



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 February 7, 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: Frank Gambuzza, Ron Gillihan, Monica Lemons, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield, Amy Tanksley, and Anita Charlton.

Not available: John Cagle, Yvette Granger

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

Legislative Updates: SB2754/HB2697; SB2768/HB2865; SB2394/HB2141

Legal Counsel for the Board, Hugh Cross, presented updates the Board regarding three (3) bills currently before the legislature. The first bill was SB2754/HB2697 which extends the amount of time that barbers have to complete their education from seven (7) years to eight (8) years from the original date of enrollment. The second bill was SB2768/HB2865 which extended the program's sunset hearing to June 30th, 2028, giving it a six (6) year extension. The third bill was SB2394/HB2141 which would permit the boards to have a combination of in-person participation, as well as virtual participation. It currently contains a requirement for at least one (1) completely in-person meeting per year.

MINUTES-

Minutes for the December 2021 board meetings were submitted for changes and/or approval.

Motion made by Amy Tanksley and seconded by Mona Sappenfield to approve the December 2021 minutes. The motion carried unanimously.

Roberts Rule of Order:

For 2022 the board voted to adopt Roberts Rule of Order.

MOTION made by Amy Tanksley and seconded by Patricia Parsons to adopt Roberts Rules. The motion carried unanimously.

Elect Board Chair and Vice Chair:

Pursuant to T.C.A. 62-4-105, the board shall annually elect a chair and vice chair.

MOTION made by Patricia Parsons and seconded by Janie Ross to elect Ron Gillihan as Chair for 2022. The motion carried by unanimous roll call vote.

MOTION made by Judy McAllister and seconded by Amy Tanksley to elect Becky Russell as vice chair of the State Board of Cosmetology and Barber Examiners for 2022. The motion carried by unanimous roll call vote.

PRESENTED BEFORE THE BOARD-

P.P.G. Academy of Artistry, LLC – New Cosmetology School

Ms. Anjanae Burns participated to answer questions for the board. The school application was presented at the August and December board meeting and the members asked for several updates. The revisions were all received timely.

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

Mid-South Cosmetology and Barber Association – New Barber Apprenticeship School

Ms. Shadonna Banks participated to answer questions for the board. The school is currently already licensed as a cosmetology school located in Memphis. The school application was presented at the December board meeting and the members asked for several updates. The revisions were all received timely.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to deny and re-represent at the April board meeting. The motion carried unanimously.

Blossom Nail Academy – New Specialty Apprenticeship Manicure School

Ms. Be Nguyen participated to answer questions for the board. The school is in Memphis. The school application was presented at the December board meeting and the members asked for several updates. The revisions were all received timely.

MOTION made by Patricia Parsons and seconded by Monica Lemons to approve the new school pending required updates and an inspection by a field inspector. The motion carried unanimously.

Shear Perfection Academy – Change in Location

Ms. Helen Tahiri participated to answer questions for the board. The school is in Nashville. The application and new floor plan were received timely.

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

Pinpoint Barbering Academy – New Barber School

Ms. Halani Harris was not available to answer questions for the board. The school is 3,340 sq. ft. and located in Memphis. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely. The board pointed to 2017 completion rates on the documents submitted.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to deny the new school. The motion carried unanimously.

Memphis Barber College – New Barber School

Mr. Emory Hammonds participated to answer questions for the board. The school is 4,000 sq. ft. and located in Memphis. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely.

MOTION made by Judy McAllister and seconded by Janie Ross to deny and re-represent at the April board meeting. The motion carried unanimously.

CDRS Academy of Beauty – New Full Cosmetology School

Ms. Charlene Purnell participated to answer questions for the board. The school is 3,279 sq. ft. and located in Clarksville. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve the new school pending required updates and an inspection by a field inspector and board member. The motion carried unanimously.

Crown School of Trades and Technology – Change in Location

Ms. Kelly Carter participated to answer questions for the board. The school is in Powell. The application and new floor plan were received timely.

