



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 April 3, 2023, at 9:00 a.m. in person in Room 1A and via Teams.

The Meeting was called to order by Chairman Ron Gillihan.

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

Roxana Gumucio, Executive Director, called roll. The following members participated: Anita Charlton, Ron Gillihan, Monica Lemons, David McElreath, Jeffery Moran, Patricia Parsons, Layne Petty, Becky Russell.

Not available: Judy McAllister, Mona Sappenfield, Frank Gambuzza, and Amy Tanksley.

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

### **Legislative Updates: SB0093/HB0103;**

Legal Counsel for the Board, Hugh Cross, presented updates the Board regarding a bill currently before the legislature. SB0093/HB0103. The original bill creates a new individual license type for eye lash services and a new shop type for lash services.

Mr. Cross explained that the equipment rules will likely be represented at the June board meeting. He also reminded the members that the board should not advocate for either side when it comes to Federal legislation.

## **MINUTES-**

Minutes for the February 2023 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by David McElreath to approve the February 2023 minutes. The motion carried unanimously.

## **PRESENTED BEFORE THE BOARD-**

### **Lynn's Academy of Cosmetology and Barber – New Barber Apprenticeship School**

Ms. Aserlean Sanders participated to answer questions for the board. The school has been licensed as a cosmetology apprenticeship school since September 2022. The school is located in Memphis. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Jeffrey Moran and seconded by Monica Lemons to approve the new school pending necessary requested changes and inspection by a field inspector. The motion carried unanimously.

### **Dream Academy – Change in Location**

Ms. April Hardin participated to answer questions for the board. The change in location was presented to the board at the February 2023 board meeting. During the scheduled inspection the field inspector learned that the school would be located in the basement of Ms. Hardin's home. The application, original floor plan, incomplete inspections and several photos were presented to the board. The members discussed the options with the floor plan, their sanitation concerns, the incomplete inspection.

MOTION made by Patricia Parsons and seconded by Monica Lemons to deny the change in location. The motion carried unanimously.

### **Skin & Brow Room – Change in Location, Apprenticeship Aesthetics School**

Ms. Jessica was not able to participate due to travel. The change in location was presented to the board at the December 2022 board meeting. The board approved a floor plan and business plan to offer tradition aesthetics hours including practical hours with services to the public. The field inspection by a board member and field inspector showed that the schools was not separated from

the shop as the documents and prior information showed. Ms. West changed her plans and now intends to be an aesthetics apprenticeship school. The applications, updated enrollment agreement, catalog, and floor plan were all received.

MOTION made by Patricia Parsons and seconded by David McElreath to approve the change in location pending the requested changes and inspection by a field inspector. The motion carried unanimously.

### **Minx & Co. – New Specialty Natural Hair Styling Apprenticeship School**

Ms. Rachel Humphrey participated in person to answer questions for the board. The new school application was presented to the board at the December 2022 board meeting. The board approved the request pending revisions to the documents that listed a shared ownership of this school with a barber school. Ms. Humphrey has changed her business plans to be the sole owner and only be an apprenticeship school. The application, revised floor plan, enrollment agreement, catalog and contingency plan were all presented.

MOTION made by David McElreath and seconded by Jeffrey Moran to approve the new school pending requested changes and an inspection by a field inspector. The motion carried unanimously.

### **Agape' Institute of Esthiology – New Specialty Aesthetics School**

Ms. Kim Storms participated to answer questions for the board. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by David McElreath and seconded by Monica Lemons to approve the new specialty school pending requested changes and inspection by a field inspector and board member. The motion carried unanimously.

### **Black Girl Beauty and Barber School – New Cosmetology Apprenticeship School**

Ms. Amanda Manigault participated to answer questions for the board. The school is located in Chattanooga. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely. The members had a lot of questions about the apprenticeship information, courses being videotaped and online coursework.

MOTION made by Patricia Parsons and seconded by David McElreath to deny the application as presented. The motion carried unanimously.

## **By the Blade– New Aesthetics Apprenticeship School**

Ms. Tajuana Dixon participated to answer questions for the board. The school is located in Nashville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Jeffrey Moran and seconded by David McElreath to approve the new school pending requested changes and 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 54 complaints and make recommendations to the Board.

