



**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 December 5, 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: Anita Charlton, Frank Gambuzza, Ron Gillihan, Monica Lemons, Judy McAllister, Jeffery Moran, Layne Petty, Kimberly Ray, Becky Russell, Mona Sappenfield and Amy Tanksley.

Not available: Kimberly Ray, Patricia Parsons

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

MINUTES-

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

Motion made by Amy Tanksley and seconded by Judy McAllister to approve the October 2022 minutes. The motion carried unanimously.

PRESENTED BEFORE THE BOARD-

Proficient Nail Academy – New Specialty Manicure School

Mr. Craig Charles participated to answer questions for the board. The school is in Johnson City. Mr. Charles also owns Crown Cuts Academy in Johnson City. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve the change in ownership pending an inspection by a field inspector. The motion carried unanimously.

The Black Pearl Nail Academy, LLC – Change in Location

Ms. Duriya Caldwell participated to answer questions for the board. The new school location is in Memphis. The application, enrollment agreement, catalog, and floor plan were all received timely.

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

Aspire Academy of Aesthetics – Change in Location

Ms. Sherry Jordan participated to answer questions for the board. The new school location is in Kingsport. The application, enrollment agreement, catalog, and floor plan were all received timely.

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

Minx & Co. – New Specialty Natural Hair Styling School

Ms. Rachel Humphrey participated to answer questions for the board. The school is in Antioch. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely. The members asked for several revisions to be sent to the Director prior to inspections.

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

Aspire Barber & Beauty Academy – New Barber School

Mike and Tracey Franklin participated to answer questions for the board. The school is in Cookeville and is over 5,000 square feet. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Judy McAllister and seconded by Jeffrey Moran to approve/deny the new school pending an inspection by a field inspector and board member. The motion carried unanimously.

Confidence College of Cosmetology – New Cosmetology School

Ms. Courtney Bennett participated to answer questions for the board. The school is in Piney Flats and is 3,000 square feet. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely. The members asked for revisions.

MOTION made by Mona Sappenfield and seconded by Amy Tanksley to deny the new school and represent application at February 6, 2023 board meeting. The motion carried unanimously.

Thrive Beauty Institute – New Cosmetology Apprenticeship School

Mr. Gary Pearson participated to answer questions for the board. The school is in Jackson and is 200 square feet. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

Skin & Brow Room – Change in Location

Ms. Jessica West participated to answer questions for the board. The new school location is in Hixson. The applications, updated enrollment agreement, and floor plan were all received. The members asked many questions and agreed to have the Director review everything before approving both inspections. The members asked for several revisions to be sent to the Director prior to inspections.

MOTION made by Amy Tanksley and seconded by Jeffrey Moran to approve the change in location pending inspection by a board member and field inspector. The motion carried unanimously.

2023 Continued Education Seminar Requests:

The University of Tennessee, Knoxville UT Conference Center submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, July 16 and Monday, July 17, 2023. The session will be in person.

Motion made by Amy Tanksley and seconded by Judy McAllister to approve the 2023 session and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown participated virtually to present the information for the instructor continuing education seminar for two virtual sessions: March 26th & 27th, and October 22nd & 23rd, 2023.

Motion made by Amy Tanksley and seconded by Jeffrey Moran to approve the 2023 session and requested dates. Motion carried unanimously.

PBC Inc. session: Ms. Pearl Walker and Ms. Celeste Harris submitted their information for the instructor continuing education seminar on September 24th & 25th, 2023. The members asked for revisions to the agenda.

Motion made by Judy McAllister and seconded by Monica Lemons to request changes and represent at the February 6, 2023 meeting. Motion carried unanimously.

TSU, Avon Campus, submitted the information for the instructor continuing education seminar. They are requesting to have the session offered in person and virtually on Sunday, August 6th & Monday, August 7th, 2023.

Motion made by Amy Tanksley and seconded by Jeffrey Moran to approve the 2023 session and requested dates. Motion carried unanimously.

Making of a Master, KINCC Education Group: Ms. Kimberly Anderson participated virtually to present the for the instructor continuing education seminar for a total of six sessions.

Five virtual sessions: January 21st & 22nd, March 4th & 5th, July 22nd & 23rd, August 19th & 20th, and October 14th & 15th, 2023.

One in person session at Paul Mitchell in Memphis June 10th & 11th, 2023.

