



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting December 4, 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. He explained that a member of the public may provide comments as they relate to the agenda. This opportunity is added at the end under new business.

Roxana Gumucio, Executive Director, called roll. The following members participated: Anita Charlton, Ron Gillihan, Monica Lemons, Judy McAllister, David McElreath, Jeffery Moran, Layne Petty, Becky Russell, Mona Sappenfield, and Amy Tanksley. Two new board members Tamika Turner and Ryan Timmons.

Not available: None

Others participating: Roxana Gumucio, Executive Director, Joe Wharton, Attorney for the Board, Jesse Gentry, chief counsel, and Jon Lillard, Director.

Director Gumucio expressed her appreciation to Frank Gambuzza and Patricia Parsons. Frank served as the master barber representative, his dedication and insights to the barbering industry will be very missed. Patricia Parson served as the cosmetology school owner helped with the rules for schools, so students are always protected. Both members served since July 2014 and will leave a void on the board. She introduced Ryan Timmons as the new master barber member and Tamika Turner is the new school owner under the cosmetology side of the industry.

MINUTES-

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

Motion made by David McElreath and seconded by Amy Tanksley to approve the October 2023 minutes. The motion carried unanimously.

PRESENTED BEFORE THE BOARD-

The Institution School of Cosmetology – Name Change, Cosmetology and Barber License

Ms. Patricia Moten participated to answer questions for the board regarding a change in the school's name for the cosmetology and barber separate school licenses. The application and fee were received timely.

MOTION made by Mona Sappenfield and seconded by David McElreath to approve the change. The motion carried unanimously.

Urban Beauty Barber Institute – Reinstate Cosmetology School License

Ms. Penny Burns participated to answer questions for the board. The school failed to renew the cosmetology license by September 30, 2023. The statute is very clear, after that date the school can no longer renew but rather must reapply. Mr. and Mrs. Burns also have a licensed barber school, this application is only for the cosmetology school license. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by David McElreath and seconded by Mona Sappenfield to approve the reinstatement of the school. The motion carried unanimously.

Genesis Career College – Change in Location, Cosmetology and Barber School Licenses

Ms. Karrie Kulick 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 Layne Petty and seconded by Mona Sappenfield to approve the change in location pending a complete inspection by a field inspector. The motion carried unanimously.

The Ivy Institute School of Nail Technology – New Specialty Manicure School

Ms. Natalya Rawls appeared before the board to answer questions for the board. The school is located in Memphis. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Mona Sappenfield and seconded by Monica Lemons to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

BDMC Professional Services, LLC – Reapply Aesthetics School

Ms. Porsche Bailey Brown and Mr. Reese Bailey appeared before the board to answer questions for the board. The school is located in Hermitage. This school was previously licensed in June 2021 and closed in March 2023. They were in Nashville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by David McElreath and seconded by Mona Sappenfield to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

Advanced Aesthetics Academy – New Specialty Aesthetics School

Mr. Kevin Johnson appeared before the board to answer questions for the board. The school is located in Hendersonville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

Journey Academy of Cosmetology – New Cosmetology School

Ms. Tamitha Byrd appeared before the board to answer questions for the board. The school is located in Adamsville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by David McElreath and seconded by Mona Sappenfield to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

Jewels & Gems Be YoUniversity – Upgrade Natural Hair Styling to Cosmetology School

Ms. Donneka Johnson appeared before the board to answer questions for the board. The school is located in Milan. This school was approved as a natural hair styling school in March 2022. They

are upgrading the school from a specialty to a full cosmetology school. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Jeffrey Moran and seconded by Layne Petty to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

Revive Beauty and Wellness Institute – New Cosmetology School

Ms. Emily Fendley participated to answer questions for the board. The school is located in Clarksville. The floor plan reflects the 2,200 square foot requirement split between two different addresses. Legal counsel explained that does not meet the law requirement for the minimum space. The application, enrollment agreement, catalog and contingency plan were all received timely and could be reviewed but as presented the floor plan does not meet the minimum requirement.

MOTION made by Monica Lemons and seconded by David McElreath to deny the new school as presented. The motion carried unanimously.

2024 Continued Education Seminar Requests:

Director Gumucio explained that the number or dates requested has become very difficult for the office to manage, it has not reduced the number of instructors who miss taking a session and it is not fair to the providers who limit their session to one or two dates. Director Gumucio gave several examples and numbers to support the request for members to only approve two dates for any given provider.

The University of Tennessee, Knoxville UT Conference Center submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, July 21 and Monday, July 22, 2024. The session will be in person.

Motion made by Amy Tanksley and seconded by Monica Lemons to approve the 2024 session and requested dates. Motion carried unanimously.

The Confident Educator: Ms. LaShun Thompson submitted her information for the instructor continuing education seminar for two virtual sessions: May 19th & May 20th and September 15th & 16th, 2024.

Motion made by Monica Lemons and seconded by Judy McAllister to approve the 2024 session and requested dates. Motion carried unanimously.

TSU, Avon Campus, submitted the information for the instructor continuing education seminar. They are requesting to have the session offered in person and virtually on Sunday, August 4th & Monday, August 5th, 2024.

Motion made by Monica Lemons and seconded by Layne Petty to approve the 2024 session and requested date. Motion carried unanimously.

KINCC Education Group: Ms. Kimberly Anderson submitted the information for the instructor continuing education seminar for three sessions. If approved, she will need to submit the two dates.

Two virtual sessions: January 20th & 21st and October 12th & 13th, 2024.

One in person session at Paul Mitchell in Memphis June 8th & 9th, 2024.

Motion made by Judy McAllister and seconded by Layne Petty to approve the 2024 session for 2 requested dates. Motion carried unanimously.

