



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2515**

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting June 6, 2022, at 10:00 a.m. in person in Room 1A and via Teams.

The Meeting was called to order by Chairman Ron Gillihan.

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

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

Members participating remotely: John Cagle and Becky Russell.

Not available: Frank Gambuzza, Monica Lemons and Judy McAllister.

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

Ms. Yvette Granger was thanked for her years of service and staying on the Board even after her term expired.

The board welcomed two new members, Ms. Kimberly Ray is the new member representing Natural Hair Styling and Mr. Jeffery Moran filled the vacancy for Master Barber.

MINUTES-

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

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

Legislative Updates:

Legal Counsel for the Board, Hugh Cross, updated the Board on the hearing held May 16th passing the Barber Rules regarding instructor hours and the supervising professional for apprenticeship students. Those rules were done to be consistent with revised laws. Mr. Cross also updated the board on SB2754. He gave the members an update of the Rules worked on at the February meeting. The rulemaking hearing should be set for the August 1, 2022, board meeting.

PRESENTED BEFORE THE BOARD-

Goshen School of Cosmetology – Change in Location

Ms. Latonya Williams participated to answer questions for the board. The school is in Memphis. The application, enrollment agreement and floor plan were all received timely.

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

All Aspects Barber/Stylist Shop and Beyond – New Barber Apprenticeship School

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

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

Aspire Academy of Aesthetics – New Specialty Aesthetics School

Ms. Sherry Jordan participated to answer questions for the board. The school is 4,000 sq. ft. and located in Kingsport. 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 Janie Ross to approve pending required updates and an inspection by a field inspector and board member. The motion carried unanimously.

Urban Beauty and Barber Institute – Change in Location (both licenses)

Mr. Tim Burns and Penney Burns participated to answer questions for the board. The school is located in Memphis. The school application, enrollment agreement and floor plan were received timely.

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

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 86 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2022005451

First License Obtained: 03/05/2021
License Expiration: 02/28/2023
Complaint History: None

This 2-9-22 annual inspection revealed the shop was performing services outside of the license (skincare/waxing) that was also listed in the services menu. A Notice of Violation was issued.

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

Decision: Approved.

2. Case No.: COS- 2022007641

First License Obtained: 10/26/2010
License Expiration: 10/31/2022
Complaint History: None

This 2-22-22 annual inspection revealed an expired shop license. The shop renewed the shop license and a letter of warning was issued for same on 4-7-22. This Respondent is the owner of the shop. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

3. Case No.: COS- 2022007381

First License Obtained: 06/23/2017
License Expiration: 06/30/2023

Complaint History: None

This 2-22-22 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 6-30-23.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

4. Case No.: COS- 2022007421

First License Obtained: 02/09/2016

License Expiration: 02/29/2024

Complaint History: None

Please see fact pattern for Item #3 above. This Respondent is the owner of the shop; this would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

5. Case No.: COS- 2022007661

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-23-22 inspection revealed an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved.

6. Case No.: COS- 2022007971

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 2-24-22 inspection revealed an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved.

7. Case No.: COS- 2022008091

First License Obtained: 03/18/1994
License Expiration: 09/01/2022
Complaint History: 200150571, Dismissed; 2002110651, Dismissed; 2006012991, closed with a Letter of Warning; 2007073971, closed with action; 2007085211, Dismissed; 2008006181, Dismissed; 2009025561, closed w/no action; 2012017051, closed w/ no action; 2014027021, close the case on the grounds that there is no evidence to show that a violation of a statute or board policy has occurred

This 2-28-22 alleged student complaint alleges the Respondent has allowed a former convicted sex offender into its school as a student. Respondent submits the board does not require a background check in order to sit for licensure; no complaints have been raised by a student/staff/client and the former offender has been an outstanding student.

Recommendation: Closure.

Decision: Approved.

8. Case No.: COS-2022008751

First License Obtained: 12/15/2016
License Expiration: 12/31/2022
Complaint History: None

This 3-1-22 annual inspection revealed an expired shop license (expiration 12-31-20) and the shop owner/manager was not present during the operation of the shop. Respondent shop owner states the shop license was renewed (current through 12-31-22) and the cosmetologist performing services at the time of the inspection was indeed the cosmetology shop manager.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

9. Case No.: COS-2022008841

First License Obtained: 06/18/2014
License Expiration: 05/31/2024
Complaint History: 202002524, closed with no violation

This 3-2-22 annual inspection revealed an expired shop license (expiration 5-31-20) and no owner/manager present during the shop's operation/inspection. A Notice of Violation was issued. The shop license has since been renewed through 5-31-24.