### **1. Case No.: COS- 2022046261**

**First License Obtained: 01/05/2006**

**License Expiration: 09/01/2023**

**Complaint history: 2008015181, closed with Letter of Warning; 2008016441, closed after informal conference; 2009009761 combined w/2012011561, closed by Consent Order and payment of \$1,000 civil penalty; 2010007331, closed with no action; 2010007341, closed with no action; 201023701, closed; 201029181, closed; 2016017291, closed by Consent Order and payment of \$1,000 civil penalty; 2017070771, closed w/ no action; 2018033241, closure; 2019094811, closure; 2022045461, closure**

This 11-3-22 family of student complaint alleges (1) a lack of quality instruction, (2) a lack of supplies for the student body as a whole, and (3) a lack of equipment for the student body as a whole. Respondent states the student never brought these issues to their attention so they could investigate same, the school curriculum and clearly defined and implemented, adequate supplies are ordered as they become known to the school, and equipment is monitored and maintained to be safe and sanitary at all times with a policy/procedure for replacing broken or faulty equipment.

**Recommendation: Closure.**

**Decision: Concur**

### **2. Case No.: COS- 2022049651**

**First License Obtained: 07/23/2022**

**License Expiration: 04/30/2023**

**Complaint History: 201500939, closed by Agreed Citation and payment of \$500.00 civil penalty**

This 11-30-22 annual inspection revealed five (5) individuals practicing while unlicensed in the shop. 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 \$5,000.00.**

**Decision: Concur**

**3. Case No.: COS- 2022049941**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 12-1-22 annual inspection revealed an unlicensed shop (new owners). A Notice of Violation was issued.

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

**Decision: Concur**

**4. Case No.: COS- 2022052651**

**First License Obtained: 01/28/2020**

**License Expiration: 01/31/2024**

**Complaint History: 2016022661, closed by Consent Order and payment of \$1,000 civil penalty; 2019092001, closure; 2022046841, closure**

This 12-30-22 consumer complaint alleges a negligent, unsanitary service on a customer with a foot fungus/infection with alleged pictures in support. Respondent states the service was not performed at the shop but was an informational post to the public regarding awareness of nail conditions.

**Recommendation: Closure.**

**Decision: Concur**

**5. Case No.: COS- 2023000181**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 1-3-23 consumer complaint alleges unlicensed activity from an unlicensed home with alleged social media in support. This is an identical complaint from the last legal report where the inspector spoke with the minor Respondent's parents, who assured the inspector that the Respondent cosmetology student would cease operations and additionally from the parent's home. A Notice of Violation was not issued.

**Recommendation: Closure (identical complaint where Respondent was previously counseled per last legal report).**

**Decision: Concur**

**6. Case No.: COS- 2023000451**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 1-5-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspector went to address listed, in a residential area, and no one answered the locked door; inspector left a card in the door for a return call. No activity was seen at the location. A Notice of Violation was not issued.

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

**Decision: Concur**

**7. Case No.: COS- 2023000491**

**First License Obtained: 07/12/2016**

**License Expiration: 07/31/2024**

**Complaint History: 2019074901, closed by Agreed Citation and payment of \$500.00 civil penalty; 2021041451, closure**

This 1-5-23 consumer complaint alleges unlicensed individual activity. Inspection revealed two (2) unlicensed individuals practicing on clients. A Notice of Violation was issued.

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

**Decision: Concur**

**8. Case No.: COS- 2023000831**

**First License Obtained: 05/29/2023**

**License Expiration: 05/31/2023**

**Complaint History: None**

Please see fact pattern for Item #7 above. This Respondent is the designated manager cited for failure of responsibilities. Salon owner states she had Respondent tell the inspector that Respondent was the designated manager so salon owner could avoid an extra citation for the salon owner not being present at the time of inspection; owner requests this penalty against the alleged designated manager be waived.

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

**Decision: Concur**

**9. Case No.: COS- 2023000891**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

Please see fact pattern for Item #7 above. This Respondent is the one of the unlicensed individual working on clients.