Motion made by Monica Lemons and seconded by Judy McAllister to approve the 2023 session and requested dates. Motion carried unanimously.

New continuing education provider, Ms. LaShun Thompson offering “The Confident Educator” submitted her information for the instructor seminar on May 21st & 22nd, 2023. Her experience and agenda for the two days were provided.

Motion made by Monica Lemons and seconded by Amy Tanksley to approve the 2023 session and requested dates. Motion carried unanimously

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 71 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2022032651

First License Obtained: 07/08/1992

License Expiration: 01/31/2022

Complaint History: None

This 8-4-22 annual inspection revealed an expired shop license (expiration 1-31-20). A Notice of Violation was issued. The shop license has since been renewed through 1-31-22.

Recommendation: Letter of warning (expired shop license).

Decision: Concur

2. Case No.: COS- 2022032671

First License Obtained: 11/08/2004

License Expiration: 11/30/2022

Complaint History: None

Please see fact pattern for Item #1 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Concur

3. Case No.: COS- 2022032731

First License Obtained: 03/24/1995

License Expiration: 03/31/2023

Complaint History: None

This expired shop license violation was previously paid by the shop on Case #2022032701. This Respondent is the owner of the shop; this would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Concur

4. Case No.: COS- 2022033851

First License Obtained: 03/12/2018

License Expiration: 03/31/2024

Complaint History: None

This 8-15-22 consumer complaint alleges Respondent is offering hair braider certification without a license. Respondent admitted their ignorance of licensure, is no longer offering classes and is in school for an instructor program where they will graduate in January 2023 and start offering classes after licensure. A Notice of Violation was not issued.

Recommendation: Letter of warning (instructor license).

Decision: Concur

5. Case No.: COS- 2022034511

First License Obtained: 09/26/2017

License Expiration: 09/30/2023

Complaint History: None

This 8-16-22 inspection revealed an individual practicing outside of their license (aesthetician performing manicuring). A Notice of Violation was issued. Respondent states there was a miscommunication of performing outside services due to a language barrier and requests leniency.

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

Decision: Concur

6. Case No.: COS- 2022034541

First License Obtained: 05/18/2016

License Expiration: 05/31/2024

Complaint History: None

Please see fact pattern for Item #5 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Concur

7. Case No.: COS- 2022034071

First License Obtained: 06/11/2021

License Expiration: 06/30/2023

Complaint History: None

This 8-16-22 consumer complaint alleges unsanitary conditions and a minor working in the salon. Inspection revealed two (2) unlicensed individuals performing services. A Notice of Violation was issued.

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

Decision: Concur

8. Case No.: COS- 2022035141

First License Obtained: 11/10/2020

License Expiration: 11/30/2024

Complaint History: None

Please see Item #7 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Concur

9. Case No.: COS- 2022034731

First License Obtained: 06/15/2010

License Expiration: 06/30/2024

Complaint History: None

This annual inspection revealed unsanitary conditions (unclean tools) and performing services outside of their cosmetology license (straight razor use). A Notice of Violation was issued. This Respondent is the owner/manager cited for failure of responsibilities.

Recommendation: Letter of warning (unclean tools/straight razor use).

Decision: Concur

10. Case No.: COS- 2022035171

First License Obtained: 03/17/2021

License Expiration: 03/31/2023

Complaint History: None

This 8-23-22 consumer complaint alleges unlicensed individual activity and a negligent service with alleged pictures in support. Inspection revealed no evidence to substantiate the complaint of unlicensed individual activity. Negligence actions are outside the authority of the board.

Recommendation: Closure.

Decision: Concur

11. Case No.: COS- 2022035781

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 8-28-22 consumer complaint alleges unlicensed activity from an unlicensed home shop with alleged social media in support. Inspector went to residence address and spoke to Respondent, who stated she only does her daughter's nails. There was no signage, and no customers were present. A Notice of Violation was not issued.

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

Decision: Concur

12. Case No.: COS- 2022036171

First License Obtained: 01/11/2018

License Expiration: 03/31/2024

Complaint History: None

This 8-29-22 Tennessee Division of Consumer Affairs referral complaint alleges underage workers and service of alcoholic drinks in the shop. Inspection revealed no evidence to substantiate either complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

13. Case No.: COS- 2022036711

First License Obtained: 04/16/2019

License Expiration: 04/30/2023

Complaint History: None

This 9-1-22 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed some minor, correctible and non-sanitary discretionary issues that did not warrant the issuance of a Notice of Violation.