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

Decision: **Approved.**

10. Case No.: COS-2022009561

First License Obtained: **12/08/2014**
License Expiration: **11/30/2020**
Complaint History: **None**

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.**

11. Case No.: COS-2022010001

First License Obtained: **08/09/2021**
License Expiration: **08/31/2023**
Complaint History: **None**

This 3-13-22 consumer complaint alleges dissatisfaction with a service and unsanitary conditions. Inspection of the salon revealed no evidence of unsanitary conditions; Respondent no longer works at salon. Complainant requested complaint be withdrawn after Respondent apologized and issued a refund for the service.

Recommendation: **Closure (complaint withdrawn).**

Decision: **Approved.**

12. Case No.: COS-2022010101

First License Obtained: **07/16/1987**
License Expiration: **07/31/2022**
Complaint History: **None**

This 3-14-22 consumer complaint alleges a negligent service with alleged photographs in support. Respondent submits a general denial and states further that they offered to correct/fix the service. Complainant refused and requested a refund. Negligence actions are outside the scope of the Board's authority.

Recommendation: **Closure.**

Decision: **Approved.**

13. Case No.: COS-2022010111

First License Obtained: 03/28/2011
License Expiration: 09/01/2022
Complaint History: 2005031451, dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation; 2018043371, closure; 2018078111, closure; 2019099911, closure with referral to authorities regarding drug distribution; 2020009291, close; 2020011861, close; 2021062651, closure; 2021061251, closure; 2021069211, closure

This 3-14-22 student complaint alleges Respondent's program is 900 hours when the state requirement is 750 hours; the extra 150 hours is for microderm abrasion that is taught in 3 hours (requiring extra tuition for the 150 hours). Student requested a curriculum breakdown on how many hours were spent on the additional 150 hours; she was not provided the requested information. Respondent states (aesthetician) student was provided with a school catalog prior to enrollment that details the 900 hour program of 150 general hours, 150 chemical hours, and 600 physical hours.

Recommendation: Closure.

Decision: Approved.

14. Case No.: COS- 2022010381

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

This 3-14-22 shop inspection revealed an unlicensed individual (Respondent). A Notice of Violation was issued.

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

Decision: Approved.

15. Case No.: COS-2022010151

First License Obtained: 07/07/2021
License Expiration: 09/01/2022

Complaint History: 2021068711, closure; 2022008991, closed with letter of instruction; 2022010041, closure

This 3-14-22 student complaint alleges, pertinently, that the school (1) lacks licensure, (2) student hours are not being kept properly (student did not provide any further specificity), and (3) pre-paid books are not being provided to students. Respondent states (1) they are licensed/ received a 100 on their most recent annual inspection, (2) this issue was not addressed by the Respondent, and (3) the books are on back order and should be shipped out on 3-29-22.

Recommendation: Closure.

Decision: Approved.

16. Case No.: COS-2022010481

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

This 3-16-22 consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed a duplex (a specific apartment number was not provided in the complaint); otherwise, there was no exterior evidence of an operation to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Close (no specific apartment number) and flag.

Decision: Approved.

17. Case No.: COS-2022010501

First License Obtained: 03/28/2011
License Expiration: 09/01/2022
Complaint History: 2005031451, dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation; 2018043371, closure; 2018078111, closure; 2019099911, closure with referral to authorities regarding drug distribution; 2020009291, close; 2020011861, close; 2021062651, closure; 2021061251, closure; 2021069211, closure

This 3-16-22 student complaint alleges Respondent is not allowing a student to transfer 147 hours in order to graduate since the hours were not within 2 years of completing the course. Respondent acknowledges this 2-year policy, which is contained in the school's catalog and was received by the student prior to her enrollment. Further, Respondent is working with student on completing and understanding the importance of class attendance in order to complete her program.

Recommendation: Closure.

Decision: Approved.

