None

This 4-11-22 annual inspection revealed a shop performing services outside its license. A Notice of Violation was issued.

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

Decision: Approved.

2. Case No.: COS- 2022015281

First License Obtained: 08/29/2005

License Expiration: 08/31/2023

Complaint History: None

This 4-14-22 board inspection revealed an unlicensed individual practicing and a valid shop license not displayed. This Respondent is the designated manager. A Notice of Violation was issued.

Recommendation: Letter of warning (valid shop license not displayed). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved.

3. Case No.: COS- 2022015461

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 4-14-22 inspection revealed an unlicensed individual practicing. This Respondent is the 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.

4. Case No.: COS- 2022015121

First License Obtained: 12/03/1997

License Expiration: 12/31/2023

Complaint History: 2022003821, closure

This 4-15-22 consumer complaint alleges a negligent service and unprofessional conduct (with specificity). Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

5. Case No.: COS- 2022017191

First License Obtained: 12/29/2016

License Expiration: 12/31/2022

Complaint History: None

This 4-26-22 annual inspection revealed a person practicing on an expired license (expiration 3-31-22). This Respondent is the shop owner/manager cited for failure of responsibilities. A Notice of Violation was issued.

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

Decision: Approved.

6. Case No.: COS- 2022018171

First License Obtained: 01/10/2018

License Expiration: 01/31/2024

Complaint History: None

This 5-3-22 inspection revealed Respondent was practicing on an expired individual license (expiration 1-31-22). A Notice of Violation was issued. The individual license has since been renewed through 1-31-24.

Recommendation: Letter of warning (expired individual license).

Decision: Approved.

7. Case No.: COS- 2022019031

First License Obtained: 12/01/1994

License Expiration: 12/31/2023

Complaint History: 8120, dismissed

This 5-5-22 inspection revealed an expired shop license (expiration 12-31-21). A Notice of Violation was issued. The shop license has since been renewed through 12-31-23.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

8. Case No.: COS- 2022019731

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-10-22 inspection revealed an unlicensed shop and an unlicensed person practicing. A Notice of Violation was issued.

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

Decision: Approved.

9. Case No.: COS- 2022019751

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see the fact pattern for Item #8 above. This Respondent is the unlicensed person practicing.

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

Decision: Approved.

10. Case No.: COS- 2022019781

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-10-22 annual inspection revealed an unlicensed shop and an unlicensed person practicing. A Notice of Violation was issued.

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

Decision: Approved.

11. Case No.: COS- 2022019821

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see Item #10 above. This Respondent is the unlicensed person practicing.

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

Decision: Approved.

12. Case No.: COS- 2022019121

First License Obtained: 08/31/2021

License Expiration: 08/31/2023

Complaint History: None

This 5-10-22 consumer complaint alleges a negligent service with alleged pictures in support. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

13. Case No.: COS- 2022019941

First License Obtained: 10/15/1987

License Expiration: 05/31/2023

Complaint History: 2021034121, closed with a Letter of Warning

This 5-12-22 annual inspection revealed several unsanitary conditions (nail dust/dirty floors/uncovered trash can). A Notice of Violation was issued. This is Respondent's second offense for unsanitary conditions in the shop.

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

Decision: Approved.

14. Case No.: COS- 2022020101

First License Obtained: N/A

License Expiration: N/A
Complaint History: None

This 5-13-22 alleges unlicensed individual activity with social media in support. Inspection revealed an apartment complex with the complaint not stating a specific apartment number. A Notice of Violation was not issued.

Recommendation: Close (no specific address) and flag.

Decision: Approved.

15. Case No.: COS- 2022020111

First License Obtained: 06/16/2003

License Expiration: 06/30/2023

Complaint History: None

This 5-14-22 consumer complaint alleges a negligent service with alleged pictures in support. Respondent submits a general denial and states further the complainant was not compliant with post-service maintenance instructions. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

16. Case No.: COS- 2022020771

First License Obtained: 08/04/2016

License Expiration: 08/31/2022

Complaint History: None

This 5-16-22 annual inspection revealed an unlicensed person 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.

17. Case No.: COS- 2022020811

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #16 above. This Respondent is the unlicensed person practicing.

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

Decision: Approved.