Recommendation: Closure.

Decision: Concur

14. Case No.: COS- 2022036821

First License Obtained: 06/20/2022

License Expiration: 06/30/2024

Complaint History: None

This 9-2-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

15. Case No.: COS- 2022037391

First License Obtained: 12/29/2015

License Expiration: 12/31/2023

Complaint History: 2016017851, closed with no action

This 9-6-22 Tennessee Division of Consumer Affairs referral complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

16. Case No.: COS- 2022037251

First License Obtained: 02/28/2008

License Expiration: 02/29/2024

Complaint History: None

This 9-7-22 inspection revealed shop owner's individual license was expired (expiration 2-28-22), and thus the owner was "not present" during the operation of the shop. The individual license has since been renewed through 2-29-24.

Recommendation: Letter of warning (expired individual license).

Decision: Concur

17. Case No.: COS- 2022037321

First License Obtained: 09/21/2020

License Expiration: 09/30/2024

Complaint History: None

This 9-7-22 former employee complaint alleges several labor/employment law issues. Such issues are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

18. Case No.: COS- 2022037771

First License Obtained: 12/15/2014

License Expiration: 08/31/2024

Complaint History: None

This 9-13-22 consumer complaint alleges unlicensed activity, unsanitary conditions, and illegal activity (without specificity). Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

19. Case No.: COS- 2022038181

First License Obtained: 07/07/2022

License Expiration: 06/30/2024

Complaint History: None

This 9-14-22 consumer complaint alleges unlicensed activity, unsanitary conditions, and a negligent service. Inspection revealed no evidence to substantiate the allegations of unlicensed activity or unsanitary conditions. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

20. Case No.: COS- 2022039341

First License Obtained: 05/14/2020

License Expiration: 05/31/2024

Complaint History: None

This 9-16-22 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

21. Case No.: COS- 2022039091

First License Obtained: 02/21/2013

License Expiration: 09/01/2023

Complaint History: 2019082251, closure; 2022017901, closure

This 9-16-22 anonymous student complaint alleges there is one instructor for every 20 students. Respondent states they are in compliance with T.C.A. section 62-4-120 in that there are 127 cosmetology students with 7 cosmetology instructors; 70 students in classrooms with 4 instructors; 57 cosmetology students in the clinic with 3 educators and 1 intern; 75 spa students with 4 educators; and 202 students total with 13 instructors.

Recommendation: Closure.

Decision: Concur

22. Case No.: COS- 2022039491

First License Obtained: 11/21/1990

License Expiration: 04/30/2024

Complaint History: None

This 9-19-22 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

23. Case No.: COS- 2022039501

First License Obtained: 10/15/2021

License Expiration: 10/31/2023

Complaint History: None

This 9-19-22 consumer complaint alleges a negligent service and unprofessional conduct (without specificity). Respondent submits a general denial of negligence and unprofessional conduct and would prefer to settle the matter in court. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

24. Case No.: COS- 2022039651

First License Obtained: 09/14/2012

License Expiration: 02/28/2023

Complaint History: None

This 9-19-22 annual inspection revealed an expired shop license (expiration 2-28-21) and the owner/manager not present during the operation of the shop. The shop license has since been renewed through 2-28-23.

Recommendation: Letter of warning (expired shop license) for expired shop license. Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00.

Decision: Concur

25. Case No.: COS-2022039801

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-20-22 competitor complaint alleges unlicensed activity with alleged social media in support. Inspector went to address listed in the complaint and was unable to find anyone with Respondent's name living at the address. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

26. Case No.: COS- 2022039821

First License Obtained: 10/28/2014

License Expiration: 09/01/2023

Complaint History: 2019075281, closure; 2021054201, closure

This 9-20-22 family of student complaint alleges Respondent is requesting all students bring their tuition current prior to graduation and the Respondent's accreditation has been withdrawn. Respondent states the school decided to withdraw accreditation and re-apply in one year with NACCAS. The CEO explained to the students that financial aid would not be offered anymore and would be holding individual meetings with students and discuss their options for paying their tuition. The individual students could (1) stay and set up a payment plan with zero interest or (2) transfer their financial aid to another school and Respondent would release their hours/ transcripts. Additionally, students were given a \$1,500.00 reduction to help with individual balances. The Respondent is moving to a cash-only school.