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

Em’Pressed Beauty Academy– New Specialty Manicure School

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

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

Jewels & Gems Institute of Beauty – New Specialty Natural Hair School

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

MOTION made by Monica Lemons and seconded by Judy McAllister to approve the new school pending required updates and an inspection by a field inspector and board member. The motion carried by majority.

The Institute of Beauty – New Specialty Natural Hair Styling School, 2nd campus

Ms. Tamika Turner and Ms. Reba Sanford participated to answer questions for the board. This is the school's second campus. The new school is in Jackson. The new school application, curriculum, blank enrollment agreement, floor plan, catalog and contingency plan were all received timely.

MOTION made by Mona Sappenfield and seconded by Janie Ross to approve the new school pending required updated and an inspection by a field inspector. The motion carried by majority.

2022 Continued Education Seminar Requests:

Tennessee State University, Avon Campus: Ms. Cheryl Seay appeared before the board with information for the instructor continuing education seminar. They requested to have the session on Sunday, August 7 and Monday, August 8, 2022. The session is planned to be in person and virtual.

Motion made by Patricia Parsons and seconded by Mona Sappenfield to approve the 2022 session and requested dates. The motion carried unanimously.

Understand, Educate, Uplift & Strive for Perfection: Mr. Thomas James participated to answer questions regarding the instructor continuing education seminar. He requested the following dates: April 24/25 Virtual; June 26/27 Virtual and in person in Knoxville; September 25/26 Virtual and in person in Nashville and November 6/7 Virtual.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the 2022 session and requested dates. The motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 64 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2021067681

First License Obtained: 09/28/2018

License Expiration: 05/31/2020

Complaint History: None

This 9-29-21 annual inspection revealed a valid shop license not displayed, an expired shop license (expiration 5-31-20) and the owner/manager absent at the time of inspection. A Notice of

Violation was issued. A Letter of Warning was issued for the valid shop license not displayed. The shop license remains expired.

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

Decision: Approved.

2. Case No.: COS- 2021068001

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-1-21 inspection revealed an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved.

3. Case No.: COS- 2021067821

First License Obtained: 06/19/2019

License Expiration: 06/30/2023

Complaint History: None

This 10-4-21 annual inspection revealed an expired shop license (expiration 6-30-21). A Notice of Violation was issued. Respondent shop paid the civil penalty but did not sign the Agreed Citation. The shop license has since been renewed through 6-30-23.

Recommendation: Authorize settlement by consent order by signing the consent order in lieu of a hearing (since monetary penalty has already been paid).

Decision: Approved.

4. Case No.: COS- 2021068141

First License Obtained: 08/23/2017

License Expiration: 12/31/2023

Complaint History: None

This 10-5-21 annual inspection revealed an expired shop license (expiration 8-31-21) and no owner/manager present at time of inspection. A Notice of Violation was issued. The shop license has since been renewed through 12-31-23.

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

Decision: Approved.

5. Case No.: COS- 2021068321

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-6-21 inspection revealed an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved.

6. Case No.: COS- 2021070981

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

This 10-20-21 inspection revealed a mall salon under new ownership, and thus, an unlicensed shop. A Notice of Violation was issued. The Respondent paid the civil penalty but did not sign the agreed citation.

Recommendation: Authorize settlement by consent order by signing the consent order in lieu of a hearing (since the monetary penalty has already been paid).

Decision: Approved.

7. Case No.: COS- 2021071011

First License Obtained: 07/17/2017
License Expiration: 10/31/2019
Complaint History: None

This 10-20-21 annual inspection revealed an expired shop license (expiration 10-31-19) and failure of responsibilities. 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.

8. Case No.: COS- 2021071031

First License Obtained: 07/17/2017
License Expiration: 10/31/2019
Complaint History: None

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

Recommendation: Closure.

Decision: Approved.

9. Case No.: COS- 2021071151

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

This 10-22-21 anonymous consumer complaint alleges drug deals, drinking and unsanitary conditions occurring at the Respondent shop. Inspection revealed an unlicensed shop (shop license was closed in CORE; license was for a different address). A Notice of Violation was issued.