18. Case No.: COS-2022010921

First License Obtained: 01/31/2019
License Expiration: 01/31/2023
Complaint History: None

This 3-17-22 annual inspection revealed an expired shop license (expiration 1-31-21) and the shop owner/manager absent during the operation of the shop. A Notice of Violation was issued. The shop license has since been renewed through 1-31-23.

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

Decision: Approved.

19. Case No.: COS-2022010981

First License Obtained: 07/31/2015
License Expiration: 07/31/2023
Complaint History: None

This 3-18-22 consumer complaint alleges a negligent service requiring hospitalization/lost wages (no medical records submitted) and unsanitary conditions. Inspection revealed minor/correctable unsanitary conditions; a Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure (respondent was counseled).

Decision: Approved.

20. Case No.: COS- 2022011171

First License Obtained: 10/31/2011
License Expiration: 10/31/2023
Complaint History: None

This 3-18-22 anonymous consumer complaint alleges unlicensed activity. Inspection revealed a skin clinic under the supervision of two (2) medical doctors; not under the board's authority.

Recommendation: Closure.

Decision: Approved.

21. Case No.: COS- 202201121

First License Obtained: 01/08/2020
License Expiration: 12/31/2023
Complaint History: 2020027531, closure

This 3-21-22 consumer complaint alleges unlicensed activity from the individual suites. Inspector went out on several occasions to inspect the building; building was always locked/closed. A Notice of Violation was not issued.

Recommendation: Close and flag.

Decision: Approved.

22. Case No.: COS- 2022011241

First License Obtained: 07/07/2021
License Expiration: 09/01/2022
Complaint History: 2021068711, closure; 2022008991, closed with letter of instruction; 2022010041, closure

This 3-22-22 student complaint alleges unsanitary conditions (with alleged pictures in support), an inadequate education, unprofessional conduct of the school owner (no specificity provided) and use of profanity in the student clinic. The Respondent states they have a janitorial service that comes in on Sunday/Monday nights and the students are supposed to also keep areas clean (pictures of remedied areas in support) and received a 100 on their most recent annual inspection. Inadequate education was not addressed but is a contractual matter (tuition in exchange for education). The school owner submits a general denial of unprofessionalism. The student using profanity on the clinic floor was recently suspended; students sign waivers on how to conduct themselves on the clinic floor.

Recommendation: Closure.

Decision: Approved.

23. Case No.: COS- 2022011651

First License Obtained: N/A
License Expiration: N/A

First License Obtained: 09/10/2010
License Expiration: 04/30/2023
Complaint History: 2011026351, closed; 2014012051, closed by Consent Order and payment of \$1,000 civil penalty; 2017055741, closed by Consent Order and payment of \$1,000 civil penalty; 2019085961, closed by an Agreed Citation and payment of \$100 civil penalty

This 3-28-22 consumer complaint alleges theft/unprofessional conduct (with specificity) and unlicensed activity. Inspection revealed no evidence of unlicensed activity. A Notice of Violation was not issued. Criminal matters (theft) are outside the scope of the Board's authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

30. Case No.: COS-2022013061

First License Obtained: 05/03/2004
License Expiration: 04/30/2023
Complaint History: None

This 3-31-22 anonymous consumer complaint alleges Respondent shop is providing services outside of its license with alleged social media in support. Inspection revealed Respondent cosmetologist/shop is applying for a master barber license/shop license. There was no evidence of Respondent providing barbering services on a client at the time of inspection. A Notice of Violation was not issued; however, Respondent was counseled on licensure for master barber/barber shop licenses.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

31. Case No.: COS-2022013071

First License Obtained: 03/13/2002
License Expiration: 03/31/2024
Complaint History: None

Please see fact pattern for Item #30 above. This Respondent is the cosmetologist/shop owner who was counseled.

Recommendation: Closure.

Decision: Approved.

32. Case No.: COS-2022013161

First License Obtained: 01/26/2012
License Expiration: 01/31/2024
Complaint History: None

This 4-1-22 consumer complaint alleges negligence/dissatisfaction with a service (denied a refund) and expired license activity. Inspection revealed Respondent no longer works at the salon (in order to check the status of the Respondent's individual license) and salon was having complainant back to the salon to rectify the alleged hair damage of the Respondent. Refunds/negligence actions are outside the scope of the Board's authority.

Recommendation: Closure (no evidence of expired license by inspector).

Decision: Approved.