18. Case No.: COS- 2022020381

First License Obtained: 07/13/2020

License Expiration: 07/31/2022

Complaint History: None

This 5-17-22 consumer complaint alleges a negligent service (with alleged pictures in support) and requests a refund. Negligence actions/refunds are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

19. Case No.: COS- 2022020451

First License Obtained: 10/28/2011

License Expiration: 09/01/2022

Complaint History: 2017038071, closure; 2018062611, closure;
2022005811, closure

This 5-17-22 student complaint alleges inadequate preparation for the state board exam. Respondent states they are NACCAS accredited and do not possess any authority over PSI or their examination process and had 47 of 55 graduates pass the examination. Respondent provides a digital learning platform for graduates and allows graduates (who do not pass their examinations) to return for review and re-testing.

Recommendation: Closure.

Decision: Approved.

20. Case No.: COS- 2022020651

First License Obtained: 04/07/2022

License Expiration: 03/31/2024

Complaint History: None

This 5-18-22 anonymous consumer complaint alleges unsanitary conditions and unlicensed individual activity from an unlicensed shop. Inspection revealed a building of salon suites and Respondent's individual suite was unable to be located due to a lack of information. A Notice of Violation was not issued.

Recommendation: Close and flag.

Decision: Approved.

21. Case No.: COS- 2022020661

First License Obtained: 09/18/1998

License Expiration: 11/30/2022

Complaint History: 2005009651, closed by Consent Order and payment of \$250.00 civil penalty; 2019007531, closed by an Agreed Citation and payment of \$1,000 civil penalty; 2022010331, closure

This 5-18-22 anonymous competitor complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

22. Case No.: COS-2022021011

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-18-22 inspection revealed an unlicensed shop and an unlicensed person practicing in the shop. A Notice of Violation was issued.

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

Decision: Approved.

23. Case No.: COS- 2022020691

First License Obtained: N/A

License Expiration: N/A

Complaint History: 2020087251, closed with a Letter of Warning; 2021024571, closed by Final Order and assessment of \$1,000 civil penalty and \$1,125 hearing costs; 2021064831 and 2021065031, closure (no evidence). Referral to local law enforcement agency/district attorney's office for consideration of investigation/prosecution for impersonation of licensed professional;

This 5-19-22 consumer complaint alleges unlicensed individual activity from an unlicensed home with alleged social media in support. Inspector went to address listed, but no one answered the door. Respondent has previous complaints for the same infractions and a previous default judgment had been taken against Respondent and sent to collections. Further, Respondent was referred (by letter) to local law enforcement for investigation of the felony of impersonation of a licensed professional.

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

Decision: Approved.

24. Case No.: COS- 2022020941

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-20-22 consumer complaint alleges unlicensed individual activity from an unlicensed home. Inspector went to residence and noted no signage; spoke with Respondent, who denied the allegations and became agitated with the inspector. Respondent was counseled on individual and shop licensure. A Notice of Violation was not issued.

Recommendation: Letter of instruction (individual/shop license) and flag.

Decision: Approved.

25. Case No.: COS- 2022021051

First License Obtained: 06/03/2020

License Expiration: 05/31/2024

Complaint History: 2021019071, closure

This 5-20-22 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

26. Case No.: COS- 2022021111

First License Obtained: 05/23/2022

License Expiration: 05/31/2024

Complaint History: None

This 5-23-22 anonymous consumer complaint alleges unlicensed individual activity with alleged social media in support. Inspection revealed a certified hair braider who was in cosmetology school and was providing cosmetology services to friends/family at no cost. A Notice of Violation was not issued. Respondent was counseled regarding licensure after graduation from cosmetology school.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

27. Case No.: COS- 2022021481

First License Obtained: 09/13/2021

License Expiration: 09/30/2023

Complaint History: None

This 5-24-22 anonymous consumer complaint alleges unlicensed activity. Inspection was unable to establish the allegation of unlicensed activity. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

28. Case No.: COS- 2022021491

First License Obtained: 10/02/2000

License Expiration: 09/30/2022

Complaint History: None

This 5-25-22 consumer complaint alleges an unlicensed home shop and unsanitary conditions. Inspection revealed Respondent, a licensed cosmetologist, was now working at a local car dealership; she does provide services for family members but is not operating an unlicensed shop. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

29. Case No.: COS- 2022021541

First License Obtained: 01/24/2020

License Expiration: 01/31/2024

Complaint History: None

This 5-25-22 consumer complaint alleges unlicensed individual activity. Inspection revealed Respondent did not live at the address listed in the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