Recommendation: Closure.

Decision: Concur

27. Case No.: COS- 2022039791

First License Obtained: 10/15/2021

License Expiration: 10/31/2023

Complaint History: None

This 9-20-22 consumer complaint alleges a negligent service. Respondent states the service the customer wanted would take several sessions to accomplish. The complainant expressed satisfaction with the service performed. The Respondent attaches pictures in support of its position. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

28. Case No.: COS- 2022039771

First License Obtained: 03/18/1994

License Expiration: 09/01/2023

Complaint History: 7715, dismissed; 8123, dismissed; 9114, dismissed; 2000064621, closed with no action; 2006016781,

**dismissed; 2007088431, closed with no action;
201017951, closed with no action**

This 9-20-22 anonymous complaint states the Respondent school closed last year (moved locations) and is not ready to open as a business (no electricity, no internet services, no customers); however, Respondent continues to teach students online where the students can take the state board exam. The anonymous complainant poses the following question: How long can [Respondent] keep an active license without an actual [school] building? Respondent did not respond to the anonymous complaint.

Recommendation: Letter of warning (unprofessional conduct - failing to respond to complaint). Board to discuss other options. Phone number is disconnected, monthly hour reports for October missing, 2022 inspection not completed.

Decision: Concur

29. Case No.: COS- 2022039831

First License Obtained: 04/27/2018

License Expiration: 09/01/2023

Complaint History: 2020086811, closed with no action

This 9-20-22 anonymous student complaint states the Respondent school is requesting the anonymous student pay \$2,140.00 for going over approximately 107 hours where the contract states “if you exceed 10 months as a part time student you are required to pay over hour fees.” Anonymous student states Respondent states the instructor would make the students leave 30 minutes early which did not allow the student to finish within 8 months. Anonymous student wants her hours to be sent to the state board so she can take her state exams in order to become a manicurist. Respondent did not respond to the anonymous complaint.

Recommendation: Letter of warning (unprofessional conduct – failure to respond to complaint).

Decision: Concur

30. Case No.: COS-2022040471 (April Holt, unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint History: 2020020671, closed with Letter of Instruction

This 9-25-22 anonymous complaint alleges unlicensed activity from an apartment. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued. A duplicate complaint was filed on 10-22-22 stating Respondent is still practicing from the unlicensed apartment. A duplicate anonymous complaint was filed on 10-28-22 stating Respondent is unlicensed and practicing from an unlicensed home.

Recommendation: Close and re-inspect.

Decision: Concur

31. Case No.: COS-2022040481

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-25-22 consumer complaint alleges unlicensed activity with social media in support. Inspection revealed Respondent did not live at the address listed in the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

32. Case No.: COS-2022040731

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-27-22 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed a cosmetology student not in an apprenticeship program who was not working at the time of the inspection; salon owner stated they would take down Respondent's social media and would get with Respondent about working in the salon until the completion of cosmetology school. A Notice of Violation was not issued.

Recommendation: Letter of warning (individual license).

Decision: Concur

33. Case No.: COS-2022040651

First License Obtained: 12/27/2017

License Expiration: 12/31/2023

Complaint History: None

This 9-27-22 consumer complaint alleges negligent services and unprofessional conduct (not providing owner information). Negligence actions are outside the scope of the board's authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Concur

34. Case No.: COS-2022041051

First License Obtained: 04/07/2022

License Expiration: 04/30/2024

Complaint History: None

This 9-28-22 anonymous consumer complaint alleges unlicensed activity and unsanitary conditions with alleged social media in support. Inspector went to address listed in the complaint and talked to an unknown male who stated no one performs cosmetology services at the house. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

35. Case No.: COS-2022041231

First License Obtained: 06/04/2020

License Expiration: 05/31/2024

Complaint History: None

This 9-30-22 anonymous complaint alleges an unsanitary condition. Inspection revealed no evidence to substantiate a Notice of Violation.

Recommendation: Closure.