33. Case No.: COS-2022013211

First License Obtained: 12/05/2013
License Expiration: 01/31/2024
Complaint History: None

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

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

Decision: Approved.

34. Case No.: COS-2022013231

First License Obtained: 04/18/2022
License Expiration: 04/30/2024
Complaint History: None

Please see fact pattern for Item #33 above. This Respondent is the unlicensed individual practicing on a client.

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

Decision: **Approved.**

35. Case No.: COS-2022013401

First License Obtained: **12/20/2019**
License Expiration: **12/31/2023**
Complaint History: **None**

This 4-4-22 consumer complaint alleges a negligent service, unsanitary conditions and unprofessional conduct (providing specific detail). Inspection revealed no evidence of unsanitary conditions. Negligence actions are outside the scope of the Board’s authority.

Recommendation: **Letter of warning (unprofessional conduct).**

Decision: **Approved.**

36. Case No.: COS-2022013471

First License Obtained: **10/16/2020**
License Expiration: **09/01/2022**
Complaint History: **2021041831, closure; 2021020601, closure**

This 4-5-22 student complaint alleges unprofessional conduct and false imprisonment; Respondent school submits a general denial of both allegations. Both sides submit witnesses in support of their positions on both issues. Criminal actions (false imprisonment) are outside the scope of the Board’s authority.

Recommendation: **Letter of instruction (unprofessional conduct).**

Decision: **Approved.**

37. Case No.: COS-2022013551

First License Obtained: **01/21/2022**
License Expiration: **01/31/2024**
Complaint History: **None**

This 4-5-22 consumer complaint alleges dissatisfaction with a service, unlicensed activity, discrimination, nonpayment of taxes, wages issues, and unprofessional conduct (with specificity). Inspection revealed no evidence of unlicensed workers performing services on clients. A Notice of Violation was not issued. Dissatisfaction/discrimination/wage/tax issues are outside the scope of the Board’s authority.

Recommendation: **Letter of warning (unprofessional conduct).**

Decision: **Approved.**

38. Case No.: COS-2022013541

First License Obtained: 05/31/2018
License Expiration: 09/01/2022
Complaint history: 2018027341, closed with Letter of Instruction;
2019036461, closure; 2019059191, closure;
2020064201, closed with Letter of Warning;
2021063931, closed with Letter of Warning

This 4-5-22 student complaint alleges unlicensed activity at the school. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

39. Case No.: COS- 2022013741

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

This 4-7-22 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

40. Case No.: COS- 2022013931

First License Obtained: 03/25/1998
License Expiration: 07/31/2022
Complaint History: None

This 4-7-22 anonymous consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

41. Case No.: COS- 2022014191

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

This 4-10-22 consumer complaint alleges unlicensed activity from an unlicensed home. Inspector went to the address listed and no one answered the door; no signage was posted at the residence and no customers were in the driveway. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: **Approved.**

42. Case No.: COS- 2022014391

First License Obtained: **09/15/2006**
License Expiration: **09/30/2022**
Complaint History: **None**

This 4-11-22 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

43. Case No.: COS- 2022014841

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

This 4-13-22 anonymous consumer complaint alleges unlicensed activity from an unlicensed apartment. Inspector was unable to locate the apartment listed in the anonymous complaint. A Notice of Violation was not issued.

Recommendation: **Closure (no evidence).**

Decision: **Approved.**

44. Case No.: COS- 2022014931

First License Obtained: **02/09/2016**
License Expiration: **02/29/2024**
Complaint History: **201908982, closed by an Agreed Citation and payment of \$500.00 civil penalty; 202003834, closed by Agreed Citation and payment of \$1,000 civil penalty**

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

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

Decision: **Approved.**

45. Case No.: COS- 2022014451

First License Obtained: 05/03/2017
License Expiration: 05/31/2023
Complaint History: 2017046681, closure; 2018028481, closed,
2018044351, closure, 2019057751, closure;
2021026311, closure; 2021057781, closure

This 4-14-22 inspection revealed inadequate sanitation/tools not properly cleaned and stored/valid individual licenses not displayed/identification tags not worn and an unlicensed individual practicing. A Notice of Violation was issued for all infractions.

Recommendation: Letter of warning for sanitation/identification issues noted above. Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00 (unlicensed individual practicing).

Decision: Approved.