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

Decision: Approved.

10. Case No.: COS- 2021072031

First License Obtained: 05/12/2021

License Expiration: 05/31/2023

Complaint History: None

This 10-27-21 consumer complaint alleges a negligent service that Respondent promised to rectify but failed to ultimately perform. Complainant submits text messages in support.

Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

11. Case No.: COS- 2021073661

First License Obtained: 09/06/2017

License Expiration: 08/31/2023

Complaint History: None

This 11-8-21 competitor complaint alleges an expired shop license. Inspection revealed shop owner had renewed the shop license (through 8-31-23); shop owner was counseled regarding a minor sanitary issue (unclean hairbrushes). A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

12. Case No.: COS- 2021073871

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-9-21 consumer complaint alleges unlicensed individual activity from an unlicensed apartment with alleged social media in support. Inspector went to apartment complex and confirmed that Respondent does not reside at the apartment. A Notice of Violation was not issued.

Recommendation: Close and flag.

Decision: Approved.

13. Case No.: COS- 2021073881

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-9-21 consumer complaint alleges unlicensed activity. Inspector went to business address listed in the complaint; did not see any signage that a business was operating at the location. Attempted contact and no one came to the door; left a card on the door for return phone call. Never received a phone call. Inspector could not substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

14. Case No.: COS- 2021074011

First License Obtained: 08/27/2010

License Expiration: 08/31/2020

Complaint History: None

This 11-10-21 consumer complaint alleges an expired shop license. Inspector went to business location and noted the shop was out of business/no longer operating (shop is in “closed” status as of 11-21-21). A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

15. Case No.: COS- 2021074021

First License Obtained: 11/28/2000

License Expiration: 11/30/2018

Complaint History: None

Please see Item #14 above. This 11-10-21 consumer complaint alleges an expired individual license. Inspector went to business location and noted the shop was out of business/no longer operating. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

16. Case No.: COS- 2021074081

First License Obtained: 12/20/2010

License Expiration: 11/30/2022

Complaint History: 2013011411, Close for lack of grounds of discipline; 2016003401, close and send an inspector for inspection; 2017061711, closure; 2018036941, closure

This 11-11-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

17. Case No.: COS- 2021074341

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-15-21 anonymous consumer complaint alleges a subpar service and unprofessionalism with alleged social media/pictures in support. Negligence actions are outside the scope of the board’s authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

18. Case No.: COS- 2021074261

First License Obtained: 06/18/2018

License Expiration: 09/01/2022

Complaint History: 2019036861, 2019055511, 2019050661, 2019095181, 2019099931, closure; 2020084881, closure

This 11-15-21 former student complaint alleges:

1. Personal learning is 100% remote when promised it would be 50/50;

2. October 2021 hours were not submitted to the state by 11-10-21 and student should have 606 hours accrued;
3. Student is requesting a pro-rated refund of \$550 since program was not 50/50 in-person classes and remote classes.

Respondent school states:

1. Complainant had a choice of in-person (frequent Covid testing) or remote and complainant chose the remote option.
2. Complainant did not receive hours due to missed classes and assignments listed in his own complaint (complainant is a police officer and missed three webinars due to being subpoenaed to court as part of his employment). Respondent school attached monthly student hour reports with the complainant's reasons given for withdrawal.
3. Complainant listed his withdrawal reason "this position that he is in for his job will not allow him to list his last name on the webinar as he has taken on an undercover assignment/operation." Per the student/school contract, complainant is not entitled to a refund.

Contractual/refund/litigation matters are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

19. Case No.: COS- 2021074861

First License Obtained: 02/06/2019

License Expiration: 01/31/2023

Complaint History: None

This 11-17-21 annual inspection revealed an expired shop license (expiration 6-30-21). A Notice of Violation was issued. The shop license has since been renewed through 1-31-23.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

20. Case No.: COS- 2021075231

First License Obtained: 09/28/2018

License Expiration: 01/31/2022

Complaint History: None

This 11-18-21 consumer complaint alleges unprofessionalism and requests a refund of a deposit for a service not performed. Inspection revealed the employee who took the deposit no longer works for the Respondent salon. Refund/theft matters are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

21. Case No.: COS- 2021075451

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-19-21 consumer complaint alleges an eye infection/unlicensed activity with no medical records in support. 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.