30. Case No.: COS- 2022021521

First License Obtained: 10/25/2001

License Expiration: 10/31/2023

Complaint History: 2009019821, closed by Consent Order and payment of \$2,000 civil penalty; 2019034661, closure

This 5-25-22 consumer complaint alleges unsanitary conditions and a negligent service, with alleged pictures in support. Inspection revealed no substantial evidence to support the complaint. Respondent owner was counseled on the complaint and a Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

31. Case No.: COS- 2022021711

First License Obtained: 09/11/1997

License Expiration: 08/31/2023

Complaint History: None

This 5-25-22 inspection revealed an expired shop license (expiration 8-31-21). A Notice of Violation was issued. The shop license has since been renewed through 8-31-23.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

32. Case No.: COS-2022021951

First License Obtained: 02/02/2012

License Expiration: 09/30/2023

Complaint History: None

This 5-25-22 annual inspection revealed an unlicensed individual practicing on a customer. 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.

33. Case No.: COS- 2022021971

First License Obtained: 10/02/2000

License Expiration: 09/30/2022

Complaint History: None

Please see fact pattern for Item #32 above. This Respondent is the owner of the shop cited for an unlicensed person practicing on a customer. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

34. Case No.: COS-2022022001

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #32 above. This Respondent is the unlicensed person practicing on a customer.

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

Decision: Approved.

35. Case No.: COS-2022021761

First License Obtained: 03/21/1994

License Expiration: 09/01/2022

Complaint History: 6964, dismissed, 9015, dismissed; 2006002571, closed with no action; 2006041431, closed with no action; 2009011581, 2009021901, 2010001381, 201000241, closed with no action; 2013018401 closed by Consent Order and payment of \$250.00 civil penalty

This 5-26-22 student complaint alleges Respondent suspended student for missing more than the allotted days of school when student was sick. Respondent provided attendance documentation in support of its decision to terminate student from the program for unsatisfactory attendance; student was aware that student could take a leave of absence for any health problem. Student retained the option to return to school in three months with full credit for hours obtained/money paid.

Recommendation: Closure.

Decision: Approved.

36. Case No.: COS- 2022021871

First License Obtained: N/A

License Expiration: N/A

Complaint History: 2021070981, closed by Consent Order and payment of \$1,000 civil penalty

This 5-26-22 inspection revealed an unlicensed shop (new owner). 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.

37. Case No.: COS- 2022021921

First License Obtained: 01/24/2007

License Expiration: 04/30/2024

Complaint History: None

This 5-27-22 consumer complaint alleges unsanitary conditions and a dog on the premises. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

38. Case No.: COS- 2022022031

First License Obtained: 02/22/2017

License Expiration: 02/28/2023

Complaint History: None

This 5-27-22 consumer complaint alleges an injury from a negligent service with alleged pictures in support. Inspection revealed shop owner was informed of the complaint and offered to pay for any medical treatment occurred. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

39. Case No.: COS- 2022022191

First License Obtained: 09/17/2018

License Expiration: 09/30/2022

Complaint History: None

This 5-31-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

40. Case No.: COS- 2022022491

First License Obtained: 10/19/2020

License Expiration: 09/30/2022

Complaint History: None

This 6-2-22 anonymous consumer complaint alleges unsanitary conditions involving child customers. Respondent states this complaint came from a disgruntled former employee; appointment logs and surveillance cameras were reviewed and there were no children customers being serviced in the shop on the day in question.

Recommendation: Closure.

Decision: Approved.

41. Case No.: COS- 2022025421

First License Obtained: 02/02/2018

License Expiration: 09/01/2022

Complaint History: 2019024071, closure, 202103321, Letter of Instruction

This 6-2-22 consumer complaint alleges inappropriate conduct from a student instructor in the student floor clinic as well as a negligent service. Respondent states the staff were not rude but informative to the Respondent; any negligence was rectified by a new student/new instructor and Respondent left the premises satisfied. When Respondent returns to the clinic, there will be an agreement up front regarding procedure expectations.

Recommendation: Closure.

Decision: Approved.

42. Case No.: COS- 2022022921

First License Obtained: 06/30/2016

License Expiration: 06/30/2022

Complaint History: None

This 6-6-22 consumer complaint alleges unprofessional conduct (with specificity). Respondent states they contacted the complainant personally and were able to reach an amicable resolution.