Decision: Concur

36. Case No.: COS-2022041311

First License Obtained: 12/23/2016

License Expiration: 08/31/2024

Complaint History: None

This 9-30-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

37. Case No.: COS- 2022041471
First License Obtained: 09/27/2021
License Expiration: 08/31/2023
Complaint History: None

This 10-3-22 consumer complaint alleges a negligent service with alleged pictures in support. Respondent owner states they talked with the technician, who stated complainant presented with swollen feet from tight shoes; graters are only used on the bottom of the feet and not the top of the feet. Complainant rebuts her feet were not swollen and the alleged blisters were actually cuts from the grater. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.
Decision: Concur

38. Case No.: COS-2022041671
First License Obtained: 02/19/2020
License Expiration: 02/29/2024

Complaint History: 2020094011, closure; 2021044901, closure.

This 10-3-22 consumer complaint alleges a different pedicure brush was not used on her and she was up-charged for services that she thought were included in the original charge. Respondent states a different pedicure brush was used on the complainant and similar salons charge extra for shape and length services. Pricing issues are outside the authority of the Board's authority.

Recommendation: Closure.
Decision: Concur

39. Case No.: COS-2022042151
First License Obtained: 04/10/1995
License Expiration: 08/31/2021

Complaint History: 2012010111, closed by Consent Order and payment of \$750.00 civil penalty; 2014003891, closed by Consent Order and payment of \$1,250.00 civil penalty

This 10-4-22 annual inspection revealed an expired shop license and evidence of someone living in the shop. A Notice of Violation was issued. The shop license remains expired.

Recommendation: Letter of warning (living inside the shop). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Concur

40. Case No.: COS-2022042171
First License Obtained: 09/21/1995
License Expiration: 05/31/2024

Complaint History: None

Please see fact pattern for Item #39 above. This Respondent is the designated manager cited for failure of responsibilities.

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

Decision: Concur

41. Case No.: COS-2022041991
First License Obtained: 04/11/2006
License Expiration: 04/30/2024
Complaint History: None

This 10-6-22 administrative complaint alleges unprofessional conduct in dealing with the customer service center regarding license renewal with audio tapes of the unprofessional conduct in support. Litigation counsel listened to the tapes and it appears to be an unknown male (Respondent licensee is a female name) who is agitated and is either impaired or suffering a mental emergency. The unknown male makes statements that are not based in fact. Further, the customer center informs the unknown male caller that the female Respondent's license has already been sent to the Respondent's address.

Recommendation: Closure (do not block on Zendesk).

Decision: Concur

42. Case No.: COS-202204221

First License Obtained: 12/30/1992

License Expiration: 09/30/2023

Complaint History: None

This 10-7-22 student complaint alleges Respondent school owner is stealing money from the federal government (accepting student financial aid from non-enrolled students) as well as from students (students refunding excess financial aid money back to the school); also, bullying (with no specificity), unprofessional conduct (with specificity) and discriminating students of color (with no specificity). Inspection revealed no evidence of stealing money from the federal government or from students.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Concur

43. Case No.: COS- 2022042221

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-7-22 consumer complaint alleges unlicensed activity. Inspection revealed a massage therapist. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

44. Case No.: COS-2022042291

First License Obtained: 11/06/2019

License Expiration: 09/01/2023

Complaint History: 2020053191, closure; 2020097131, closure; 2021002751, closure; 2021027801, closure

This 10-7-22 Tennessee Division of Consumer Affairs referral alleges Respondent placed student on a forced 90 day leave of absence due to domestic violence, is not honoring a school-sponsored scholarship, and bullying/unprofessional conduct (without specificity). Respondent states student had an attendance issue, and they did place student on a 90 day leave of absence due to domestic violence safety issue for students/staff. When the leave of absence expired, the school decided to revoke the scholarship offer due to the safety issue and not the attendance issue or student threatening the school. Simply stated, the student is not a good fit for the school. Student rebuts she did not have an attendance issue (which was not the reason for revoking the scholarship). Contractual issues (offer/acceptance) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

45. Case No.: COS- 2022042801

First License Obtained: 03/17/1981

License Expiration: 01/31/2024

Complaint History: 2019025061, closure; 2019015261, closure

This 10-11-22 anonymous complaint alleges unlicensed activity. Inspection revealed an apprenticeship program. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

46. Case No.: COS- 2022042901

First License Obtained: 12/23/2016

License Expiration: 08/31/2024

Complaint History: None

This 10-12-22 consumer complaint alleges unlicensed activity, unsanitary conditions and unprofessional conduct (rudeness). Inspection revealed no evidence to substantiate the complaint; Respondent was counseled on individual and shop licensure. A Notice of Violation was not issued.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Concur