22. Case No.: COS- 2021075581

First License Obtained: 07/28/2017

License Expiration: 07/31/2023

Complaint History: None

This 11-21-21 alleges unlicensed individual activity with alleged social media in support.

Inspection revealed Respondent is no longer working at the salon. A Notice of Violation was not issued. Respondent has an active cosmetology license that is current through 7-31-23.

Recommendation: Closure.

Decision: Approved.

23. Case No.: COS- 2021075721

First License Obtained: 01/06/2016

License Expiration: 01/31/2024

Complaint History: None

This 11-23-21 consumer complaint alleges a negligent service. Respondent states complainant had previous hair damage from treatments done elsewhere. Complainant rebuts she does not go to any other hair stylist other than the Respondent. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

24. Case No.: COS- 2021075781

First License Obtained: 08/18/2014

License Expiration: 08/31/2022

Complaint History: None

This 11-23-21 consumer complaint alleges unlicensed activity from a home with alleged social media in support. Inspector went to address listed and spoke with an unknown male; there were no signs of advertising or services being rendered at the home. A Notice of Violation was not issued.

Recommendation: Close and flag.

Decision: Approved.

25. Case No.: COS- 2021076191

First License Obtained: 10/04/2006

License Expiration: 09/30/2022

Complaint History: None

This 11-28-21 consumer complaint alleges a negligent service with medical records in support. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

26. Case No.: COS- 2021076891

First License Obtained: 06/19/2014

License Expiration: 06/30/2022

Complaint History: None

This 11-29-21 annual inspection revealed an expired shop license (expiration 2-28-21). A Notice of Violation was issued and the civil penalty was paid by the shop pursuant to an agreed citation. This Respondent is the owner of the salon cited for failure of responsibilities. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

27. Case No.: COS- 2021076711

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-1-21 Attorney General - Division of Consumer Affairs referral consumer complaint alleges unsanitary conditions resulting in sores and requests a refund. Inspection revealed no evidence to substantiate the allegation. Refunds are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

28. Case No.: COS- 2021076901

First License Obtained: 09/15/2009

License Expiration: 09/30/2023

Complaint History: None

This 12-2-21 alleges a negligent service (requesting a refund), unprofessional conduct and unlicensed activity. Inspection revealed only a lack of nametags. A Notice of Violation was not issued. Negligence actions/refunds are outside the scope of the Board's authority.

Recommendation: Letter of instruction (nametags/unprofessional conduct).

Decision: Approved.

29. Case No.: COS- 2021077141

First License Obtained: 01/26/2021

License Expiration: 01/31/2023

Complaint History: None

This 12-2-21 consumer complaint alleges a negligent service with pictures in support. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

30. Case No.: COS- 2021077921

First License Obtained: N/A

License Expiration: N/A
Complaint History: None

This 12-6-21 competitor complaint alleges unlicensed individual activity from an unlicensed home shop. Inspector went to address listed and spoke with Respondent's mother; Respondent is a minor. Respondent's mother was counseled on personal/shop licensure. A Notice of Violation was not issued.

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

Decision: Approved.

31. Case No.: COS- 2021078081

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

This 12-6-21 Consumer Affairs Division consumer complaint alleges unlicensed activities with alleged social media in support. Inspector went to address listed and spoke with Respondent's boyfriend; Respondent is a student and boyfriend was only aware of Respondent practicing on family members. A Notice of Violation was not issued.

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

Decision: Approved.

32. Case No.: COS- 2021078211

First License Obtained: 06/25/2021
License Expiration: 05/31/2023
Complaint History: None

This 12-7-21 Attorney General - Division of Consumer Affairs referral complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint; only a valid individual license not displayed and no storage area for clean towels. A Notice of Violation was not issued.

Recommendation: Letter of instruction (valid individual license not displayed; no storage area for clean towels).