Recommendation: Closure.

Decision: Approved.

43. Case No.: COS- 2022024991

First License Obtained: 05/23/2016

License Expiration: 05/31/2024

Complaint History: 2017049381, closure; 2021015091, closure;
2021008111, closure

This 6-7-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

44. Case No.: COS- 2022023081

First License Obtained: 03/28/2011

License Expiration: 09/01/2022

Complaint History: 2019008951, closure; 2019006161, closure;
2020073161, closure; 2020093351, closure;
2021033331 closure; 2021066931, closure

This 6-8-22 student complaint alleges unprofessional conduct from one of the staff (with specificity). Respondent provided a copy of the text message from the staff member and further alleged the text message was provided in humor and not in the literal sense.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

45. Case No.: COS- 2022023311

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-8-22 consumer complaint alleges an unlicensed shop with alleged social media in support. Inspection revealed a gated residence/farmhouse without visible signage of a business; a text message to the cell number of Respondent was not returned. Respondent had previously applied for an individual license in June 2021 which had expired in December 2021.

Recommendation: Letter of warning (individual/shop license) and flag.

Decision: Approved.

46. Case No.: COS- 2022023771

First License Obtained: 05/10/2004

License Expiration: 05/31/2023

Complaint History: None

This 6-10-22 consumer complaint alleges a negligent service (requesting a refund) and unprofessional conduct (with specificity) with alleged pictures and screenshots in support. Respondent submits a general denial of negligence and further states they do not offer refunds

but were willing to fix any problem the complainant had with the service – the complainant did not want to accept the option. The Respondent’s stylists were sending Facebook requests to the complainant in order to reach out to fix the problem was not unprofessional conduct (alleged harassment). Negligence matters are outside the scope of the Board’s authority; criminal matters (stalking/harassment) are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision:

47. Case No.: COS- 2022024081

First License Obtained: 04/07/2017

License Expiration: 03/31/2023

Complaint History: 202005304, closed by Agreed Citation and payment of \$1,000 civil penalty

This 6-10-22 annual inspection revealed an unlicensed individual (owner) practicing on a client and abruptly left the shop when the inspector came in the front door; thus, the owner was “not present” during the operation of the shop. A Notice of Violation was issued. This is Respondent’s second offense for unlicensed individual practicing.

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

Decision: Approved.

48. Case No.: COS- 2022024101

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see the fact pattern for Item #47 above. This Respondent is the unlicensed shop owner working on a customer who abruptly left the shop when the inspector came in the front door and thus was “not present” during the operation of the shop.

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

Decision: Approved.

49. Case No.: COS-2022024151

First License Obtained: 12/04/2020

License Expiration: 12/31/2022

Complaint History: None

This 6-14-22 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

50. Case No.: COS-2022024221

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-14-22 Tennessee Division of Consumer Affairs referral consumer complaint alleges unlicensed activity and a criminal episode that was addressed by the local police. Inspection revealed a beauty supply store only with no board-regulated activity in operation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

51. Case No.: COS-2022024271

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-15-22 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed a cosmetology student with 375 hours, not practicing, and scheduling to take the theory exam again. A Notice of Violation was not issued, and Respondent was counseled accordingly.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

52. Case No.: COS- 2022024871

First License Obtained: 05/15/2020

License Expiration: 05/31/2024

Complaint History: None

This 6-17-22 consumer complaint alleges a negligent service, unprofessional conduct (with specificity) and unlicensed activity. Inspection revealed a licensed hair braider. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

53. Case No.: COS- 2022024911

First License Obtained: 07/21/2020

License Expiration: 07/31/2024

Complaint History: None

This 6-19-22 consumer complaint alleges a negligent service. Respondent states she keeps a customer log and the complainant's name is not a customer of hers; the address listed in the complaint is Respondent's personal address and not the salon/business address where the alleged negligence occurred.

Recommendation: Closure.

Decision: Approved.

54. Case No.: COS- 2022025131

First License Obtained: 05/25/2016

License Expiration: 05/31/2024

Complaint History: 2018025061, closed with no action; 2018066211, closure; 2021054031, Letter of Warning

This 6-21-22 consumer complaint alleges unsanitary conditions. Inspection revealed a sink not working and nametags not being worn. A Notice of Violation was not issued.

Recommendation: Letter of warning (nametags). Re-inspect for working sink.

