



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting June 5, 2023, at 9:05 a.m. in person in Room 1A and via Teams.

The Meeting was called to order by Chairman Ron Gillihan.

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

Roxana Gumucio, Executive Director, called roll. The following members participated: Anita Charlton, Frank Gambuzza, Monica Lemons, Judy McAllister, David McElreath, Patricia Parsons, Layne Petty, Amy Tanksley.

Not available: Jeffery Moran, Becky Russell, and Mona Sappenfield.

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

MINUTES-

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

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

PRESENTED BEFORE THE BOARD-

Career Beauty College – Name Change

A school representative was not able to participate during the meeting. The school plans to change the name from Career Beauty College to Lawrenceburg Technical College.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to approve the name change. The motion carried unanimously.

The Hair Academy – Change in Location

Ms. Tina Strong Freeman participated to answer questions for the board. The school went through a change in ownership and presented all new documents in March 2023. The application and updated floor plan were all received timely.

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

Confidence College of Cosmetology – Change in Location

Ms. Courtney Bennett participated to answer questions for the board. The school first got licensed in February 2023. The application, some of the revised documents and updated floor plan were all received timely.

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

Agape’ Institute of Esthiology – New Location

Ms. Kim Storms participated to answer questions for the board. The school is located in Franklin. The application was approved at the April meeting. Since then, the landlord presented some issues, and the school will be at a different address and with a revised floor plan than what the board previously considered.

MOTION made by Judy McAllister and seconded by David McElreath to approve the application. The new specialty school will need an inspection by a field inspector and board member. The motion carried unanimously.

By the Blade– New Cosmetology Apprenticeship School

Ms. Tajuana Dixon participated to answer questions for the board. The school is located in Nashville. The application was approved at the April meeting pending some updates to the documents. Since then, Ms. Dixon decided to change the school from an aesthetics school to a cosmetology apprenticeship school. The revised documents were all submitted timely.

MOTION made by Monica Lemons and seconded by Amy Tanksley to approve the new school pending revised documents and an inspection by a field inspector. The motion carried unanimously.

Halo School of Cosmetology - New Cosmetology School

Ms. Heatherlee Maple and Faith participated to answer questions for the board. The school is located in Morristown. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

Vibe Barber College - New Cosmetology School

Mr. Kendrick Jefferson was not able to participate during the meeting and answer questions from the board. The school is located in Memphis. This school has been licensed as a Barber school since 2003. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by David McElreath to deny the application and request updates be presented at the August 7th board meeting. The motion carried unanimously.

Bloom School of Aesthetics – New Aesthetics School

Ms. Melissa Headrick participated to answer questions for the board. The school is located in Lenoir City. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by Monica Lemons to approve Board voted to approve the application upon the submission of requested revised documents and completed inspection by the field inspector and board member. The motion carried unanimously.

D.A.Y. College of Cosmetology - New Cosmetology Branch School

Ms. Amanda Young participated to answer questions for the board. The school is located in Paris. Ms. Young has had a licensed school in Jackson since 2018. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by David McElreath and seconded by Amy Tanksley to approve the application for the new school upon submission of requested revisions and completed inspection by the field inspector. The motion carried unanimously.

Black Girl Beauty School of Careers – New Cosmetology Apprenticeship School

Ms. Amanda Manigault participated to answer questions for the board. The school is located in Chattanooga. This request was presented at the April meeting. The application with a change in business name and revisions to the enrollment agreement and catalog were received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve the new school upon the submission of requested revised documents and completed inspection by the Field Inspector. The motion carried unanimously.

Neisha School of Cosmetology - New Cosmetology School

Ms. Taneisha Noble Ware participated 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 David McElreath and seconded by Judy McAllister to deny the new school and request updates be presented at the August 7th board meeting. The motion carried unanimously.

2023 Continued Education Seminar Requests:

Cheers to the careers that choose us: Mr. Thomas James participated to answer questions regarding the instructor continuing education virtual seminar. He requested the following dates: September 10 – 11 and February 4-5, 2024.

Motion made by Patricia Parsons and seconded by Monica Lemons to approve the 2023 and 2024 sessions and requested dates. The motion carried unanimously.