Cheers to the careers that chose us: Mr. Thomas James submitted the information for the instructor continuing education seminar for three sessions. If approved, he will need to submit the two dates.

Two virtual sessions: May 12th & 13th and August 4th & 5th, 2024.

One in person and virtual session in Johnson City February 4th & 5th, 2024. This session was already approved in late 2023.

Motion made by Monica Lemons and seconded by Layne Petty to approve the 2024 session for one of the requested dates. Motion carried unanimously.

Beauty Educator's Leadership Conference: Ms. Destiny Cox submitted her information for the instructor continuing education seminar for two virtual sessions: February 11th & 12th and November 17th & 18th, 2024.

Motion made by Monica Lemons and seconded by David McElreath to approve the 2024 session and requested dates. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

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

1. COS- 2023049871

First License Obtained: 11/20/2018

License Expiration: 05/31/2025

Complaint history: None

This 8-7-23 concerned citizen complaint alleges unlicensed activity. Respondent states the alleged unlicensed activity concerns “shampooing” which is excepted pursuant to T.C.A. section 62-4-109 (7).

Recommendation: Closure.

Decision: Approved.

2. COS- 2023040691

First License Obtained: 10/02/2019

License Expiration: 09/30/2021

Complaint history: 202203359, closed by Agreed Citation and payment of \$600.00 civil penalty

This 8-17-23 annual inspection revealed the shop owner/manager was not present during the operation of the shop, an expired shop license (expiration 9-30-21), valid individual licenses not displayed, inspection sheets not displayed, and no shop sign visible from the street. A letter of warning was issued for the valid licenses not displayed and the shop sign not being visible from the street. This is the Respondent second offenses for an expired shop license and the owner/manager not being present during the operation of the shop.

Recommendation: Letter of warning (inspection sheets not displayed). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.

Decision: Approved.

3. COS- 2023041801

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 8-24-23 Attorney General – Consumer Affairs referral alleges complainant had to reschedule an appointment where a deposit was paid and wants a refund. Complainant acknowledges Respondent’s policy is to not do refunds for deposits that are rescheduled by the complainant. Refunds are outside the scope of the Board’s authority.

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

Decision: Approved.

4. COS- 2023041811

First License Obtained: 01/22/2018

License Expiration: 01/31/2020

Complaint history: None

This 8-28-23 employee complaint alleges exposure to mold at the shop with alleged pictures and medical records in support. Inspection revealed no evidence of active mold and had appeared to be corrected. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: **Approved.**

5. COS- 2023041851

First License Obtained: **01/11/2017**

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

Complaint history: **None**

This 8-28-23 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued. A duplicate complaint was filed on 9-29-23 with the same allegation of unlicensed activity.

Recommendation: **Closure.**

Decision: **Approved.**

6. COS- 2023042191

First License Obtained: **05/04/2021**

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

Complaint history: **2023024051, closure; 2023032271, closure;**

This 8-29-23 anonymous complaint alleges unlicensed activity through fake licenses. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

7. COS- 2023042411

First License Obtained: **12/16/2009**

License Expiration: **09/01/2024**

Complaint history: **2018004191, closure and sent out for inspection;
2019048401, closure with request for inspection;
2020072951, closure; 202106111, closure; 2023029531,
closed with Letter of Instruction**

This 8-30-23 student complaint alleges there is no licensed instructor in the aesthetics program and a student is relied upon to teach the class; the owner's boyfriend is in the barber program only to get the federal student money; and there are students who are on drugs and verbally assaulting students. Inspection revealed no evidence to substantiate claim of unlicensed instructors at the school. A Notice of Violation was not issued.

Recommendation: **Closure and re-inspect student file (owner's boyfriend) to assess whether student is meeting the requirements of an active student at the school in order to rule out misuse of federal funds. Refer complainant to local law enforcement regarding student drug use.**

Decision: **Approved.**

8. COS- 2023042461

First License Obtained: **04/26/2021**

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

Complaint history: **202303475 and 202302823, No jurisdiction**

This 8-31-23 consumer complaint alleges unlicensed activity. Inspector went to address listed in the complaint but was unable to make contact with the suite owner (inspector could hear persons inside but would not open a locked door). A Notice of Violation was not issued.

Recommendation: Letter of instruction (shop license for suites).

Decision: Letter of instruction (shop license for suites) and flag.

9. COS- 2023042761

First License Obtained: 12/20/2012

License Expiration: 12/31/2024

Complaint history: None

This 8-31-23 inspection revealed an expired individual license (expiration 12-31-22). A Notice of Violation was issued. The individual license has now been renewed through 12-31-24.

Recommendation: Letter of warning (individual license).

Decision: Approved.

10. COS- 2023042741

First License Obtained: 12/16/2014

License Expiration: 12/31/2024

Complaint history: None

Please see fact pattern for Item #9 above. This Respondent is the manager cited for failure of responsibilities.

Recommendation: Letter of warning (individual license).

Decision: Approved.

11. COS- 2023042681

First License Obtained: 07/02/2015

License Expiration: 07/31/2023

Complaint history: 2017073851, closure; 201700605, closed by Agreed Citation and payment of \$500.00 civil penalty;

This 9-1-23 consumer complaint alleges an expired license and offering services outside of a license (waxing) with alleged screenshots in support. The complaint did not provide sufficient information to perform an inspection; therefore, a Notice of Violation was not issued. The individual license expired on 7-31-23.

Recommendation: Letter of warning (individual license/performing outside services) to address listed on individual license.

Decision: Approved.