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

**Decision: Concur**

**10. Case No.: COS- 2023000561**

**First License Obtained: 03/09/2009**

**License Expiration: 03/31/2023**

**Complaint History: None**

This 1-5-23 consumer complaint alleges unprofessional conduct (with specificity) to a person of the Muslim faith, a minor child. Respondent denies that her conduct was not unprofessional when comforting a crying child while de-matting the child's hair. Complainant mother additionally states in her rebuttal that Respondent took an envelope from Complainant mother containing \$3,000.00 in it; this additional allegation was not stated in the initial complaint. Criminal matters are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Concur**

**11. Case No.: COS- 2023001331**

**First License Obtained: 10/02/2000**

**License Expiration: 09/30/2024**

**Complaint History: None**

Please see the fact pattern above for Item #10 above. This is a duplicate complaint against the Respondent salon that employs the employee alleged of unprofessional conduct.

**Recommendation: Closure.**

**Decision: Concur**

**12. Case No.: COS- 2023000851**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 1-8-23 alleges unlicensed activity from an unlicensed home with alleged social media in support. Inspector went to address listed, an apartment. There was no signage, and no one answered the door. A Notice of Violation was not issued.

**Recommendation: Letter of warning (individual/home shop licensure).**

**Decision: Concur**

**13. Case No.: COS- 2023000721**

**First License Obtained: 07/16/2014**

**License Expiration: 07/31/2024**

**Complaint History: 2015015791, close by Consent Order and payment of \$250.00 civil penalty**

This 1-8-23 consumer complaint alleges a negligent service. Respondent states complainant waited outside their policy time frame for the Respondent to rectify the alleged issue. Negligence actions are outside the scope of the Board's authority.

**Recommendation: Closure**

**Decision: Concur**

**14. Case No.: COS- 2023000801**

**First License Obtained: 10/06/2009**

**License Expiration: 10/31/2023**

**Complaint History: None**

This 1-9-23 consumer complaint alleges theft of a cash app deposit (no service provided) and unprofessional behavior (not responding to calls and texts) with screenshots in support. Criminal matters (theft) are outside the scope of the board's authority.

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

**Decision: Concur**

**15. Case No.: COS- 2023001441**

**First License Obtained: 08/16/2004**

**License Expiration: 08/31/2024**

**Complaint History: None**

This 1-11-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**16. Case No.: COS- 2023001991**

**First License Obtained: 05/23/2017**

**License Expiration: 03/31/2023**

**Complaint History: 2018045041, close and flag; 201905837, closed by Agreed Citation and payment of \$1,500 civil penalty; 2022017171, closed by Consent Order and payment of \$1,100 civil penalty**

This 1-11-23 annual inspection revealed an unlicensed individual practicing in the shop. A Notice of Violation was issued. This is Respondent's third offense for an unlicensed individual practicing in the shop.

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

**Decision: Concur**

**17. Case No.: COS- 2023002011**

**First License Obtained: 03/03/2016**

**License Expiration: 03/31/2024**

**Complaint History: 202201724, closed by Agreed Citation and payment of \$100.00 civil penalty**

Please see fact pattern for Item #16 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 \$1,000.00.**

**Decision: Concur**

**18. Case No.: COS- 2023001351**

**First License Obtained: 03/26/2014**

**License Expiration: 03/31/2024**

**Complaint History: None**

This 1-11-23 consumer complaint alleges dissatisfaction with a service and requests a refund; Respondent's individual license/shop licenses are expired. Further, Respondent was unprofessional in threatening complainant with physical harm after requesting a refund. Refunds are outside the scope of the Board's authority. Respondent's individual license has since been renewed through 3-31-24.

**Recommendation: Letter of warning (expired individual license/unprofessional conduct). Re-inspect for shop licensure status.**

**Decision: Concur**

**19. Case No.: COS- 2023001931**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 1-12-23 annual inspection revealed an unlicensed shop (salon suite). A Notice of Violation was issued. Respondent requests leniency and/or a payment plan.