Decision: Approved.

55. Case No.: COS- 2022025241

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-21-22 competitor complaint alleges unlicensed activity from an unlicensed apartment. Inspection revealed a contract/property dispute with competitor/complainant that prompted the licensed Respondent (aesthetician) to operate from the apartment; Respondent was counseled on proper shop licensure and a Notice of Violation was not issued. Respondent agreed to postpone any future work from the apartment. Contract/property disputes are outside the scope of the Board's authority.

Recommendation: Close (Respondent was counseled) and flag.

Decision: Approved.

56. Case No.: COS- 2022025251

First License Obtained: 03/14/2022

License Expiration: 02/28/2024

Complaint History: None

This 6-21-22 consumer complaint alleges unlicensed activity, performing services outside of a license and underage drinking. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued. Criminal matters (underage drinking) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

57. Case No.: COS- 2022025471

First License Obtained: 01/22/2009

License Expiration: 08/31/2023

Complaint History: None

This 6-22-22 consumer complaint alleges a negligent service. Respondent states it will have its insurance carrier contact the complainant regarding the alleged negligent service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

58. Case No.: COS- 2022025661

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-23-22 anonymous consumer complaint alleges unlicensed activity. Inspection revealed Respondent is providing freelance makeup; Respondent was counseled on individual/shop licensure and a Notice of Violation was not issued since Respondent was not providing services to a client at the time of inspection.

Recommendation: Close (Respondent was counseled) and flag.

Decision: Approved.

59. Case No.: COS- 2022027021

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 7-4-22 consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed Respondent no longer works at the salon location, which was the information provided in the complaint. Negligence actions are outside the scope of the Board's authority.

Recommendation: Close (no address for Respondent) and flag.

Decision: Approved.

60. Case No.: COS- 2022027081

First License Obtained: 07/03/2006

License Expiration: 04/30/2024

Complaint History: 2008006051, Letter of Warning

This 7-5-22 consumer complaint alleges unlicensed individual activity. Inspection revealed a hair braiding shop and the individual was not performing services on a client at the time of inspection. Shop owner was counseled on hair braiding certificate registration. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

61. Case No.: COS- 2022027131

First License Obtained: 05/31/2018

License Expiration: 09/01/2022

Complaint history: 2018027341, closed with Letter of Instruction;
2019036461, closure; 2019059191, closure;
2020064201, closed with Letter of Warning;
2021063931, closed with Letter of Warning;
2022013541, closure

This 7-5-22 anonymous student complaint alleges retaliatory harassment regarding a previous complaint filed against the Respondent. Respondent states the previous complaint was addressed with complainant personally; Respondent knew that the complaint was not filed by student. Respondent individually addressed the items of alleged retaliatory harassment, providing satisfactory explanations for same (talking during class/student hours are current/handwritten receipts are providing to acknowledge payments made/name tags are to be worn as part of student dress code).

Recommendation: Closure.

Decision: **Approved.**

62. Case No.: COS- 2022027091

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint History: **None**

This 7-5-22 consumer complaint alleges theft of a deposit for an appointment and unlicensed activity with alleged text screenshot in support. Inspector went to address listed in the complaint; no one answered the door, there was no signage, and there were no cars in the driveway. A Notice of Violation was not issued. Criminal actions (theft) are outside the scope of the Board's authority.

Recommendation: **Letter of instruction (personal license/shop license) and flag.**

Decision: **Approved.**

63. Case No.: COS- 2022027261

First License Obtained: **10/16/2020**

License Expiration: **09/01/2022**

Complaint History: **2021050741, closure**

This 7-6-22 student complaint alleges (1) students have to pay 70% of their total tuition before they can take the state boards, (2) students were not receiving kits, and (3) there was inadequate instruction for PSI. Respondent states (1) they are a private institution that does not accept federal financial aid but does have a third-party finance provider that students can deal with directly regarding any contractual tuition issues they may have, (2) it was explained during orientation that contractually kits were not included in the tuition and were discontinued due to inappropriate use by former students who were attempting to perform aesthetics without a license; and (3) the students received all program materials and curriculum specified in their student contracts. Respondent states the student knows that these matters can be addressed directly with the Respondent when the student chooses to do so. Chancery court/contractual matters (tuition for education) are outside the scope of the board's authority.