12. COS- 2023042951

First License Obtained: 12/10/2013

License Expiration: 12/31/2023

Complaint history: None

This 9-4-23 competitor complaint alleges a full refund was not provided by the Respondent when the Respondent was the one who cancelled the appointment. Respondent states she had already ordered product for the service, and when Respondent proposed another date of service,

complainant canceled the service and thus the Respondent provided a refund minus a cancellation fee. Refunds are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

13. COS- 2023043051

First License Obtained: 03/28/2017

License Expiration: 03/31/2025

Complaint history: None

This 9-5-23 consumer complaint alleges unlicensed activity. Inspection revealed an unlicensed individual practicing on a client. A Notice of Violation was issued.

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

Decision: Approved.

14. COS- 2023043021

First License Obtained: 01/31/2018

License Expiration: 09/01/2023

Complaint History: 2018066661, closure; 2019094801, closure; 2020092201, closure; 2023002051, closure

This 9-5-23 former instructor/employee complaint alleges Respondent school promotes students to falsify documents of assignments that are not completed, the instructor was placed in a classroom without a book to teach from, and classes were overpopulated with students (30 or more when the state permits 20 students per instructor). Respondent school states there are situations where more than 20 students would possibly be in a class session with an instructor while another instructor has a session with other students at the same time, but they still maintain more instructors per student within the guidelines. There was a meeting with the complainant and the person alleged to state to students regarding the falsification of documents and the issue was fully investigated by the Respondent school. There were no mass approvals of assignments that were not completed. Complainant continues to state they were not properly onboarded for the instructor position; complainant provided a specific name of a student who was informed by the Respondent to falsifying documents of assignments being completed as well as the specific name of a Respondent school advisor who gave the student the erroneous information. Human resource issues (onboarding) are outside the scope of the Board's authority.

Recommendation: Re-inspect the allegation of the specific student's name/specific school advisor name regarding the falsification of documents of student assignments being completed (unprofessional conduct).

Decision: Re-inspect the allegation of the specific student's name/specific school advisor name (cross-referencing with 3 other student files) regarding the falsification of documents of student assignments being completed (unprofessional conduct).

15. COS- 2023043111

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-5-23 consumer complaint alleges unsanitary conditions/unlicensed activity from a home, performing certification classes while unlicensed and a negligent service. Inspector went to the home and spoke with Respondent; Respondent had ceased her home operation due to a newborn child and there were no customers at the home at the time of inspection. Respondent agreed to take down all social media posts where Respondent was advertising services. Negligence actions are outside the scope of the Board's authority.

An additional 9-11-23 consumer complaint alleges unlicensed activity and a negligent service. An additional 9-17-23 complaint alleges Respondent has been providing services from multiple locations with social media in support. Local law enforcement has been contacted by the original complainant.

Recommendation: Letters of warning to all locations (individual/shop license) and flag.

Decision: Approved.

16. COS-2023043151

First License Obtained: 02/27/2014

License Expiration: 02/29/2024

Complaint history: None

This 9-6-23 consumer complaint alleges unlicensed activity (with an alleged screenshot in support) and unsanitary conditions. Inspector went to address listed on several occasions and the shop was closed each time (the salon may be by appointment only) and inspector could not see into the shop. A Notice of Violation was not issued. The individual license expires on 2-29-24.

Recommendation: Close and re-inspect shop for unsanitary conditions.

Decision: Approved.

17. COS-2023043401

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-6-23 consumer complaint alleges theft of a service deposit with alleged social media in support. Criminal matters (theft) are outside the scope of the Board's authority.

Recommendation: Refer the complainant to local law enforcement and close the complaint.

Decision: Approved.

18. COS- 2023043421

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-7-23 consumer complaint alleges Respondent is selling licenses/certification for money with alleged documents/social media in support. Inspector went to address listed in complaint and spoke to Respondent (through an interpreter); Respondent states she is not teaching cosmetology services and was in the process of transferring her license with the Board.

Respondent is in the process of getting immigration to issue her a social security card so she can sit for the PSI examination. A Notice of Violation was not issued.

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

Decision: Approved.

19. COS- 2023043461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-7-23 anonymous consumer complaint alleges unlicensed activity with social media in support. Inspection revealed an unlicensed individual working on a client in an unlicensed shop. A Notice of Violation was issued.

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

Decision: Approved.

20. COS- 2023043761

First License Obtained: 09/20/2023

License Expiration: 09/30/2025

Complaint history: None

This 9-8-23 consumer complaint alleges unprofessional conduct regarding a negligent service (with specificity and with alleged pictures in support) and unlicensed activity. Inspection revealed Respondent had a certificate of completion but not a hair braider certificate. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of warning (unprofessional conduct/hair braider certificate).

Decision: Approved.

21. COS- 2023043731

First License Obtained: 03/15/1994

License Expiration: 09/01/2024

Complaint history: 9635, dismissed; 2002090111, complaint withdrawn; 2002090181, complaint withdrawn; 2002099451, dismissed; 2002104271, dismissed; 2006017181, dismissed; 2009025451, closed with no action; 2012000121, closed with no action; 2013016311; close the case for lack of disciplinary grounds with the option to re-open the matter if new, relevant information arises; 2013025241, close the case for lack of disciplinary grounds with the option to re-open the matter if new, relevant information arises; 2017077941, closure; 2018039331, closure with request for inspection; 2023027541, closed with Letter of Warning

This 9-8-23 student complaint alleges there are not enough licensed instructors for the student population, unsanitary conditions and the Respondent school does not have enough working

equipment pursuant to regulation. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

22. COS- 2023043961

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-8-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