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

**Decision: Concur**

**20. Case No.: COS- 2023001881**

**First License Obtained: 04/13/2018**

**License Expiration: 03/31/2024**

**Complaint History: 2019089651, closure with request for inspection; 202006461, closure**

This 1-13-23 consumer complaint alleges an unsanitary condition (fumes). Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

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

**Decision: Concur**



**21. Case No.: COS- 2023002051**

**First License Obtained: 01/31/2018**

**License Expiration: 09/01/2023**

**Complaint History: 2018066661, closure; 2019094801, closure; 2020092201, closure**

This 1-13-23 student complaint alleges the Respondent school is not releasing hours/transcript for a transfer to another school for an alleged unpaid balance and the Respondent is not returning calls to resolve the issue. Respondent states they have mailed student's transcript to their updated residence address.

**Recommendation: Closure.**

**Decision: Concur**

**22. Case No.: COS- 2023002271**

**First License Obtained: 05/25/2006**

**License Expiration: 05/31/2024**

**Complaint History: 2020085271, closure**

This 1-16-23 anonymous consumer complaint alleges Respondent is doing unlicensed "house calls" until her shop can be opened with alleged social media in support. Respondent states she is "going to friends' houses and doing their hair in the meantime but it's not a business . . . ."

**Recommendation: Letter of Instruction (shop license).**

**Decision: Concur**

**23. Case No.: COS- 2023002811**

**First License Obtained: 11/06/2019**

**License Expiration: 09/01/2023**

**Complaint History: 2020053191, closure; 2020097131, closure; 2021002751, closure; 2021027801, closure; 2022042291, closure**

This 1-19-23 parent of student complaint alleges unlicensed instructors who are teaching inadequately (with alleged screenshots in support), students are having to buy their own supplies to service clients, unsanitary conditions (with alleged pictures), and unprofessional conduct (with specificity and screenshots in support). Inspection revealed no unlicensed people running the school, students are not spending their own money on supplies, and no unsanitary conditions were found other than a leaking ceiling and one of the bathrooms was not working. Respondent states student was a bully/disruptive in class, which led to the student being counseled on their behavior, which led to this complaint. Contractual matters (inadequate teaching for tuition paid) are outside the scope of the Board's authority.

**Recommendation: Letter of warning (unprofessional conduct – having students write good reviews for the school in exchange for extra credit). Re-inspect to make sure ceiling leak has been fixed and bathroom is in good working order.**

**Decision: Concur**

**24. Case No.: COS- 2023003121**

**First License Obtained: 06/04/2013**

**License Expiration: 06/30/2023**

**Complaint History: None**

This 1-20-23 consumer complaint alleges Respondent is soliciting sexual favors for additional compensation. Complainant states they will be filing a lawsuit in the matter. Alleged criminal conduct is outside the scope of the board's authority.

**Recommendation: Letter of Instruction (unprofessional conduct). Instruct Complainant to contact local law enforcement regarding potential investigation of criminal conduct**

**Decision: Concur**

**25. Case No.: COS- 2023003161**

**First License Obtained: 04/20/2017**

**License Expiration: 04/30/2023**

**Complaint History: None**

This 1-21-23 competitor complaint alleges unlicensed activity. Inspection revealed Respondent had applied for a shop license and paid the fee. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**26. Case No.: COS- 2023003191**

**First License Obtained: 09/03/2021**

**License Expiration: 08/31/2023**

**Complaint History: None**

This 1-22-23 consumer complaint alleges a negligent service. Respondent states they were unaware of the incident and will reach out to the complainant to rectify any alleged negligence. Complainant states they will not return to the Respondent's shop in the future. Negligence actions are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Concur**

**27. Case No.: COS- 2023003521**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 1-25-23 consumer complaint alleges Respondent does not have a hair braider certificate. Inspector contacted Respondent, who did not admit to providing services and was not aware about registration. Inspector counseled Respondent on registration and provided Respondent with the necessary information to do so. A Notice of Violation was not issued.