Recommendation: **Closure.**

Decision: **Deferred decision to next board meeting.**

64. Case No.: COS- 2022027511

First License Obtained: **03/19/2022**

License Expiration: **02/29/2024**

Complaint History: **None**

This 7-8-22 consumer complaint alleges unlicensed individual activity. Inspection revealed a student who was performing services but not charging fees; salon owner/respondent's mother was counseled regarding individual licensure in such a circumstance. A Notice of Violation was not issued.

Recommendation: **Closure (Respondent and salon owner counseled).**

Decision: **Approved.**

65. Case No.: COS- 2022028331

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

This 7-13-22 competitor complaint alleges unlicensed individual activity with alleged social media in support. Inspector went to address listed and counseled Respondent, who agreed to take down the social media and stop all services. A Notice of Violation was not issued.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

BARBER CASES

66. Case No.: BAR- 2022017351

First License Obtained: 03/02/2016
License Expiration: 03/31/2024
Complaint History: None

This 4-29-22 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed the shop owner/manager absent during the operation of the shop. A Notice of Violation was issued.

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

Decision: Approved.

67. Case No.: BAR- 2022018691

First License Obtained: 11/21/1996
License Expiration: 11/30/2022
Complaint History: 2017033031, Closure with request for re-inspection.

This 5-5-22 annual inspection revealed an expired shop license (expiration 1-31-22). A Notice of Violation was issued. 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.

68. Case No.: BAR- 2022018961

First License Obtained: 11/16/20216
License Expiration: 11/30/2022
Complaint History: None

This 5-5-22 consumer complaint alleges unlicensed individual activity. Inspection revealed an unlicensed individual practicing. This Respondent is the owner of the shop where the unlicensed individual was practicing. Research shows the shop paid this civil penalty by agreed citation on 6-9-22. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

69. Case No.: BAR- 2022018991

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #68 above. This Respondent is the unlicensed individual practicing in the shop.

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

Decision: Approved.

70. Case No.: BAR- 2022020171

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-16-22 administrative complaint alleges unlicensed activity. Inspection revealed the shop to be providing services and no license is found. A Notice of Violation was not issued.

Respondent states they have a “business license” and the barbers have obtained their licenses “in their respective countries of origin.”

Recommendation: Close (no Notice of Violation) and re-inspect for unlicensed activity.

Decision: Approved.

71. Case No.: BAR- 2022020721

First License Obtained: 04/25/2014

License Expiration: 06/30/2024

Complaint History: 202104703, Letter of Warning

This 5-18-22 annual inspection revealed dirty tools as well as the owner/manager absent during the operation of the shop. A Notice of Violation was issued. This is Respondent’s second offense for unsanitary conditions.

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

Decision: Approved.

72. Case No.: BAR- 2022021471

First License Obtained: 10/19/1999

License Expiration: 10/31/2023

Complaint History: None

This 5-24-22 administrative complaint alleges Respondent exhibited aggressive behavior/unprofessional conduct towards the state inspector during an annual inspection, preventing the completion of the annual inspection.

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

Decision: Approved.

73. Case No.: BAR- 2022021561

First License Obtained: 07/11/2019

License Expiration: 06/30/2023
Complaint History: 202005005, closed by Agreed Citation and payment of \$1,500 civil penalty

This 5-24-22 shop inspection revealed an unlicensed individual practicing and the shop owner was absent during the operation of the shop. Additionally, there were unclean tools in the shop. This is Respondent's second offense for unlicensed person practicing as well as owner/manager being absent during the operation of the shop.

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

Decision: Approved.

74. Case No.: BAR- 2022023291

First License Obtained: 10/12/2021
License Expiration: 10/31/2023
Complaint History: None

This 6-8-22 anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

75. Case No.: BAR- 2022023421

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

This 6-8-22 consumer complaint alleges unlicensed activity and drug activity. Inspection revealed Respondent only cuts friends/family hair for no compensation. Respondent was counseled on individual/shop licensure should Respondent provide services otherwise. Criminal matters are outside the scope of the Board's authority.

Recommendation: Close (Respondent was counseled) and flag.

Decision: Approved.

76. Case No.: BAR- 2022024011

First License Obtained: 08/21/2020
License Expiration: 08/31/2024
Complaint History: None

This 6-14-22 consumer 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.: BAR- 2022024431

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

This 6-15-22 anonymous complaint alleges unlicensed activity. Inspection revealed a licensed apprenticeship student working in the shop; student and owner were both counseled on the steps needed to accommodate a student apprentice in the shop while protecting the public. A Notice of Violation was not issued.