Making of a master, KINCC Education Group: Ms. Kimberly Anderson submitted the information for an instructor continuing education session to be done in 2-4 hour increments online with a date to be determined later.

Motion made by Amy Tanksley and seconded by Frank Gambuzza to deny the request as presented. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 76 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS-2022051101

First License Obtained: 12/01/2017

License Expiration: 09/01/2023

Complaint history: 2020049011, closure

This 12-14-22 student complaint states (1) the curriculum of the state exam subjects is not fully being taught, (2) the school is not following The Crown Act regarding student's headdress, (3) there is a lack of adequate supplies (barbicide) at the school regarding student kits, (4) there is a lack of hot water (it comes and goes), and (5) there was an incident regarding a school/staff Christmas party where there was inadequate supervision of the student clinic/a minor was provided alcohol (wine) by the school. Respondent states (1) the student has missed 247 hours class time which could be a contributing factor, (2) the student violated the school's dress code, which was signed by the student at orientation, (3) the school keeps sufficient supplies on the premises, (4) the hot water heater has been replaced, and (5) the school Christmas party was 15 minutes in duration and the school is unaware about a minor being provided with alcohol.

Crown Act violations are outside the scope of the Board's authority. Criminal matters/ investigations (alcohol to minors) are outside the scope of the Board's authority. Inspection revealed the hot water heater had been replaced and there were adequate supplies in the supply room; further, investigator met with complainant off campus and complainant never addressed with the investigator what classes/courses were not being taught at the school.

Recommendation: Closure.

Decision: Approved.

2. Case No.: COS-2023005601

First License Obtained: 04/23/2010

License Expiration: 04/30/2024

Complaint history: None

A 2-7-23 annual inspection revealed Respondent had an expired license that was not displayed. A Notice of Violation was issued. The individual license has since been renewed through 4-30-24.

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

Decision: **Approved.**

3. Case No.: COS-2023005621

First License Obtained: **01/05/2007**

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

Complaint history: **None**

This 2-9-23 consumer complaint alleges a HIPPA violation where Respondent procured the complainant's prescription records. Respondent's attorney states Respondent is not licensed by the Board, and thus, the Board does not have appropriate statutory authority to investigate this complaint. Complainant provided a copy of Respondent's aesthetician license from the Board in rebuttal.

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

Decision: **Approved.**

4. Case No.: COS-2023006651

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **2022048461, close and re-inspect for individual/shop licensure**

This 2-10-23 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.**

5. Case No.: COS-2023007001

First License Obtained: **02/08/2018**

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

Complaint history: **None**

This 2-16-23 student complaint alleges unprofessional conduct (with specificity). Respondent did not provide a response to the allegations.

Recommendation: **Letter of warning (unprofessional conduct - not providing a response to allegation).**

Decision: **Approved.**

6. Case No.: COS-2023008611

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

This 2-27-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspector went to residence address and made contact with the Respondent, who would not allow

inspector into the home. Respondent states she does lashes for friends only; respondent was counseled on individual and shop licensure. A Notice of Violation was not issued.

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

Decision: Approved.

7. Case No.: COS-2023008851

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 2-28-23 competitor complaint alleges unlicensed activity with alleged social media in support. Inspection of the address listed in the complaint revealed a liquor store with no area that revealed a cosmetology operation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

8. Case No.: COS-2023010151

First License Obtained: 11/02/1977

License Expiration: 11/30/2024

Complaint history: None

This 3-2-23 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

9. Case No.: COS- 2023010051

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-2-23 anonymous consumer complaint alleges unlicensed activity (no current address provided) with alleged social media in support suggesting the alleged unlicensed activity will occur at a date/place/time certain on April 29, 2023. Thus, an inspection could not timely occur and was not performed. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

10. Case No.: COS- 2023010211

First License Obtained: 08/02/2013

License Expiration: 07/31/2023

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

This 3-2-23 annual inspection revealed offering a service outside of the license (waxing), an unlicensed individual performing services, and another individual practicing on an expired license (expiration 8-31-22). A Notice of Violation was issued.