23. COS- 2023043951

First License Obtained: 06/16/2023

License Expiration: 05/31/2025

Complaint history: None

This 9-8-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

24. COS- 2023043991

First License Obtained: 04/20/2022

License Expiration: 04/30/2024

Complaint history: 2023023111, closure; 2023032281, closure; 2023040261, Closure

This 9-10-23 consumer complaint alleges unlicensed activity. The shop was recently inspected on 8-22-23 regarding a similar complaint and there was no evidence of unlicensed activity. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

25. COS- 2023044001

First License Obtained: 08/02/2013

License Expiration: 07/31/2025

Complaint history: 2015016031, closed by Consent Order and payment o of \$100.00 civil penalty; 201707774, closed by Agreed Citation and payment of \$500.00 civil penalty; 2023010211, closure; 2023016351, closure

This 9-10-23 competitor complaint alleges unlicensed activity, performing services outside of a license, unsanitary conditions, a wage dispute, and selling drugs out of the shop. Inspection revealed an expired individual/shop license and the outside service had been taken off the menu. The remainder of the inspection could not be performed due to an irate customer engaging the

inspector, therefore a Notice of Violation was not issued. Wage/hour issues and alleged criminal activity are outside the scope of the Board's authority.

Recommendation: Letter of warning (expired individual/shop license). Re-inspect for unsanitary conditions. Refer complainant to local law enforcement to investigate the allegation of drugs being sold out of the shop.

Decision: Approved.

26. COS- 2023044601

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-13-23 anonymous complaint alleges unlicensed activity with social media and pricing in support. Inspector made contact with Respondent and advised her that she needed an individual license if operating for profit. Respondent stated they would take down the social media. A Notice of Violation was not issued.

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

Decision: Approved.

27. COS- 2023045321

First License Obtained: 07/24/2019

License Expiration: 07/31/2025

Complaint history: None

This 9-13-23 inspection revealed an inspection sheet not displayed as well as an expired individual license (expiration 7-31-23), and thus, the owner/manager was not "present" during the operation of the shop. A Notice of Violation was issued. The individual license has since been renewed through 7-31-23.

Recommendation: Letter of warning (individual license/inspection sheet not displayed).

Decision: Approved.

28. COS- 2023045241

First License Obtained: 02/18/2023

License Expiration: 09/01/2024

Complaint history: None

This 9-14-23 student complaint alleges certain items of the student contract signed has been changed by the Respondent school. Respondent states the student signed the student enrollment contract and thus was aware of the contractual provisions; complainant student has not fulfilled its portion of the student contract. Respondent provides documentation and screenshots in support of its argument. Contractual matters (student/school contract terms) are outside the scope of the Board's authority.

Recommendation: Re-inspect the student's contract signed with the school (cross-referencing with 3 other student file contracts) to make sure the student's contract is consistent with the other student contracts.

Decision: Approved.

29. COS- 2023046401

First License Obtained: 06/23/2017

License Expiration: 06/30/2025

Complaint history: 2022007381, closed with Letter of Warning

This 9-15-23 inspection revealed an expired shop license. A Notice of Violation was issued.

This is the Respondent's second offense for an expired shop license even though the shop license was renewed through 6-30-25.

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

Decision: Approved.

30. COS- 2023046421

First License Obtained: 02/09/2016

License Expiration: 02/29/2024

Complaint history: 2022007421, closure

Please see fact pattern for Item #29 above. This Respondent is the owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

31. COS- 2023046091

First License Obtained: 01/11/2017

License Expiration: 11/30/2024

Complaint history: None

This 9-18-23 consumer complaint alleges a negligent service and unlicensed activity. The shop had been recently inspected and there was no evidence of unlicensed activity. Negligence actions are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

32. COS- 2023046131

First License Obtained: 06/19/2020

License Expiration: 06/30/2024

Complaint history: 2022020141, closure

This 9-18-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

33. COS- 2023046441

First License Obtained: 06/18/2018

License Expiration: 09/01/2023

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

**2021072541, closure; 2021074261, closure;
2022011511; closure; 2022004371, closure;
2023046631, closure**

This 9-19-23 Attorney General – Consumer Affairs referral alleges Respondent school never refunded the student her tuition when the student’s start date was canceled by the school. Complainant provides screenshots of texts/documents in support. The Respondent school did not provide a response to the complaint. Refunds are outside the scope of the Board’s authority.

Recommendation: Letter of warning (unprofessional conduct – not providing a response).

Decision: Approved.

34. COS- 2023046561

First License Obtained: 03/08/2012

License Expiration: 03/31/2022

Complaint history: None

This 9-20-23 anonymous complaint alleges unlicensed activity with a screenshot in support. Inspection revealed no good address to perform an inspection for unlicensed activity. Therefore, a Notice of Violation was not issued.

Recommendation: Closure (no good address).

Decision: Approved.

35. COS- 2023046871

First License Obtained: 12/27/2022

License Expiration: 12/31/2024

Complaint history: None

This 9-21-23 employer complaint alleges Respondent employee “bought” their license without going to a cosmetology school. Litigation counsel sent Respondent a letter, requesting their state cosmetology license (for reciprocity) as well as their school certificate of graduation within fourteen (14) days. Respondent did not provide same.

Recommendation: Authorize formal hearing. Authorize settlement for voluntary revocation of individual cosmetology license until such time as requested proof is provided.

Decision: Approved.

36. COS-2023046911

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-21-23 anonymous complaint alleges unlicensed activity with alleged social media/pricing in support. The Respondent did not provide a response to the complaint. The complaint did not list a complete address for an inspection.

Recommendation: Letter of warning (individual/shop license) to e-mail address listed in the complaint.

Decision: Approved.