46. Case No.: COS- 2022015441

First License Obtained: 06/26/2007
License Expiration: 06/30/2023
Complaint History: 202005066, closed by Agreed Citation and payment of \$2,500 civil penalty

Please see fact pattern for Item #45 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: Approved.

47. Case No.: COS- 2022016401

First License Obtained: 05/24/1996
License Expiration: 05/31/2024
Complaint History: 201500676, closed by an Agreed Citation and payment of \$100.00 civil penalty

This 4-14-22 consumer complaint alleges dissatisfaction with a service as well as unsanitary hands/nails of the stylist. Respondent owner states the stylist was reprimanded and the customer received an apology; sometimes during colorings, the stylist will get color on and under the stylist's nails.

Recommendation: Closure.

Decision: Approved.

48. Case No.: COS- 2022015151

First License Obtained: 03/24/2022
License Expiration: 03/31/2024
Complaint History: None

This 4-15-22 consumer complaint alleges unprofessional conduct (with specificity) and unsanitary conditions. Inspection revealed no evidence of either allegation and the owner was counseled. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

49. Case No.: COS- 2022015801

First License Obtained: 07/28/2014
License Expiration: 07/31/2022
Complaint History: None

This 4-20-22 consumer complaint alleges fraud in the procurement of a Tennessee Cosmetology license. Inspection revealed evidence to support the allegation.

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

Decision: Approved.

50. Case No.: COS- 2022015811

First License Obtained: 11/15/2021
License Expiration: 10/31/2023
Complaint History: None

This 4-20-22 consumer complaint alleges unsanitary conditions, unlicensed activity and unprofessional conduct (with specificity). Inspection revealed no evidence to substantiate the complaint of unsanitary conditions and unlicensed conduct. A Notice of Violation was not issued.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

51. Case No.: COS- 2022015901

First License Obtained: 06/22/1994

License Expiration: 05/31/2023
Complaint history: 2010019571, closed by Consent Order and payment of \$2,000 civil penalty; 2011022951, closed by Consent Order and payment of \$500.00 civil penalty; 2019059521, closure

This 4-21-22 Attorney General – Division of Consumer Affairs consumer complaint referral alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

52. Case No.: COS- 2022016601

First License Obtained: 06/19/2018
License Expiration: 05/31/2024
Complaint History: None

This 4-25-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

53. Case No.: COS- 2022016481

First License Obtained: 10/16/2020
License Expiration: 09/01/2022
Complaint History: 2021020601, closure; 2021041831, closure

This 4-23-22 consumer complaint alleges unlicensed activity, illegal activity, unprofessional conduct (with specificity), and inadequate education. Inspection revealed no evidence of unlicensed activity, illegal activity or inadequate education. A Notice of Violation was not issued.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

54. Case No.: COS- 2022016721

First License Obtained: 10/01/2021
License Expiration: 09/30/2023
Complaint History: None

This 4-26-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

55. Case No.: COS- 2022017171

First License Obtained: 05/23/2017
License Expiration: 03/31/2023
Complaint History: 2018045041, close and flag for re-inspection
201905837, closed by Agreed Citation and
payment of \$1,500.00 civil penalty

This 4-26-22 annual inspection revealed an unlicensed individual and another individual providing services on an expired personal license (expiration 3-31-22). A Notice of Violation was issued. This is the Respondent's second offense for an unlicensed individual practicing in the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,100.00.

Decision: Approved.

56. Case No.: COS- 2022017521

First License Obtained: 11/14/2018
License Expiration: 11/30/2022
Complaint History: None

This 4-29-22 inspection revealed an unlicensed individual practicing on a client. A Notice of Violation was issued. The Respondent paid the \$1,000.00 civil penalty but did not sign the Agreed Citation.

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

Decision: Approved.

57. Case No.: COS- 2022017541

First License Obtained: 01/31/2008
License Expiration: 01/31/2024
Complaint History: None

Please see fact pattern for Item #56 above. This Respondent is the owner/manager of the shop cited for failure of responsibilities; this would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

58. Case No.: COS- 2022017581

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

Please see fact pattern for Item #56 above. This Respondent is the unlicensed individual practicing on a client.

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

Decision: Approved.

59. Case No.: COS- 2022017711

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

This 5-2-22 consumer complaint alleges unlicensed activity and a negligent service with alleged pictures in support. Inspector went to address listed and found no one present/so sign showing a name of a business. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Close and flag.