**Recommendation: Closure (Respondent was counseled).**

**Decision: Concur**

**28. Case No.: COS- 2023003701**

**First License Obtained: 03/26/2014**

**License Expiration: 03/31/2024**

**Complaint History: None**

This 1-26-23 Tennessee Attorney General – Consumer Affairs Division referral alleges dissatisfaction with a service and requests a refund. Refunds are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Concur**

**29. Case No.: COS- 2023003801**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 1-27-23 anonymous consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued. The salon where

Respondent was allegedly practicing while unlicensed was counseled on individual licensure regarding the Respondent.

**Recommendation: Closure.**

**Decision: Concur**

**30. Case No.: COS- 2023003881**

**First License Obtained: 04/22/2021**

**License Expiration: 04/30/2025**

**Complaint History: None**

This 1-27-23 annual inspection revealed an unlicensed individual performing services on a client. A Notice of Violation was issued.

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

**Decision: Concur**

**31. Case No.: COS- 2023003901**

**First License Obtained: 09/25/2008**

**License Expiration: 09/30/2024**

**Complaint History: None**

Please see fact pattern for Item #30 above. This is the owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

**Recommendation: Closure.**

**Decision: Concur**

**32. Case No.: COS- 2023004871**

**First License Obtained: 10/02/2019**

**License Expiration: 09/30/2023**

**Complaint History: None**

This 2-4-23 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**33. Case No.: COS- 2023004891**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 2-4-23 consumer complaint alleges unlicensed activity with social media/pricing in support. Inspector contacted Respondent, who was a student (would not give the inspector the name of the school she was attending) and stated to the inspector she would take down her social media/pricing and only perform services at the school. A Notice of Violation was not issued. A duplicate complaint was filed on 2-10-23 stating that the Respondent continued to provide services on her booking site after being counseled.

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

**Decision: Concur**

**34. Case No.: COS- 2023005141**

**First License Obtained: 12/27/2021**

**License Expiration: 12/31/2023**

**Complaint History: None**

This 2-7-23 consumer complaint alleges unlicensed activity, unsanitary conditions and unprofessional conduct (with specificity). Inspection revealed a licensed hair braider. A Notice of Violation was not issued.

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

**Decision: Concur**

**35. Case No.: COS- 2023005491**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 2-9-23 consumer complaint alleges assault, practicing outside of a license, unsanitary conditions and unlicensed activity. Inspection of the shop revealed no evidence of unsanitary conditions or unlicensed activity; the Respondent was let go from the shop after the incident with the customer. Respondent is a licensed hair braider. A Notice of Violation was not issued. Criminal matters (assault) are outside the scope of the board's authority.

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

**Decision: Concur**

**36. Case No.: COS- 2023006151**

**First License Obtained: 10/12/2022**

**License Expiration: 10/31/2024**

**Complaint History: None**

This 2-10-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**37. Case No.: COS- 2023006161**

**First License Obtained: 10/27/2016**

**License Expiration: 10/31/2024**

**Complaint History: None**

This 2-10-23 student complaint alleges Respondent is not a licensed instructor and unprofessional conduct/assault (with specificity). Inspection revealed Respondent is a licensed aesthetician who assists licensed instructors at the school. A Notice of Violation was not issued. Criminal matters (assault) are outside the scope of the board's authority.

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

**Decision: Concur**

**38. Case No.: COS- 2023006221**

**First License Obtained: 07/02/2019**

**License Expiration: 06/30/2023**

**Complaint History: None**

This 2-10-23 anonymous complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**39. Case No.: COS-2023006251**

**First License Obtained: 09/14/2022**

**License Expiration: 09/30/2024**

**Complaint History: None**

This 2-10-23 consumer complaint alleges unlicensed activity and unprofessional conduct (with specificity). Inspection revealed no evidence of unlicensed activity. A Notice of Violation was not issued.

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

**Decision: Concur**

**40. Case No.: COS-2023006501**

**First License Obtained: 07/16/2021**

**License Expiration: 07/31/2023**

**Complaint History: None**

This 2-14-23 consumer complaint alleges a negligent service. Respondent denies any negligence occurred. Negligence actions are outside the scope of the board's authority.