37. COS- 2023046851

First License Obtained: 09/03/2019

License Expiration: 03/31/2024

Complaint history: None

This 9-21-23 consumer complaint alleges a negligent service (with pictures in support), was up-charged on a correction service, and unprofessional conduct (not providing the manager or owner's name to the complainant). Respondent states they only charged complainant for a new design on the correction service; Respondent did not address the alleged unprofessional conduct. Complainant states she was not changing the design and the Respondent offered a partial refund. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

38. COS- 2023047141

First License Obtained: 05/24/2022

License Expiration: 04/30/2024

Complaint history: None

This 9-22-23 anonymous consumer complaint alleges a poor service and unprofessional conduct of one of the Respondent's employees. Respondent provided a short response, stating they no longer own the shop. According to the Board's records, the shop license is still in an active status.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

39. COS- 2023047721

First License Obtained: 12/08/1988

License Expiration: 04/30/2024

Complaint history: None

This 9-22-23 annual inspection revealed no owner/manager present during the operation of the shop. A Notice of Violation was issued. Respondent states a manager was there on the date of the inspection; the receptionist who spoke to the inspector was new and did not know this fact at the time of inspection. Respondent requests closure of the complaint.

Recommendation: Closure.

Decision: Approved.

40. COS- 2023047391

First License Obtained: 10/31/2019

License Expiration: 10/31/2023

Complaint history: 202303230, closed by an Agreed Citation and payment of \$1,000 civil penalty

This 9-23-23 consumer complaint alleges Respondent kept a service deposit and never showed for the service (unprofessional conduct) with an online receipt in support. Inspection revealed the complainant had been refunded the service deposit; further, the shop owner/manager was not present during the operation of the shop and there was an unlicensed individual performing

cosmetology services in the shop. 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 \$1,500.00.

Decision: Approved.

41. COS- 2023051021

First License Obtained: 10/25/2017

License Expiration: 10/31/2023

Complaint history: None

Please see fact pattern for Item #40 above. This Respondent is the owner/manager cited for not being present during the operation of the shop. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

42. COS- 2023047401

First License Obtained: 04/20/2022

License Expiration: 04/30/2024

Complaint history: 2023023111, closure; 2023032281, closure; 2023040261, Closure

This 9-23-23 consumer complaint is a duplicate complaint of Item # 24 above alleging unlicensed activity. The shop was recently inspected on 8-22-23 regarding a similar complaint and there was no evidence of unlicensed activity. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

43. COS- 2023047411

First License Obtained: 05/04/2021

License Expiration: 04/30/2025

Complaint history: 202301651, closed by Agreed Citation and payment of \$1,000 civil penalty; 2023024051, closure

This 9-23-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

44. COS- 2023047431

First License Obtained: 06/22/2022

License Expiration: 06/30/2024

Complaint history: 202300684, closed by Agreed Citation and payment of \$1,000 civil penalty; 2023039361, closure

This 9-24-23 anonymous consumer complaint alleges unsanitary conditions and unprofessional conduct. Inspection revealed no evidence of unsanitary conditions and inspector/shop owner had a discussion regarding the alleged unprofessional conduct. A Notice of Violation was not issued.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

45. COS- 2023047441

First License Obtained: 05/11/2022

License Expiration: 05/31/2024

Complaint history: None

This 9-24-23 anonymous consumer complaint alleges dissatisfaction with a service, unsanitary conditions, and unprofessional conduct (without specificity). Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

46. COS- 2023047911

First License Obtained: 12/02/2010

License Expiration: 10/31/2024

Complaint history: 2012012091, closed with letter of warning; 2013024001 & 2015002501, Closed by an Initial Order and assessment of \$750.00 civil penalty and \$425.00 hearing costs; 2016023031, Sent an inspector to review sanitation practices related to pedicure; 2016049891, closed by Consent Order and payment of \$750.00 civil penalty; 2017033901, closed by Consent Order and payment of \$100.00 civil penalty; 2019023831, closure; 2019053121, closure

This 9-26-23 consumer complaint alleges a negligent service (with pictures in support) and unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

47. COS- 2023048611

First License Obtained: 10/04/2022

License Expiration: 09/30/2024

Complaint history: None

This 9-26-23 annual inspection revealed no manager or owner present during the operation of the shop. A Notice of Violation was issued. Respondent requests leniency and states there were no cosmetology services being performed the day of the inspection and there was a manager on duty (a "lead") who oversees the cosmetology part of the practice but was confused about their job duties.

Recommendation: Letter of instruction (owner or manager present during operation of the shop).

Decision: Approved.

48. COS- 2023048301

First License Obtained: 02/21/2013
License Expiration: 09/01/2024
Complaint History: 2019082251, closure; 2022017901, closure;
2022039091, closure

This 9-27-23 student complaint alleges false advertisement (teaching certain cosmetology practices, but then learning it is up to the instructor's discretion), receiving student kits with missing items, and an issue regarding the transfer of student hours (student withdrew from school and was charged fees). Complainant states they will be hiring an attorney in the future. Respondent states student received a handbook with the requirements/financial obligations that student signed off on as well as the curriculum includes the cosmetology practices listed by student and required by the Board. Contractual matters (tuition for education/ curriculum/ supplies) are outside the scope of the Board's authority.

Recommendation: Closure.
Decision: Approved.

49. COS- 2023051241

First License Obtained: 06/22/022
License Expiration: 06/30/2024
Complaint history: 202300684, closed by Agreed Citation and payment of
\$1,000 civil penalty; 2023039361, closure

This 9-29-23 Health Department referral alleges unsanitary conditions and unprofessional conduct. The Respondent recently scored a 100 on their inspection. Respondent states the unsanitary conditions are untrue (referencing their recent 100 score on the inspection) and the complainant was being unreasonable in their service demands. Respondent will no longer perform services for the complainant.