Decision: Approved.

60. Case No.: COS- 2022017901

First License Obtained: 02/21/2013
License Expiration: 09/01/2022
Complaint History: 2019082251, closure

This 4-29-22 anonymous student complaint alleges an unsanitary condition in the color room. Inspection revealed a contractor working in the area to remedy the alleged unsanitary condition. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

61. Case No.: COS- 2022018531

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

This 5-3-22 consumer complaint alleges Respondent is serving wine to customers and there is drug use in the shop. Inspection revealed no evidence to substantiate the complaints. A Notice of Violation was not issued. Criminal actions are outside the scope of the Board's actions.

Recommendation: Close and flag.

Decision: Approved.

62. Case No.: COS- 2022018241

First License Obtained: 08/17/2020
License Expiration: 05/31/2024
Complaint History: None

This 5-5-22 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed no substantial evidence to substantiate the complaint, but a minor, correctible sanitation issue (nail dust) that the Respondent was counseled on. A Notice of Violation was not issued.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

63. Case No.: COS- 2022018581

First License Obtained: 07/17/2020
License Expiration: 07/31/2022
Complaint History: None

This 5-6-22 consumer complaint alleges unlicensed activity. Inspection revealed a certified hair braider. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

64. Case No.: COS- 2022018451

First License Obtained: 04/21/1992
License Expiration: 02/28/2023
Complaint History: 2000062461, closed

This 5-5-22 anonymous consumer complaint alleges no hot water in the salon. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

65. Case No.: COS- 2022018781

First License Obtained: 04/23/2014
License Expiration: 04/30/2024
Complaint History: None

This 5-9-22 consumer complaint alleges theft of a booking deposit and unprofessional conduct (with specificity). Complainant did not list an address, telephone number or e-mail for the Respondent. Criminal actions are outside the scope of the Board's authority.

Recommendation: Closure (no address).

Decision: Approved.

66. Case No.: COS- 2022018721

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

This 5-7-22 consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed a hair braiding operation only. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

67. Case No.: COS- 2022019131

First License Obtained: 03/31/2021
License Expiration: 03/31/2023
Complaint History: None

This 5-10-22 consumer complaint alleges a negligent service. Respondent states she offered to remedy the service and provided a partial refund. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

68. Case No.: COS- 2022019431

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

This 5-11-22 anonymous consumer complaint alleges unlicensed activity regarding an aesthetician. Inspection revealed no evidence to substantiate the complaint; a current individual license was produced. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

69. Case No.: COS- 2022020131

First License Obtained: 04/03/2001
License Expiration: 06/30/2022
Complaint History: 2005021681, closed by Consent Order and payment of \$500.00 civil penalty; 2006017901, closed by Consent Order and payment of \$1,000 civil penalty; 2007065951, closed by Consent Order and payment of \$500.00 civil penalty; 2009005281, closed by Consent Order and payment of \$1,000 civil penalty;

This 5-14-22 consumer complaint alleges unlicensed activity, serving alcohol/liquor to customers/minors, and drug use in the shop. Inspection revealed no evidence to substantiate the complaint on unlicensed activity. A Notice of Violation was not issued. Liquor license board issues/criminal actions are outside the scope of the Board's authority.

Recommendation: Close and flag.

Decision: Approved.

70. Case No.: COS- 2022020141

First License Obtained: 06/19/2020
License Expiration: 06/30/2024
Complaint History: None

This 5-15-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

71. Case No.: COS- 2022020841

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

This 5-19-22 anonymous consumer complaint alleges an unlicensed apartment shop but does not list an address for an inspection; thus, an inspection was not performed.

Recommendation: Closure.

Decision: Approved.

BARBER CASES

72. Case No.: BAR- 2022008021

First License Obtained: 07/20/2009
License Expiration: 12/31/2020
Complaint History: 2017030391, closed by Consent Order and payment of \$100.00 civil penalty

This 2-24-22 annual inspection revealed owner was practicing on a client with an expired individual license (expiration 4-30-21), thus, the shop owner was “not present” at the time of operation/inspection, and an expired shop license (expiration 12-31-20). A Notice of Violation was issued. The shop license remains expired. This is the Respondent’s second offense for an expired shop license.

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

Decision: Approved.