**Recommendation: Closure.**

**Decision: Concur**

**41. Case No.: COS-2023006571**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 2-14-23 consumer complaint alleges unlicensed activity with cash app activity in support. Inspection revealed Respondent was not practicing on the date of inspection, so a Notice of Violation was not issued. Shop owner was counseled that Respondent could not be practicing in a salon setting without licensure; shop owner was under the impression that Respondent was performing services on friends/family for no charge while still in school.

**Recommendation: Letter of warning (individual/shop licensure).**

**Decision: Concur**

**42. Case No.: COS-2023006731**

**First License Obtained: 10/22/2020**

**License Expiration: 10/31/2024**

**Complaint History: None**

This 2-14-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**43. Case No.: COS-2023006951**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 2-16-23 consumer complaint alleges unlicensed activity. Inspector was unable to make contact with the shop during normal business hours as it was closed. There was no signage. A Notice of Violation was not issued.

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

**Decision: Concur**

**44. Case No.: COS-2023007351**

**First License Obtained: 01/07/2009**

**License Expiration: 09/30/2024**

**Complaint History: None**

This 2-19-23 alleges dissatisfaction with a negligent service. Respondent states complainant was happy with the service provided and that Respondent gave complainant the service that was requested. Respondent provided complainant with a refund. Dissatisfaction/negligence actions are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Concur**

**45. Case No.: COS-2023007731**

**First License Obtained: 02/22/2023**

**License Expiration: 02/28/2025**

**Complaint History: None**

This 2-22-23 alleges unlicensed shop activity on 2-13-23. Respondent states they were not open prior to their shop inspection for a shop license on 2-16-23. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**46. Case No.: COS-2023007821**

**First License Obtained: 02/22/2023**

**License Expiration: 02/28/2025**

**Complaint History: None**

Please see fact pattern for Item #45 above, with social media post showing the shop to open on 2-17-23, one day after the shop inspection. Respondent reiterates that no services were performed prior to the shop inspection on 2-16-23, and the shop properly opened for business on 2-17-23. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

**47. Case No.: COS-2023007941**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 2-22-23 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspector went to residence address listed in the complaint and spoke with Respondent; she only provides services for friends and family for no compensation. Respondent was counseled on individual/shop licensure in case a customer wanted to pay her in the future. A Notice of Violation was not issued.

**Recommendation: Closure (Respondent was counseled).**

**Decision: Concur**

**48. Case No.: COS- 2023008471**

**First License Obtained: 07/21/2022**

**License Expiration: 07/31/2024**

**Complaint History: None**

This 2-22-23 annual inspection revealed sanitation issues and an unlicensed individual practicing in the shop. A Notice of Violation was issued. A letter of warning was issued for the sanitation issues. Respondent owner states he did not know the unlicensed individual did not have his Tennessee cosmetology license.

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

**Decision: Concur**

**49. Case No.: COS- 2023008491**

**First License Obtained: 05/10/2019**

**License Expiration: 05/31/2023**

**Complaint History: None**

Please see fact pattern for Item #48 above. This Respondent is the owner who was cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

**Recommendation: Closure.**

**Decision: Concur**

**50. Case No.: COS- 2023008191**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 2-23-23 consumer complaint alleges unlicensed activity, unsanitary conditions, a negligent service an unprofessional conduct (with specificity) with alleged screenshots/social media in support. Inspection of the address listed in the complaint revealed an apartment complex and the complaint did not list a specific unit number. There was no signage. An inspection could not be completed and therefore a Notice of Violation was not issued.

**Recommendation: Closure (no correct address with unit number).**

**Decision: Concur**

### **BARBER CASES**

**51. Case No.: BAR- 2023002511**

**First License Obtained: 10/06/2014**

**License Expiration: 10/31/2024**

**Complaint History: 201706996, closed by \$1,000 civil penalty via Consent Order; 2020019981, closure with request for inspection;**

This 1-18-23 consumer complaint alleges unsanitary conditions. Inspection revealed no unsanitary conditions to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Concur**