Decision: Approved.

33. Case No.: COS-2021079011

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

This 12-13-21 consumer complaint alleges unlicensed individual activity from an unlicensed home shop. Inspector went to address listed in the complaint and no one would answer the door; inspector left a card that was taken off the door by the occupant. Respondent had two (2) separate complaints for the same allegation on the December 6, 2021 legal report, resulting in a "letter of warning and flag" regarding the same unlicensed activity. In the previous complaint(s), inspector made contact with the Respondent, who simply stated that cosmetology was not being practiced at the residence.

Recommendation: Referral to local law enforcement agency/district attorney's office for consideration of investigation/prosecution for impersonation of licensed professional.

Decision: Approved.

34. Case No.: COS- 2021079081

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-13-21 consumer complaint states the same allegations as in Item #34 above. This complaint also lists a witness, presumably able to testify. The same inspection above was performed for both complaints.

Recommendation: Since there is a witness, referral to local law enforcement agency/district attorney's office for consideration of investigation/prosecution for impersonation of licensed professional.

Decision: Approved.

35. Case No.: COS-2021079181

First License Obtained: 02/15/2018

License Expiration: 02/28/2022

Complaint History: 2018072831, closed by Consent Order and payment of \$1,000 civil penalty; 2020043961, closed by Consent Order and payment of \$2,000 civil penalty

This 12-14-21 former employee complaint alleges unlicensed individual activity, performing services outside of a license, and unsanitary conditions. Inspection revealed an unlicensed person performing cosmetology on a client. A Notice of Violation was issued. This is the Respondent's third offense for employing unlicensed individuals.

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

Decision: Approved.

36. Case No.: COS-2021080051

First License Obtained: 02/10/2006

License Expiration: 02/28/2022

Complaint History: 2014006131, close this case as not a violation; 2018072861, closed by Consent Order and payment of \$1,000 civil penalty; 2020043991, closed by Consent Order and payment of \$500.00 civil penalty

Please see fact pattern for Item #36 above. This Respondent is the co-owner of the shop. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

37. Case No.: COS-2021080081

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #36 above. This Respondent is the unlicensed individual performing cosmetology on a client.

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

Decision: Approved.

38. Case No.: COS-2021079801

First License Obtained: 06/26/2018

License Expiration: 06/30/2022

Complaint History: None

This 12-18-21 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

39. Case No.: COS-2021080401

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-23-21 anonymous 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.

40. Case No.: COS-2021080411

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-24-21 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed home with alleged social media in support. Inspector noted this is the second such complaint on Respondent for unlicensed activity. Inspector went to address listed in complaint; no one answered the door and a card was left on the door for a return phone call. A return phone call never occurred.

Recommendation: Referral letter to local authorities/district attorney's office for consideration of investigation/prosecution of felonious conduct of impersonation of licensed professional.

Decision: Approved.

41. Case No.: COS-2021080701

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-28-21 consumer complaint alleges a negligent service and requests a refund. Inspector went to address listed on complaint, which was an apartment, and no one answered the door; a

card was left on the door. Respondent contacted inspector and states she works at a local salon; this matter is an ongoing dispute. Negligence/refund actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

42. Case No.: COS- 2021080751

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-28-21 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed Respondent was not working at the salon that day; salon owner told inspector that Respondent passed theory portion of exam and was scheduled to take practical portion of exam after the new year. Inspector counseled salon owner that Respondent needed to be licensed in order to practice cosmetology; salon owner stated they would let the Respondent know. A Notice of Violation was not issued.

Recommendation: Letter of warning (individual license).

Decision: Approved.

43. Case No.: COS- 2021080691

First License Obtained: 06/19/2018

License Expiration: 05/31/2022

Complaint History: None

This 12-28-21 consumer complaint alleges a negligent service and bad customer service/unprofessional conduct. Respondent shop manager states they are apologetic for the alleged bad service and will try to improve their overall customer service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of instruction (customer service/unprofessional conduct).

Decision: Approved.