73. Case No.: BAR- 2022008041

First License Obtained: 04/30/2001
License Expiration: 04/30/2021
Complaint History: 2017030411, closed by Consent Order and payment of \$100.00 civil penalty

Please see fact pattern for Item #72 above. This Respondent is the owner of the shop whose expired individual license caused the Respondent to be “absent” at the time of inspection and during the operation of the shop. This is Respondent second offense for an expired individual license.

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

Decision: Approved.

74. Case No.: BAR- 2022009051

First License Obtained: 12/16/1993
License Expiration: 04/30/2023
Complaint History: None

This 3-4-22 consumer complaint alleges a negligent service. Respondent submits a general denial/there may be an underlying medical cause for complainant’s service result; the complaint may be a byproduct of a recent cease/desist letter sent to complainant from Respondent’s attorney. Negligence actions are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision: Approved.

75. Case No.: BAR- 2022011851

First License Obtained: 04/20/2022
License Expiration: 04/30/2024
Complaint History: None

This 3-23-22 inspection revealed an unlicensed shop. A Notice of Violation was issued. A shop license was later procured.

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

Decision: Approved.

76. Case No.: BAR- 2022012421

First License Obtained: 10/31/2017
License Expiration: 10/31/2023
Complaint History: None

This 3-29-22 barber complaint alleges unlicensed activity (fraudulent use of a barber license) and unprofessional conduct (with specificity). Inspection revealed no evidence on the date of

inspection to substantiate the allegation of unlicensed activity. A Notice of Violation was not issued.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

RE-PRESENTS

77. Case No.: BAR- 2021070701

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

This matter was previously presented to the Board at its February 7, 2022 meeting as follows:
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.

Update: It was revealed (after service of process) the true owner of the shop was not served and was inadvertently left off the NOV as the true owner; thus, there is an issue of service. However, upon information and belief, the shop remains unlicensed under the true owner, who only frequents the shop at night and/or on the weekends.

New Recommendation: Closure. Re-inspect the shop for its license status at night and/or the weekend due to the special circumstance (where the Notice of Violation, if any, can be issued to the actual shop owner).

Decision: Approved.

78. Case No.: COS- 2021064941

First License Obtained: 08/23/2018
License Expiration: 08/31/2022
Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows:
This 9-15-21 annual inspection revealed an unlicensed individual practicing and no owner/manager present at the time of inspection. A Notice of Violation was issued for these infractions.

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

Decision: Approved

Update: The shop was no longer in operation and the owner could not be located for service of process. Thus, there is a service issue.

New Recommendation: Closure.

Decision: Approved.

79. Case No.: COS- 2021068141

First License Obtained: 08/23/2017

License Expiration: 12/31/2023

Complaint History: None

This matter was previously presented to the Board at its February 7, 2022 meeting as follows: *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.

Update: Attempted service of process revealed the shop is no longer operating and the owner has taken a non-cosmetology corporate position/relocated to Michigan. Thus, service will be an issue in this matter.

New Recommendation: Closure.

Decision: Approved.

80. Case No.: COS- 2021071011

First License Obtained: 07/17/2017

License Expiration: 10/31/2023

Complaint History: None

This matter was previously presented to the Board at its February 7, 2022 meeting as follows: *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.

Update: Litigation counsel made contacted shop owner, who renewed the shop license through 10-31-23.

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

Decision: Approved.

81. Case No.: COS- 2021075451

| | |
|---------------------------------------|-------------|
| <u>First License Obtained:</u> | N/A |
| <u>License Expiration:</u> | N/A |
| <u>Complaint History:</u> | None |

This matter was previously presented to the Board at its February 7, 2022 meeting as follows: *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.

Update: Independent research by litigation counsel revealed Respondent shop sells clothing and does wigs/hair braiding. Inspector no longer works for department and lives out-of-state; inspector counseled Respondent shop owner and did not issue a Notice of Violation. Litigation counseled attempted contact with initial complainant regarding lash service; telephone number was inoperable and complainant did not return an e-mail to address listed in the complaint.

New Recommendation: Closure.

Decision: Approved.

82. Case No.: COS-2021080081

| | |
|---------------------------------------|-------------|
| <u>First License Obtained:</u> | N/A |
| <u>License Expiration:</u> | N/A |
| <u>Complaint History:</u> | None |

This matter was previously presented to the Board at its February 7, 2022 meeting as follows: *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.