Recommendation: Closure.
Decision: Approved.

50. COS- 2023048781

First License Obtained: 01/14/2019
License Expiration: 02/29/2024
Complaint history: 201908605, closed by Agreed Citation and payment of
\$1,000 civil penalty; 2023040271, closure

This 9-30-23 anonymous complaint alleges unlicensed activity. The recent inspection of an August 2023 complaint of unlicensed activity revealed no evidence to substantiate the complaint.

Recommendation: Closure.
Decision: Approved.

51. COS- 2023048871

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

This 10-2-23 consumer complaint alleges a negligent service (with pictures in support) and unlicensed activity. Inspection met with Respondent, who stated they do not run a shop and only

provide services to family members. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

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

Decision: Approved.

53. COS- 2023049261

First License Obtained: 11/27/2019

License Expiration: 11/30/2023

Complaint history: None

This 10-3-23 anonymous consumer complaint alleges an expired individual license (with screenshots of an ongoing practice in support). The complaint or screenshots did not provide a location for investigation. CORE only shows a post office box location for the Respondent.

Recommendation: Letter of instruction (individual/shop license) to post office box address.

Decision: Approved.

54. COS- 2023049101

First License Obtained: 06/13/2023

License Expiration: 09/01/2024

Complaint history: None

This 10-3-23 student complaint alleges unlicensed instructor activity. Inspection revealed no evidence of unlicensed instructor activity. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

55. COS- 2023049461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 10-4-23 anonymous consumer complaint alleges unlicensed activity. Inspector went to the address listed on the complaint several times and was unable to make contact with the Respondent. A Notice of Violation was not issued. A card was left on the door and the inspector never received a call back from the Respondent.

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

Decision: Approved.

56. COS- 2023049901

First License Obtained: 01/22/1999

License Expiration: 06/30/2024

Complaint history: 2012003541, closed by Consent Order and payment of \$1,000 civil penalty; 2015018171 & 2015020731, closed by Consent Order and payment of \$2,000 civil penalty; 2020000831, closed by Consent Order and payment of \$1,000 civil penalty; 2020000841, closed with no action

This 10-5-23 consumer complaint alleges a negligent service with a picture in support. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

57. COS-2023050771

First License Obtained: 05/31/2018

License Expiration: 09/01/2022

Complaint history: 2018027341, closed with Letter of Instruction; 2019036461, closure; 2019059191, closure; 2020064201, closed with Letter of Warning; 2021063931, closed with Letter of Warning; 2022013541, closure; 2022027131, closure;

This 10-6-23 anonymous student complaint alleges a lack of instructor supervision or instruction at the school, as well as offering student participation in non-cosmetology activities as "hours," and the students' learning is suffering as a consequence. Respondent states they maintain accurate student/teacher ratios and virtual classes are monitored by instructors to make sure students are maintaining their assignments. Students were not given hours for work events unless they were performing services under the supervision of an instructor.

Recommendation: Closure.

Decision: Approved.

58. COS- 2023050901

First License Obtained: 06/13/2023

License Expiration: 09/01/2024

Complaint history: None

This 10-7-23 consumer complaint alleges they received a negligent service from an unsupervised student at the Respondent school. Further, the Respondent school exhibited unprofessional conduct when trying to get the negligent service rectified. Respondent states they have clients sign documents stating that services will be performed by students. The student was supervised and the person complainant alleges as unlicensed was actually an administrator who does not supervise students. The school was recently inspected for unlicensed instructors, which resulted in no evidence. The complainant came to the school and was rude when wanting to get the service rectified.

Recommendation: Closure.

Decision: Approved.

59. COS- 2023051301

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 10-10-23 consumer complaint alleges unlicensed activity with screenshots in support. Inspector met with Respondent, who admitted to performing services in the past, but has now

taken a full-time job. Inspector did not see Respondent performing services at the time of inspection. A Notice of Violation was not issued.

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

Decision: Approved.

60. COS- 2023052171

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 10-12-23 competitor complaint alleges unlicensed activity with alleged social media in support. Inspector went to address listed in the complaint, which turned out to be a youth counseling center. A Notice of Violation was not issued.

Recommendation: Closure (incorrect address).

Decision: Approved.

61. COS-2023052201

First License Obtained: 11/06/2012

License Expiration: 03/31/2025

Complaint history: None

This 10-13-23 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

62. COS- 2023052861

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 10-16-23 consumer complaint alleges theft/fraud of a service deposit. The matter has been referred to the local police authority. Inspector went to the address listed in the complaint, but the Respondent had already moved out. Inspector tried to contact Respondent on multiple occasions but was not successful.

Recommendation: Letter of warning (individual/shop license) to electronic mail listed in the complaint.

Decision: Approved.

63. COS- 2023053201

First License Obtained: 09/12/2005

License Expiration: 09/30/2025

Complaint history: None

This 10-17-23 consumer complaint alleges a negligent service with resulting damages. Respondent states the client seemed initially satisfied with the service and it was explained to the complainant on the front end of the service that certain medical conditions may not be able to provide the appropriate service result. Further, complainant had a correction service with

another salon which could have resulted in damage to the hair. Respondent could have performed the correction service and reimburse the money expended by the complainant. Negligence actions are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

64. COS-2023053491

First License Obtained: 01/28/2021

License Expiration: 01/31/2025

Complaint history: None

This 10-18-23 anonymous competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

65. COS-2023053801

First License Obtained: 02/06/2012

License Expiration: 01/31/2024

Complaint history: None

This 10-19-23 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

66. COS-2023053961

First License Obtained: 05/16/2017

License Expiration: 05/31/2025

Complaint history: None

This 10-20-23 anonymous consumer 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: Approved.