47. Case No.: COS- 2022043431

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-15-22 consumer complaint alleges unlicensed activity. Inspector went to address listed in the complaint and spoke with Respondent; Respondent states she practices on friends for no compensation and is about to enter cosmetology school. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

48. Case No.: COS- 2022043581

First License Obtained: 01/18/2018

License Expiration: 01/31/2022

Complaint History: None

This 10-17-22 consumer complaint alleges unsanitary conditions from a home shop. Inspector went to address listed in the complaint; no one answered the door and there were no cars in the driveway. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Concur

49. Case No.: COS-2022043751

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-18-22 consumer complaint alleges they were bitten by Respondent's dog (with alleged pictures in support) while at Respondent's home salon (with social media accepting cash app payments) as well as a negligent service, unsanitary conditions and unprofessional conduct (with specificity). Inspector went to Respondent's residence address and was met by an unknown male who stated Respondent was a cosmetology student who was performing services for friends. Although inspector could hear a dog on the other side the front door, unsanitary conditions could not be verified; a Notice of Violation was not issued. Unknown male was counseled regarding individual licensure/home licensure. Negligence actions are outside the scope of the Board's authority.

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

Decision: Concur

50. Case No.: COS-2022043851

First License Obtained: 10/22/2021

License Expiration: 09/01/2023

Complaint History: 2022032101, closure; 2022032101, closure

This 10-18-22 student complaint alleges an inadequate education and potential negligent misrepresentation regarding payment options with alleged social media and screenshots in support. Contractual matters (tuition for education) and potential negligent misrepresentation actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

51. Case No.: COS- 2022044291

First License Obtained: 10/16/2020

License Expiration: 09/01/2023

Complaint History: 2021050741, closure; 2022027261, closure

This 10-20-22 student complaint alleges Respondent school is requesting all tuition be paid prior to the release of hours for testing. Respondent states student still owes a balance to the school; per the contract, the hours cannot be released until all tuition is paid. Contractual matters are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

52. Case No.: COS- 202204471

First License Obtained: 06/19/1990

License Expiration: 08/31/2024

Complaint History: None

This 10-24-22 former employee complaint alleges criminal conduct (assault) at the shop with the front page of a local newspaper article in support. Respondent owner states she was the one that was assaulted when complainant was trying to take items at the shop out of the salon and owner stood in the doorway. Complainant alleges the things to be taken were here own property. Alleged criminal conduct is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Concur

53. Case No.: COS-2022044841

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-25-22 administrative complaint alleges unlicensed shop activity. The Respondent states they will apply for a shop license. A Notice of Violation was not issued.

Recommendation: Letter of warning (shop licensure).

Decision: Concur

54. Case No.: COS- 2022045211

First License Obtained: 01/26/2022

License Expiration: 01/31/2024

Complaint History: 2022002581, closed by an Agreed Citation and payment of \$2,500.00 civil penalty

This 10-26-22 annual inspection revealed an unlicensed individual practicing on a client. A Notice of Violation was issued. This is the Respondent's second offense for an unlicensed person practicing.

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

Decision: Concur

55. Case No.: COS- 2022045571

First License Obtained: 01/27/2009

License Expiration: 01/31/2023

Complaint History: 2019084951, close the complaint against the owner

This 10-28-22 annual inspection revealed an unlicensed individual practicing on a client. A Notice of Violation was issued.

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

Decision: Concur

56. Case No.: COS- 2022045541

First License Obtained: 12/26/2012

License Expiration: 06/30/2024

Complaint History: 2019081871, closed by an Agreed Citation and payment of \$1,000 civil penalty

Please see fact pattern for Item #55 above. This Respondent is the owner of the salon. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Concur

57. Case No.: COS-2022045901

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-1-22 consumer complaint alleges a negligent service (with alleged pictures in support) and unlicensed activity. Inspector went to address listed in the complaint and an unknown person who answered the door stated the Respondent did not live at the address and no services were being performed at the address. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure (no evidence).