### **REPRESENTS**

**52. Case No.: COS- 2022039831**

**First License Obtained: 04/27/2018**

**License Expiration: 09/01/2023**

**Complaint History: 2020086811, closed with no action None**

This matter was previously presented to the Board at its December 5, 2022, meeting as follows: *This 9-20-22 anonymous student complaint states the Respondent school is requesting the anonymous student pay \$2,140.00 for going over approximately 107 hours where the contract states "if you exceed 10 months as a part time student you are required to pay over hour fees." Anonymous student states Respondent states the instructor would make the students leave 30 minutes early which did not allow the student to finish within 8 months. Anonymous student wants her hours to be sent to the state*

*board so she can take her state exams in order to become a manicurist. Respondent did not respond to the anonymous complaint.*

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

*Decision: Approved.*

**Update: The Respondent provided proof that they timely responded to the September 20, 2022 online complaint on September 28, 2022.**

**New Recommendation: Place an e-mail in the closed file that the Respondent provided a timely response.**

**Decision: Concur**

**53. Case No.: COS- 2022039651**

**First License Obtained: 09/14/2012**

**License Expiration: 02/28/2023**

**Complaint History: None**

*This matter was previously presented to the Board at its December 5, 2022, meeting as follows: This 9-19-22 annual inspection revealed an expired shop license (expiration 2-28-21) and the owner/manager not present during the operation of the shop. The shop license has since been renewed through 2-28-23.*

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

*Decision: Approved.*

**Update: Respondent shares a room in a salon with another business that was open that day; Respondent is typically not open for business in her part of the room. She was cited for not being present in her part of the room that day.**

**New Recommendation: Closure.**

**Decision: Concur**

**54. Case No.: COS-2022046121**

**First License Obtained: 12/19/2016**

**License Expiration: 11/30/2024**

**Complaint History: 201902598, closed by Agreed Citation and payment of \$100.00 civil penalty**

*This matter was previously presented to the Board at its February 6, 2023, meeting as follows: This 11-1-22 inspection revealed the shop owner was practicing with an expired individual license (expiration 8-31-22), and thus, was “not present” during the operation of the shop. A Notice of Violation was issued.*

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

*Decision: Approved.*

**Update: Respondent provided proof that she renewed her individual license on the date of the inspection.**

**New Recommendation: Letter of warning (expired individual license).**

**Decision: Concur**

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



## **APPLICATIONS FOR EXAMINATION-**

### **Felony Applicants:**

Applications for examination for: Christy Davis, Kelsea McCune, and April Middlebrook. 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.

The board gave the Director and Legal Counsel permission to approve Agreed Orders for individuals not incarcerated and ready to move forward so they don't have to wait on the meeting date. Ms. McCune and Ms. Middlebrook were already sent the Orders.

Motion made by David McElreath and seconded by Monica Lemons to approve applications for examination with a signed Agreed Order. The motion carried unanimously.

## **APPLICATIONS FOR RECIPROCITY-**

No reciprocity applications.

## **MISCELLANEOUS REQUESTS –**

### **Request for Waivers, Reconsiderations and Extensions:**

Request to make an exception to the seven years to complete the education pursuant to Tenn. Code Ann § 62-4-123, which states that a student shall have seven (7) years from the date the student originally enrolls in school to complete the required courses. Ms. Desirae Green presented a letter explaining all that happened in her life from the time she started the cosmetology programs until now. She is asking for an extension to complete the hours by October 1, 2023.

MOTION made by David McElreath and seconded by Patricia Parsons to approve the request. The motion carried unanimously.

Request to waive the need to retest pursuant to rule 0440-01-.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. Lily Olive Jackson provided an explanation about her health

condition impacting her ability to prioritize obtaining her first license. She passed her aesthetics practical exam on 12/02/2020.

MOTION made by Jeffrey Moran and seconded by David McElreath to approve the license. The motion carried unanimously.

**DIRECTOR'S REPORT:**

The financial information through January 2023 was presented. FY23 so far added \$13,307 to the reserve bringing the final surplus balance to \$1,312,928.

**NEW BUSINESS:**

**Additional Questions:**

**Motion to adjourn**

Meeting adjourned at 11:41 am

MOTION to adjourn made by David McElreath and seconded by Patricia Parsons to adjourn the meeting. The motion carried unanimously.