67. COS-2023054531

First License Obtained: 07/02/2014

License Expiration: 07/31/2024

Complaint history: None

This 10-24-23 consumer complaint alleges a negligent service with alleged pictures in support. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

68. COS-2023054371

First License Obtained: 04/14/2022
License Expiration: 04/30/2024
Complaint history: None

This 10-24-23 anonymous complaint alleges a pet in the shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

69. COS-2023054521

First License Obtained: 03/18/1994
License Expiration: 09/01/2024
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; 2022008091, closure

This 10-24-23 student complaint alleges mold in areas of the school with alleged pictures in support. Inspection revealed areas of mold around the basins and informed the Respondent school that the plumbing needed to be checked and areas of mold need to be corrected. A Notice of Violation was not issued.

Recommendation: Close and re-inspect for correction of the plumbing/mold areas around the sink basins.

Decision: Approved.

70. COS- 2023055081

First License Obtained: 08/28/2023
License Expiration: 08/31/2025
Complaint history: None

This 10-26-23 anonymous consumer complaint alleges unlicensed activity from a home (with alleged social media in support) as well as teaching courses while unlicensed at a cosmetology school. Respondent states her home shop is licensed and was inspected on August 25, 2023; further, she is a junior instructor at the cosmetology school and working towards the 300 hours she needs in order to test for an instructor's license.

Recommendation: Closure.

Decision: Approved.

BARBER CASES

71. BAR- 2023045401

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

This 9-13-23 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.

72. BAR- 2023045871

First License Obtained: 12/23/2020

License Expiration: 12/31/2024

Complaint history: 2021058991, closure; 2021009541, closure

This 9-17-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

73. BAR- 2023046811

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 9-21-23 administrative complaint alleges unlicensed activity with a picture in support. Inspection revealed a shop with infrastructure and no clients being serviced, but no shop license. The inspector counseled the owner on shop and individual licensure. A Notice of Violation was not issued.

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

Decision: Approved.

74. BAR- 2023047671

First License Obtained: 03/11/1997

License Expiration: 03/31/2025

Complaint history: 2012025281, dismissed

This 9-25-23 former employee complaint alleges unlicensed individual activity in the shop. Inspector went to shop several times, but the shop was not open for business each time even though it maintained the infrastructure for services to be performed. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

75. BAR- 2023052601

First License Obtained: 03/16/2015

License Expiration: 02/28/2025

Complaint history: None

This 10-11-23 annual inspection revealed an individual practicing on a client with an expired license (expiration 7-31-23) and the owner/manager of the shop 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.

76. BAR- 2023052621

First License Obtained: 07/27/2001

License Expiration: 07/31/2023

Complaint history: None

Please see the fact pattern for Item #74 above. This Respondent is the individual practicing on an expired license (expiration 7-31-23). The individual license has not been renewed.

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

Decision: Approved.

77. BAR- 2023055841

First License Obtained: 06/20/2014

License Expiration: 04/30/2024

Complaint history: None

This 10-30-23 anonymous consumer 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: Approved.

RE-PRESENTS

78. Case No.: COS- 2023018331

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its June 5, 2023 meeting as follows: *This 4-12-23 anonymous consumer complaint alleges an unlicensed shop. 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: The inspector is no longer working for the state and is not available to testify at a hearing; thus, there would be an issue proving the unlicensed shop activity at a hearing.

New Recommendation: Close and re-inspect for valid shop license.

Decision: Approved.

79. COS-2023031291

First License Obtained: 10/02/2019

License Expiration: 10/31/2023

Complaint history: None

This matter was previously presented to the Board at its October 2, 2023 meeting as follows: *This 6-16-23 shop inspection revealed an inspection sheet not displayed and three (3) unlicensed individuals practicing cosmetology on clients in the shop. A Notice of Violation was issued. This Respondent is the designated manager cited for failure of responsibilities.*

Recommendation: Letter of warning (inspection sheet not displayed). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$3,000.00.

Decision: Approved.

Update: Further inspection of the file revealed there was no violation for an inspection sheet not displayed. Further inspection in CORE revealed the shop paid the \$3,000.00 civil penalty for unlicensed individuals in this matter; this Respondent is the owner of the shop also cited for failure of responsibilities.

New Recommendation: Closure.

Decision: Approved.

80. Case No.: COS- 2023018321

First License Obtained: 04/04/2022

License Expiration: 04/30/2024

Complaint history: None

This matter was previously presented to the Board at its August 7, 2023 meeting as follows: *This 4-12-23 anonymous complaint alleged unlicensed activity with alleged pictures in support. Inspection revealed an unlicensed individual practicing on a customer. A Notice of Violation was issued.*

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

Decision: Approved.

Update: Respondent provided documentation that the owner paid the agreed citation for the civil penalty under the owner's name/license; this Respondent is the owner's shop for the same offense. This would be a duplicate penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved.

81. COS- 2023032321

First License Obtained: 10/25/2017

License Expiration: 10/31/2023

Complaint history: None

This matter was previously presented to the Board at its October 2, 2023 meeting as follows: *This 6-28-23 annual inspection revealed an unlicensed individual performing cosmetology on a customer in the shop. A Notice of Violation was issued. This Respondent is the owner-manager of the shop cited for failure of responsibilities.*

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

Decision: Approved.

Update: Respondent provided documentation that the shop paid the civil penalty; this Respondent is the owner of the shop. This would be a duplicate penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved.