44. Case No.: COS- 2021080821

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-29-21 consumer complaint alleges unprofessional, unlicensed individual activity from an unlicensed and unsanitary apartment. Inspector went to apartment listed and no one answered the door; inspector left a card on the door for a return phone call. Inspector called the phone number listed in the complaint and Respondent hung up on inspector; inspector left a text message with the Respondent that was not answered.

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

Decision: Approved.

45. Case No.: COS-2022000061

First License Obtained: N/A

License Expiration: N/A
Complaint History: 2018071681, closure

This 1-3-22 cosmetology school owner complaint alleges Respondent is an unlicensed aesthetician operating an unlicensed shop with unsanitary conditions, with alleged social media in support. Inspection of the address listed, a clothing store where Respondent is the receptionist, did not reveal an aesthetician practice and thus revealed no evidence to substantiate the complaint. Respondent is a cosmetology graduate and sitting for exams. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

46. Case No.: COS-2022000641

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-8-22 consumer complaint alleges an unlicensed home shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

47. Case No.: COS-2022000851

First License Obtained: 05/19/2011

License Expiration: 07/31/2022

Complaint History: None

This 1-10-22 anonymous consumer complaint alleges unlicensed activity from an unlicensed shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

BARBER CASES

48. Case No.: BAR- 2021065781

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-21-21 anonymous complaint alleges unlicensed individual activity. Inspector was unable to locate the shop premises based on the location information listed in the anonymous complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

49. Case No.: BAR- 2021068901

First License Obtained: 08/19/2016

License Expiration: 08/31/2022

Complaint History: None

This 10-7-21 inspection revealed an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved.

50. Case No.: BAR- 2021070701

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-19-21 anonymous complaint alleges unlicensed individual activity. 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.

51. Case No.: BAR- 2021070851

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-19-21 inspection revealed an unlicensed shop and an individual practicing without a valid license. A Notice of Violation was issued. Later research showed this Respondent is not a co-owner of the shop and the real owner previously paid for the same Notice of Violation/civil penalty by agreed citation.

Recommendation: Closure.

Decision: Approved.

52. Case No.: BAR- 2021076021

First License Obtained: 02/14/2019

License Expiration: 02/28/2021

Complaint History: None

This 11-21-21 annual inspection revealed an expired owner/personal license (expiration 1-31-21), thus making the shop owner not present, as well as an expired shop license (expiration 2-28-21). 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 \$600.00.

Decision: Approved.

53. Case No.: BAR-2021078561

First License Obtained: 07/07/2011

License Expiration: 03/31/2022

Complaint History: 2013008361, dismissed; 2017038031, closed by Consent Order and paid of \$1,000 civil penalty; 2019095821, closure

This 12-9-21 student complaint alleges an inadequate education. Respondent school states they have met with complainant in order to meet the student's academic needs.

Recommendation: Closure.

Decision: Approved.

54. Case No.: BAR-2021079641

First License Obtained: 12/17/2020

License Expiration: 11/30/2022

Complaint History: None

This 12-16-21 annual inspection revealed a cosmetologist practicing in a non-dual barber shop and failure of responsibilities. A Notice of Violation was issued.

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

Decision: Approved.

55. Case No.: BAR-2021079681

First License Obtained: 12/17/2020

License Expiration: 11/30/2022

Complaint History: None

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

Recommendation: Closure.

Decision: Approved.

56. Case No.: BAR-2021079661

First License Obtained: 11/10/2016

License Expiration: 11/30/2022

Complaint History: 2017060521, closure

Please see fact pattern above for Item #55 above. This Respondent stated they were the manager; cited for failure of responsibilities.

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

Decision: Approved.