Decision: Concur

BARBER CASES

58. Case No.: BAR- 2022032511

First License Obtained: 03/26/2014

License Expiration: 05/31/2023

Complaint History: 2017037721, closed with Letter of Warning

This 8-3-22 annual inspection revealed an expired shop license (expiration 5-31-22). A Notice of Violation was issued. The shop license has since been renewed through 5-31-23. 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: Concur

59. Case No.: BAR-2022032531

First License Obtained: 06/08/2005

License Expiration: 06/30/2023

Complaint History: None

Please see fact pattern for Item #58 above. This Respondent is the owner/manager of the shop. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Concur

60. Case No.: BAR- 2022032931

First License Obtained: N/A

License Expiration: N/A

Complaint History: 2021009471, sent to collections for failure to pay the assessed \$1,000.00 civil penalty via Consent Order

This 8-8-22 consumer complaint alleges unlicensed activity. Inspection revealed an unlicensed shop. A Notice of Violation was issued. This is Respondent's second offense for an unlicensed shop.

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

Decision: Concur

61. Case No.: BAR- 2022037131

First License Obtained: N/A

License Expiration: N/A

Complaint History: 2022035391, closed by an Agreed Citation and payment of \$1,000 civil penalty

This 9-6-22 consumer complaint alleges unlicensed individual activity from an unlicensed home shop with alleged social media in support. Inspector went to address listed in complaint but was unable to gather evidence to substantiate the complaint. A Notice of Violation was not issued. On October 24, 2022, a duplicate consumer complaint was filed stating the Respondent is now practicing out of an unlicensed home as well as back unlicensed in the shop.

Recommendation: Letter of warning (individual/shop license) and re-inspect unlicensed home shop.

Decision: Concur

62. Case No.: BAR- 2022039311

First License Obtained: 01/07/2013

License Expiration: 11/30/2022

Complaint History: None

This 9-16-22 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Concur

63. Case No.: BAR- 2022040761

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-27-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Concur

64. Case No.: BAR- 2022041171
First License Obtained: 02/03/1994
License Expiration: 02/04/2023
Complaint history: 9094, closed; 2007054861, Letter of Warning;
2010001341, close with no action; 2010001451,
close with no action; 2010001841, Letter of
Warning; 2018069931, closure

This 9-29-22 former student complaint requests of a transfer of hours to the new school. Respondent states a balance of \$188.00 is owed prior to the release of the student transcript to the new school. Contractual matters are outside the scope of the Board's authority.

Recommendation: Closure.
Decision: Concur

65. Case No.: BAR- 2022041301
First License Obtained: N/A
License Expiration: N/A
Complaint History: None

This 9-30-22 anonymous consumer complaint alleges unlicensed activity with alleged business advertising in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Concur

66. Case No.: BAR- 2022043801
First License Obtained: 12/30/2014
License Expiration: 12/29/2022
Complaint History: 2019094561, closure

This 10-18-22 student complaint alleges the following: (1) student is being punished/suspended for a sarcastic remark on a school group chat, (2) student has to pay for mandatory waxes, (3) school is openly questioning student's sexuality, (4) school is openly questioning student's ethics/character/morals, and (5) student is openly questioned for not being on task. Respondent responds they have had multiple issues with student (cursing on the floor, being combative with staff, threatening a student to fight) and Respondent is not able to fulfill the education at the school; Respondent is only charging student for the hours that have been fulfilled. Respondent will not assess the refund policy against the student so the student can continue their education at a school that is a better fit. Student rebuts that he was discharged from the school in retaliation for filing the complaint; they will not release their hours until the balance for student hours incurred has been paid. Contractual matters are outside the scope of the Board's authority.

Recommendation: Closure.
Decision: Concur

RE-PRESENTS

67. Case No.: COS-2019009171
First License Obtained: 07/15/2009
License Expiration: 07/31/2021
Complaint history: None

This matter was previously presented to the Board at its June 3, 2019, meeting as follows: *This Respondent is currently under summary suspension for being charged with sexual battery of a consumer while performed hair services.*

Recommendation: Litigation monitoring

Decision: Approved

Update: While out on bond for the initial criminal charge, Respondent incurred another criminal charge for contacting the victim while under a no-contact order. Respondent then left the United States for his home country of Jordan to avoid arrest. An arrest warrant has been issued to take the Respondent into custody if Respondent should re-enter the United States. Respondent's cosmetology license is in expired-grace status while suspended.

New Recommendation: Lift the license suspension. Close and flag the complaint. When/if Respondent submits and application to renew their license or applies for a new cosmetology license, the Respondent must submit a certified copy of the final disposition of the criminal charges with their application for licensure to be reviewed by the Board which shall determine whether to issue a license to the Respondent.