82. Case No.: COS- 2023019891

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its August 7, 2023 meeting as follows: *This 4-21-23 anonymous 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 the Respondent (and the Executive Director) – Respondent was under the impression the individual licensed cosmetologist would be procuring a shop license for her rented station at the Respondent’s shop since the Respondent would not be able to be present during the operation of the shop. The individually licensed renter never did so and soon vacated the shop after the inspection resulting in the Notice of Violation for an unlicensed shop.

New Recommendation: Letter of warning (shop license).

Decision: Approved.

83. COS- 2023037001

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its October 2, 2023 meeting as follows: *This 8-1-23 consumer complaint alleges a negligent service with pictures in support. Inspection revealed an unlicensed shop. A Notice of Violation was issued. Negligence actions are outside the scope of the Board’s authority.*

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

Decision: *Approved.*

Update: Respondent provided documentation that the shop paid the civil penalty; this Respondent is the owner of the shop. This would be a duplicate penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved.

84. COS- 2023028481

First License Obtained: 06/30/2014

License Expiration: 06/30/2024

Complaint history: **None**

This matter was previously presented to the Board at its October 2, 2023 meeting as follows:
This 6-8-23 inspection revealed an expired shop license (expiration 4-30-23). This Respondent is the designated manager cited for failure of responsibilities. A Notice of Violation was issued.
Recommendation: *Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.*

Decision: *Approved.*

Update: Further research indicated the shop/owner were sent a letter of warning for the expired shop license when the shop license was renewed; this Respondent is the designated manager requesting consistency - the same letter of warning for their file instead of paying the \$100.00 civil monetary penalty.

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

Decision: Approved.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of master barber license from Alabama for Priscilla Humphrey. Certification shows in 1997 as a cosmetologist. Alabama certified she took the cosmetology and the instructor exams. She was grandfathered as a Barber and Barber instructor in 2014. Ms. Humphrey provided many documents to show her work experience teaching both cosmetology and barber. She wants to pursue her master barber instructor license in Tennessee and has a current job in Columbia Central High School.

Recommendation - is that the applicant be approved for reciprocity as a master barber instructor.

MOTION made by Jeffrey Moran and seconded by Mona Sappenfield to approve recommendation. The motion unanimously.

Ms. Humphrey was hired at Columbia Central High School in 2022 to start the barbering program based on the Department of Education's standards they used. Under the section for industry certification that instructors must hold, the Dept. of Education incorrectly stated they must hold a license in TN or another state. This came to the boards attention in September 2023 when Ms. Humphreys needed the school set up for the barbering program to submit monthly hours. We were informed that students had started on the barber track in August 2022. After many conversations it was clear that the standard needed to be corrected. Director Gumucio worked closely with Amy Roberts, Maury County Supervisor of CTE, and Stephanie Kelly, Director of CTE Programs. As it turns out a total of 78 students have accumulated a total of 9,365 hours toward barbering between August and May 2023. The students earn between 10 – 15 hours per month total and many of them

view this program as the highlight to their schooling. Additional hours have been accrued between August 2023 – November but again, each student never attains more than 15 hours in a month.

A request was made for the hours to count for each student given it is not their fault that the agency hired an instructor based on licensure from another state. This error has been corrected.

MOTION made by David McElreath and seconded by Monica Lemons to approve recommendation to accept the hours and move forward. The motion unanimously.

Director Gumucio reminded the members of the nine schools from Texas that had disciplinary issues resulting in the board not accepting hours from any of those schools. The office continues to receive reciprocity applicants with hours from those school and continues to deny them. She requested the board consider approving applicants if the hours were obtained before the investigation timely or after the investigation was completed and the school cleared their situation with the Texas board. This could approve 10-20 applicants a year.

MOTION made by Amy Tanksley and seconded by David McElreath to approve request and accept the hours outside of the investigation timeline. The motion unanimously.

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Applications for examination for: Savannah Adams, Patrick Angel and Brandon Weaver. 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 David McElreath and seconded by Judy McAllister to approve applications for examination with a signed Agreed Order. The motion carried unanimously.

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. Annishia Moore's instructor provided a letter explaining her situation. Ms. Moore served time in Federal prison and then was incarcerated a second time. Her original enrollment date was February 2016. She is enrolled at Paul Mitchell the School Knoxville but will need an additional month to complete her education the 82 hours she is missing.

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

Request to waive the need to retest pursuant to Tenn. Code Ann § 62-4-114 (a), which states that a cosmetology instructor may for good cause be granted up to one additional year to complete their 16 hours of continued education. The Board may, for good cause such as medical hardship or death in the immediate family, approve such an extension. Ms. Morgan Newman emailed explaining her health issues and that she thought she could take the CE after renewing her license. She is scheduled to complete the required continued education session in February 2024.

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

Request to take the eyelash specialist exams with cosmetology license from Florida. Ms. Bria Richardson completed 1,200 hours in cosmetology. She passed her theory exam to obtain her license in June 2018. She would like to move forward with an eyelash specialist license and since Florida does not have that specific license type, she does not qualify for reciprocity.

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

DIRECTOR'S REPORT:

The financial closing numbers for FY22-23 reflect a deficit of \$77,148 leaving the reserve surplus balance at \$1,222,473. As of September 2023, the program has a deficit of \$22,372 leaving the reserves at \$1,200,101.

Director Gumucio presented licensing numbers. The initial applications have seen an increase of 6.5% in approved new licensees between FY22 and FY23. The Board has over 90 thousand active and expired grace licenses between individuals, shops and schools.

NEW BUSINESS:

Director Gumucio asked if anyone in the public, participating in person or remotely using Teams, had comments as they relate to the agenda. There were no comments provided.

Additional Questions:

Motion to adjourn:

Meeting adjourned at 11:28.

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