Update: Litigation counsel requested a CLEAR report to verify Respondent's name, address and telephone number provided to the inspector since Respondent could not provide a cosmetology license or identification card at the time of inspection. The CLEAR report indicated that the information provided to the inspector was false. Thus, this would be a service issue on the true identity of the person who was practicing without a license.

New Recommendation: Closure.

Decision: Approved.

83. Case No.: COS- 2022003601

First License Obtained: 04/15/1998
License Expiration: 04/30/2022
Complaint History: None

This matter was previously presented to the Board at its April 4, 2022 meeting as follows: *Please see fact pattern for Item #12 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: Further research of an obituary revealed the Respondent passed away on March 30, 2022.

New Recommendation: Closure.

Decision: Approved.

84. Case No.: COS- 2022010331

First License Obtained: 09/18/1998
License Expiration: 11/30/2022
Complaint History: 2005009651, closed by Consent Order and payment of \$250.00 civil penalty; 2019007531, closed by an Agreed Citation and payment of \$1,000 civil penalty

This matter was previously presented to the Board at its April 4, 2022 meeting as follows: *This 3-14-22 annual inspection revealed an individual practicing while unlicensed. A Notice of Violation was issued.*

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

Decision: *Approved.*

Update: Further research (due to call from the Respondent owner) revealed that shop owner previously paid the civil penalty by Agreed Citation on a complaint number assigned to the shop owner/manager individually. This would be a duplicate penalty to the shop and its owner.

New Recommendation: Closure.

Decision: Approved.

85. Case No.: COS-2022007091

| | |
|---------------------------------------|------|
| <u>First License Obtained:</u> | N/A |
| <u>License Expiration:</u> | N/A |
| <u>Complaint History:</u> | None |

This matter was previously presented to the Board at its April 4, 2022 meeting as follows: *This 2-23-22 consumer complaint alleges unlicensed 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.*

Update: Litigation counsel spoke with Respondent, a cosmetology student who sells handmade clothing out of a suite in the building; the cosmetology school she attends is across the street from the alleged salon suite. Although the suite contained equipment for lash applications, the student was not working on a customer at the time of the inspection and informed the inspector of these facts at the time of inspection. Respondent is scheduled to graduate in November, 2022, take her examinations, and then start her lash practice in the suite upon licensure. Litigation counsel also went back to the complaint to see if the complainant would testify at a hearing that a service took place; complainant listed no telephone number, no e-mail address, and the address listed was to a well-known hotel chain (with no room number).

New Recommendation: Closure.

Decision: **Approved.**

86. Case No.: COS- 2021068001

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

This matter was previously presented to the Board at its February 7, 2022 meeting as follows:
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.

Update: Since Respondent is an LLC and since the inspector did not view the Respondent working on a client at the time of inspection, there will be an evidence issue (as well as a collection issue).

New Recommendation: Close and re-inspect.

Decision: **Approved.**

Motion made by Amy Tanksley and seconded by Patricia Parsons for approval by the full board of the legal report as amended. The motion carried by unanimous.

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Jennifer Stephens and Aricka Goetz were approved prior to the board meeting based on previous board approval giving the director permission to complete the agreed order process and not delay individuals from joining the industry.

Motion made by Amy Tanksley and seconded by Patricia Parsons to recognize prior approval of licenses with a signed Agreed Order. The motion carried by unanimous.

Applications for examination for: Judah Davis and Taylor Demumbra. 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 Mona Sappenfield and seconded by Amy Tanksley to approve application for examination with a signed Agreed Order. The motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

None.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request made by Ms. Joyce Gorka for consideration of hours completed with Taond, The Nail Academy of Nail Design online manicure school from Canada. She presented the schools Syllabus, Program Outline and Certification information.

MOTION made by Mona Sappenfield and seconded by Janie Ross to approve hours received at school presented. The motion carried unanimously.

DIRECTOR'S REPORT:

The YTD April 2022 surplus added \$4,012. Fiscal Year 21-22 has a balance of \$74,833, bringing the reserve balance to \$1,222,581.

Additional Questions:

Motion to adjourn

Meeting adjourned at 10:50.

MOTION to adjourn made by Roxana Gumucio to adjourn the meeting. The motion carried unanimously.