Decision: Concur

68. 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 matter was previously presented to the Board at its August 1, 2022 meeting as follows: 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.

Update: This \$500.00 civil penalty was previously paid by Agreed Citation on the owner/manager's case number COS-2022019961 back in June, 2022. This would be a duplicate penalty to the shop and its owner.

New Recommendation: Closure.

Decision: Concur

69. Case No.: BAR-2022026501

First License Obtained: 09/18/2017

License Expiration: 09/30/2023

Complaint History: None

This matter was previously presented to the Board at its October 3, 2022 meeting as follows: *This 6-28-22 annual inspection revealed an expired shop license (expiration 9-30-21) as well as no owner or manager present during the operation of the shop. A Notice of Violation was issued. On 8-12-22, owner states he was out of town and was unable to pay the civil penalty before the due date. The shop license has since been renewed through 9-30-23.*

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

Decision: Approved.

Update: Further research indicated the Respondent paid the \$600.00 civil penalty by Agreed Citation before the last Board Meeting of October 3, 2022.

New Recommendation: Closure by the Agreed Citation and civil penalty paid.

Decision: Concur

70. Case No.: COS-2022009561

First License Obtained: 12/08/2014

License Expiration: 11/30/2020

Complaint History: None

This matter was previously presented to the Board at its June 6, 2022 meeting as follows: *This 3-8-22 annual inspection revealed an expired shop license (expiration 11-30-20) and no owner/manager present. 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 \$600.00.

Decision: Approved.

Update: Could not obtain service of process on the Respondent; thus, there will be a service issue at a hearing.

New Recommendation: Closure.

Decision: Concur

71. Case No.: BAR-2022028351

First License Obtained: 04/15/2013

License Expiration: 04/30/2023

Complaint History: None

This matter was previously presented to the Board at its October 3, 2022 meeting as follows: *This 7-12-22 annual inspection revealed an expired shop license (expiration 4-30-21). 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.

Update: Respondent paid the civil penalty by Agreed Citation on 10-10-22.

New Recommendation: Closure by the Agreed Citation and the civil penalty paid.

Decision: Concur

Motion made by Monica Lemons and seconded by Frank Gambuzza to approve the legal report recommendations as amended. The motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Applications for examination for: Jordan Bevels-Gerber, Deadrick North, Quinton Primm and Marquavius Houston. 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 Layne Petty to approve application for examination with a signed Agreed Order. The motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity by Ms. Sidney Sot a military spouse now relocated to Tennessee. Ms. Sot completed her cosmetology education in New Jersey which is 1,200 hours and took her theory exam. Due to COVID restrictions the practical exams stopped being offered. All she needed to do was work 30 days in a shop to get them to sign off on her experience. They were transferred to Tennessee, and she was not able to complete the training to obtain her license. Ms. Sot reached the school closest to her and they quoted more for the 375 hours they needed her to complete than what her previous education cost. She is asking for consideration as a military spouse and be allowed to take the Tennessee practical exam.

Recommendation - is that the applicant take the practical exam.

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

MISCELLANEOUS 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. Carolina Gil Soto provided an explanation saying her immigration status and work permit were paused and took much longer than expected all outside of her control. She passed her practical exam on 8/07/2019.

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 Tenn. Code Ann § 62-3-124 (b), which states that a barber instructor may for good cause be granted up to one additional year to complete their 16 hours of continued education. The Board may, for good cause such as medical hardship or death in the immediate family, approve such an extension. Ms. Rosemary Taylor provided a letter explaining the tragic life changes she's been through. She last completed CE in June 2018 for her December 31, 2019, renewal cycle. In 2021 when she did not complete the requirement, her instructor portion was removed because no extension or request was provided. In November, she realized the instructor was removed. Had she asked for an extension in December 2021 it would have gotten her to December 2022.

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

DIRECTOR'S REPORT:

The FY21-22 added \$151,905 to the reserve bringing the final surplus balance to \$1,299,621. Financial information for July – September shows a net surplus of 38,345 making the balance 1,337,966.

NEW BUSINESS: None

Additional Questions:

Motion to adjourn

Meeting adjourned at 12:55 pm.

MOTION to adjourn made by Judy McAllister and seconded by Mona Sappenfield to adjourn the meeting. The motion carried unanimously.