57. Case No.: BAR- 2021080801

First License Obtained: 01/29/2013

License Expiration: 01/31/2023

Complaint history: 2013001731, closed by Consent Order and payment of \$750.00 civil penalty; 2015017431, closed by Consent Order and payment of \$1,000 civil penalty; 2017019591, closed by Consent Order and payment of \$600.00 civil penalty; 2018050371, 2018064531, 2018065541, closure

This 12-28-21 consumer complaint alleges unlicensed individual activity at the Respondent shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

RE-PRESENTS

58. Case No.: COS- 2021046181

First License Obtained: 01/21/2010

License Expiration: 01/31/2022

Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows: *Please see fact patten for Item #1 above. This Respondent is the designated manager cited for failure of responsibilities.*

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

Decision: Approved

Update: This designated manager is also the owner of the shop; the civil monetary penalty was assessed to the shop. This would be a duplicitous penalty against the shop and its owner.

New recommendation: Closure.

Decision: Approved.

59. Case No.: COS- 2021073011

First License Obtained: 04/24/2000

License Expiration: 04/30/2022

Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows: *This 11-1-21 annual inspection revealed an expired shop license (expiration 4-30-20) and the shop owner/manager not present. A Notice of Violation was issued. Respondent owner states they never received a written notice regarding the renewal of shop licenses. The shop license has since been renewed through 4-30-22.*

Recommendation: Letter of warning (expired shop license). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 for shop owner/manager not present.

Decision: Approved

Update: Owner/manager provided a copy of his updated individual license (expiration 10-31-23), which was the underlying evidence for the owner/manager not being “present” at the time of inspection.

New recommendation: Letter of warning (expired individual license/owner).

Decision: Approved.

60. Case No.: COS- 2021071071

First License Obtained:

05/05/2008

License Expiration:

04/30/2022

Complaint History:

2011024811, closed by Consent Order and payment of 1,000 civil penalty; 2013012791, closed by Consent Order and payment of \$500.00 civil penalty; 2020076881, closed by

Consent Order and payment of \$1,000 civil penalty

This matter was previously presented to the Board at its December 6, 2021 meeting as follows:

This 10-21-21 annual inspection revealed an unlicensed individual practicing on a client and failure of responsibilities of owner/manager. A Notice of Violation was issued for both infractions. Respondent manager contacted disciplinary counsel after inspector left and stated manager would produce a copy of the unlicensed person's Tennessee cosmetology license but did not do so. This is Respondent's second offense for an unlicensed individual practicing.

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

Decision: *Approved*

Update: Respondent shop provided sufficient proof to disciplinary counsel to show that the "unlicensed" person practicing had passed the examination and applied for licensure the day before the inspection occurred and was issued a license on October 22, 2021.

New recommendation: Letter of warning (individual license).

Decision: Approved.

61. Case No.: COS- 2021071111

First License Obtained:

05/12/2000

License Expiration:

05/31/2022

Complaint History:

2020076901, closed by Consent Order and payment of \$1,000 civil penalty

This matter was previously presented to the Board at its December 6, 2021 meeting as follows:
Please see fact pattern for Item #115 above. This Respondent is the designated manager cited for failure of responsibilities. This is Respondent's second offense.

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

Decision: *Approved*

Update: Respondent designated manager provided sufficient proof to disciplinary counsel to show that the "unlicensed" person practicing had passed the examination and applied for licensure the day before the inspection occurred and was issued a license on October 22, 2021.

New recommendation: Letter of warning (individual license).

Decision: Approved.

62. Case No.: COS- 2021066011

First License Obtained:

N/A

License Expiration:

N/A

Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows:
This 9-22-21 inspection revealed an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved

Update: Respondent is a hair braider only, thus her salon suite/shop does not need to be individually licensed.

New recommendation: Closure.

Decision: Approved.

63. Case No.: BAR- 2021070911

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows:

This 10-19-21 competitor complaint alleges an unlicensed shop. Inspection revealed an unlicensed shop, an unlicensed person practicing on a client without a valid license, and no owner/manager present at the time of inspection. A Notice of Violation was issued for the unlicensed shop and unknown person practicing on a client without a valid license.

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

Decision: Approved

Update: Research showed this Respondent is not a co-owner of the shop and the real owner previously paid for the same Notice of Violation/civil penalty by agreed citation.

New recommendation: Closure.

Decision: Approved.