Recommendation: Closure (student/owner were counseled).

Decision: Approved.

78. Case No.: BAR- 2022024891

First License Obtained: 08/16/2018

License Expiration: 08/31/2022

Complaint History: 2018075341, closed by Consent Order and assessment of \$1,000 civil penalty and sent to collections for non-payment of the civil penalty; 2019100171, closure

This 6-19-22 consumer complaint alleges unlicensed activity and alcohol use. Inspection revealed an unlicensed shop (using old location information). A Notice of Violation was issued. This is Respondent's second violation for an unlicensed shop.

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

Decision: Approved.

79. Case No.: BAR- 2022028271

First License Obtained: 02/28/2003

License Expiration: 02/28/2021

Complaint history: 2015009451, closed by Initial Order and assessment of \$100.00 civil penalty and \$187.50 hearing costs; 2018042531, closed with no action; 2019065481, Closure

This 7-12-22 annual inspection revealed an expired shop license (expiration 2-28-21). A Notice of Violation was issued. The shop license remains expired. This is the Respondent's second offense for an expired shop license.

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

Decision: Approved.

RE-PRESENTS

80. Case No.: COS-2021080141

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its April 4, 2022 meeting as follows: *This 12-15-21 consumer complaint alleges unlicensed activity. Inspection revealed Respondent was providing services 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.

Update: Unable to get personal service on the Respondent; thus, there is a service issue.

New Recommendation: Closure.

Decision: Approved.

81. Case No.: Case No.: COS-2022012101

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its June 6, 2022 meeting as follows: *This 3-24-22 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.

Update: Respondent showed proof of being a certified hair braider at the time of the inspection and was only providing braiding services.

New Recommendation: Closure.

Decision: Approved.

82. Case No.: COS-2022013211

First License Obtained: 12/05/2013

License Expiration: 01/31/2024

Complaint History: None

This matter was previously presented to the Board at its June 6, 2022 meeting as follows: *This 4-1-22 annual inspection revealed an unlicensed person practicing and the owner/manager not present. A Notice of Violation was issued. Respondent's attorney states owner employed a designated manager who was down the street running errands at the time of the inspection; the unlicensed individual successfully completed the requisite course work to get licensed but was misinformed about how to obtain the license (she thought it was automatically issued upon passing the tests rather than apply/pay a license fee). Litigation counsel requested mitigating evidence from Respondent's counsel and has not received anything to date.*

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

Decision: Approved.

Update: Attorney for the Respondent provided litigation counsel with two (2) affidavits for the propositions that (1) the designated manager was running a business errand for the shop at the time of the inspection and (2) the unlicensed individual performing aesthetics had passed her examinations and thought she was licensed for same at the time of the inspection. Respondent's attorney requests the file be closed and both monetary penalties waived.

New Recommendation: (1) Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 for the designated manager not being present during the operation of the shop.

(2) Waive the \$1,000.00 penalty for the unlicensed person practicing since the individual passed both exams at the time of inspection but failed to apply for the license.

Decision: Approved.

83. Case No.: COS- 2022014931

First License Obtained: 02/09/2016

License Expiration: 02/29/2024

Complaint History: 201908982, closed by an Agreed Citation and payment of \$500.00 civil penalty; 202003834, closed by Agreed Citation and payment of \$1,000 civil penalty

This matter was previously presented to the Board at its June 6, 2022 meeting as follows: *This 4-13-22 annual inspection revealed a nail spa performing services outside of its license (waxing). Even though there was not a customer present/owner stated it was for personal use, inspector noted Respondent advertised the service/price and there were used wax applicators/paper in the trash can in the waxing room. A Notice of Violation was issued.*

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

Decision: Approved.

Update: Respondent/individual shop owner provided sufficient documentation to show that the civil penalty was previously paid by the shop (COS-2022014911) by check and agreed citation dated April 18, 2022. This would be a duplicate penalty against the shop and its individual owner.

New Recommendation: Closure.

Decision: Approved.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve the legal report recommendations as amended. The motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Applications for examination for: Kevion McDonald and Damien Newbill. 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 Amy Tanksley and seconded by Mona Sappenfield to approve application for examination with a signed Agreed Order. The motion carried unanimously.