64. Case No.: COS- 2021065041

First License Obtained: 02/14/1996

License Expiration: 02/28/2022

Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows:
This 9-16-21 annual inspection revealed an expired shop license (expiration 4-30-21). 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

Update: The shop license has now been renewed through 4-30-23.

New recommendation: Letter of warning (expired shop license).

Decision: Approved.

MOTION made by Patricia Parsons and seconded by Amy Tanksley for approval by the full board of the Legal Report as amended. The motion carried unanimously, however, Ron Gillihan abstained from voting on cases numbered 54, 55, and 56.

RULEMAKING HEARING

The Rulemaking Hearing began at 12:02 p.m. and ended at 12:20 p.m. A transcript of the proceeding will be made available upon receipt from the court reporter present.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Julia Bittinger and Michael Flippen. 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 Patricia Parsons to approve application for examination with a signed Agreed Order. The motion carried unanimously.

APPLICATIONS FOR RECIPROCIITY-

Application for reciprocity of cosmetology license from New York for Suxiao Wu. A Lookup of the license reflects the initial license was issued November 30, 2021, with hours from New York and both exams. Mr. Wu was licensed in Tennessee in July 2013 with documents from Puerto Rico. An administrative review concluded, with the assistance from Puerto Rico authorities, that the licensing information was not accurate. His Tennessee license was revoked in May 2014. With this current application, Mr. Wu provided educational documents from two separate schools in Tennessee. Both schools are revoked. Separately, Mr. Wu had an inspection of his shop in Memphis where he was working unlicensed and with no manager. That shop license had several complaints and has also been revoked.

Recommendation – none

MOTION made by Judy McAllister and seconded by Frank Gambuzza to require Mr. Wu to provide certified documentation of his cosmetology education from New York and to take Tennessee cosmetology exams. The motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for approval of manicurist license for Phuong Ngo. Ms. Ngo was licensed by reciprocity from Texas in 2013. That license was revoked in December 2016 for failure to obtain licensure as the statute requires. Since then, she attended a school in Tennessee and passed the theory in April 2021 and the practical on November 30, 2021.

MOTION made by Patricia Parsons and seconded by Judy McAllister 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. Ashley Shelley provided an explanation that she attempted to get her license. She passed the practical reinstatement exam on 7/15/2020.

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

Request for approval of master barber license for Delvin Washington. Mr. Washington was licensed with education from a Tennessee school and both exams in 2005. That license expired in 2011 and Mr. Washington needed to take the reinstatement exams. He was working on an expired license and entered a payment plan as part of the Consent Order. His license was revoked in 2017 for failure to comply with the payment plan. Since then, he has paid the civil penalty and passed his practical exam on January 3, 2022.

MOTION made by Mona Sappenfield and seconded by Judy McAllister 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. Ageth Wom applied for a license by reciprocity and needed to pass the practical exam to substantially meet the requirements. She provided an explanation that she moved three times in 2020 and had hardships due to COVID. She passed the practical exam on 8/01/2019.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons 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. Taylor Evans in an initial applicant and she provided the explanation that she had moved and missed that she needed to apply within six (6) months after passing the examination. She passed her practical exam on January 19, 2021.

MOTION made by Patricia Parsons and seconded by Frank Gambuzza to approve the license. The motion carried unanimously.

DIRECTOR'S REPORT:

FY20 -FY21 closed with a positive reserve balance of 1,147,716. The YTD December 2021 has the current reserve at \$1,169,247.

Director Gumucio updated the Board regarding the recent changes to the PSI website and testing procedures. The changes were implemented on February 2, 2022 and include the use of test questions from a national database that focus primarily on public safety and allowing applicants to take the exams virtually.

NEW BUSINESS:

Legal Counsel for the Board, Hugh Cross, presented a working redline version of the rules to work on sanitation changes, update to equipment list and flexibility for shops providing limited services. The board members collaborated on updates. Mr. Cross will make the changes and email the members for their review prior to the April 4, 2022, board meeting so the proposed rules can move forward.

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

Additional Questions: None

Motion to adjourn

Meeting adjourned at 1:10 p.m.

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