APPLICATIONS FOR RECIPROCIITY-

Application for reciprocity of cosmetology license from Ontario, Canada for Annette Barkley. Letter from Ontario Ministry of Colleges states 1,500 hours through apprenticeship were received in 1984. Documentation from Alberta Institute shows a theory and practical exam passed in 1993. Ms. Barkley provided a Journeyman Certificate issues in June 1993 as a hairstylist.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of aesthetics license from Connecticut for Charissa Onofrio. Certification shows initial licensure in March 2021. Ms. Onofrio provided a transcript showing 600 hours completed in January 2007. She also provided a reference letter that says she was a full-time aesthetician and assistant manager for ten years. Connecticut did not start licensing aestheticians until the last couple of years and there are no State exams.

Recommendation - is that the applicant take the practical exam.

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

MISCELLANOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

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. Katelyn Gallagher provided an explanation and supporting medical documents explaining why she failed to apply for her initial license until now. She passed her practical exam on 10/29/2019.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve the license. The motion carried unanimously.

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. Martha McMillan provided an explanation saying she was having financial problems. She passed her practical exam on 1/27/2021.

MOTION made by Amy Tanksley and seconded by Jeffery Moran to approve the license. The motion carried unanimously.

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. Wendie McWhite provided an explanation due to a family emergency and financial issues she could not apply until now. She passed her practical exam on 3/31/2021.

MOTION made by Amy Tanksley and seconded by Monica Lemons to approve the license. The motion carried unanimously.

Request to waive the need to complete 300-hour crossover curriculum relevant to Public Chapter 955 for dual instructor license. Ms. Sharon Wilson was in the middle of obtaining her cosmetology license to then upgrade to an instructor after the three years. The new path created by PC955 allows licensed instructors to complete a 300-hour course in the fundamentals of cosmetology and pedicure and then request the separate cosmetology instructor license. This new path eliminates the basic second full license, the need for exams and the three years wait. Ms. Wilson passed the exams for the cosmetology license proving she is competent to work and teach cosmetology. She requested consideration for the dual cosmetology instructor license and not require additional education.

MOTION made by Patricia Parsons and seconded by Jeffery Moran to approve the new license. The motion carried unanimously.

Similar to Ms. Wilson, there are other instructors in the pipeline who have taken at least one of the exams for the basic license, or already have the second full license and are waiting on the required three years. The board discussed the scenarios for instructors in the pipeline. They gave the Director approval to consider passage of the exams proof of meeting the 300-hour curriculum.

MOTION made by Patricia Parsons and seconded by Jeffery Moran to approve the new license. The motion carried unanimously.

Request to waive the need to retest pursuant to T.C.A. §62-4-132 retired inactive license and T.A.C. §62-4-117 lapsed licenses. Ms. Ramonia Bledsoe was first licensed in 1975. Her license

has been expired since February 2015. Ms. Bledsoe explained in an email that she was given misinformation and thought her license was deactivated and that she could reinstate when needed. The statute requires exams to reinstate. He also explained the extenuating circumstances in her life that have delayed her from making the request until now.

MOTION made by Becky Russell and seconded by Mona Sappenfield to deny the request. The motion carried unanimously.

DIRECTOR'S REPORT:

The YTD May 2022 surplus added \$266,159 bringing the reserve balance to \$2,966,369. Final numbers for FY21-22 should be available at the October meeting.

NEW BUSINESS:

Attorney for the program, Hugh Cross, updated the members on the rulemaking hearing. The data had to be pushed back to the October 3, 2022.

Director Gumucio presented the 2023 meeting dates.

MOTION made by Kimberly Ray and seconded by Monica Lemons to approve the 2023 dates. The motion carried unanimously.

Board member Patricia Parsons shared the CEU she attended with KINCC and how great it was.

Board member Monica Lemons shared the CEU she attended with UT Knoxville Conference Center, all she learned and the great experience she had as a new member.

Chairman Ron Gillihan took a moment to honor Mr. Vernon Winfrey who passed away in July. Mr. Winfrey played a vital role in the Barber industry for decades. He served on the Barber Board as well as mentored countless individuals throughout his respected career. He will be truly missed.

Additional Questions:

Motion to adjourn

Meeting adjourned at 10:35.

MOTION to adjourn made by Amy Tanksley and seconded by Monica Lemons to adjourn the meeting. The motion carried unanimously.