**Recommendation: Letter of warning (expired individual license – see below).
Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00 (unlicensed individual/performing outside services).**

Decision: Approved.

11. Case No.: COS-2023010261

First License Obtained: 08/02/1996

License Expiration: 08/31/2024

Complaint history: None

Please see fact pattern for Item #10 above. This Respondent is the individual practicing on an expired license. The individual license has since been renewed through 8-31-24.

Recommendation: Letter of warning (expired individual license).

Decision: Approved.

12. Case No.: COS- 2023010271

First License Obtained: 12/17/2012

License Expiration: 12/31/2022

Complaint history: None

This 3-3-23 consumer complaint alleges theft of a deposit on a service that was not performed. Criminal matters (theft) are outside the scope of the Board's authority.

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

Decision: Approved.

13. Case No.: COS-2023010101

First License Obtained: 03/01/2017

License Expiration: 03/31/2023

Complaint history: None

This 3-3-23 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

14. Case No.: COS-2023010681

First License Obtained: 08/13/2019

License Expiration: 08/31/2023

Complaint history: None

This 3-6-23 competitor complaint alleges unlicensed activity with alleged social media in support. Inspection revealed no evidence of unlicensed activity and Respondent was counseled accordingly on school licensure/instructor licensure. A Notice of Violation was not issued.

Recommendation: Closure (respondent was counseled).

Decision: Approved.

15. Case No.: COS- 2023010741

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-7-23 consumer complaint alleges unlicensed activity (hair braiding) with alleged social media in support. Inspector went to address listed in complaint and made contact with the Respondent; respondent was advised to complete a sanitation class and register with the state. A Notice of Violation was not issued.

Recommendation: Letter of instruction (hair braider registration).

Decision: Approved.

16. Case No.: COS- 2023010851

First License Obtained: 03/13/2023

License Expiration: 03/31/2025

Complaint history: None

This 3-7-23 anonymous competitor complaint alleges unlicensed activity from a home with alleged social media in support. Inspection revealed licensed Respondent applied for shop license; Respondent was counseled on completing shop licensure prior to operating out of the residence.

Recommendation: Closure (respondent was counseled).

Decision: Approved.

17. Case No.: COS-2023011071

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-8-23 anonymous complaint alleges unlicensed activity and unsanitary conditions with alleged social media in support. Inspector went to address listed in the complaint but was unable to make contact with the Respondent due to a locked gate at the front of the property. A Notice of Violation was not issued.

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

Decision: **Approved.**

18. Case No.: COS- 2023011731

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

This 3-12-23 competitor complaint alleges unlicensed activity. Inspector went to address listed in complaint, which was not in existence. Inspector attempted telephone contact with Respondent but was unsuccessful. A Notice of Violation was not issued.

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

Decision: **Approved.**

19. Case No.: COS-2023011981

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

This 3-13-23 consumer complaint alleges unlicensed makeup activity, with alleged social media/makeup pricing posts in support, as well as unsanitary conditions. Respondent states they do not know the complainant, nor has complainant been a previous client. Respondent does not have a physical cosmetology shop but provides a wedding planning/logistics service with “free” bridal makeup services where the client comes with their own hair pinned up as well as their own makeup. Respondent provided a copy of their Certificate of Achievement for Makeup Artist Certification through New Skills Academy (CPD Certified). An inspection was not performed since there was not a physical salon presence.

Recommendation: **Letter of warning (individual licensure for compensated services) and flag.**

Decision: **Approved.**

20. Case No.: COS-2023012131

First License Obtained: **07/20/2021**

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

Complaint history: **None**

This 3-14-23 consumer complaint alleges theft of a credit card and credit card fraud by Respondent. Complainant has engaged the local police in the investigation and prosecution of this matter. Criminal matters (theft/fraud) are outside the scope of the Board’s authority.

Recommendation: **Closure.**

Decision: **Approved.**

21. Case No.: COS-2023012271

First License Obtained: **11/04/2020**

License Expiration: 09/30/2024

Complaint history: None

This 3-15-23 alleges a negligent service with alleged pictures in support, as well as 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.

22. Case No.: COS-2023012391

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-16-23 consumer complaint alleges unlicensed activity. Inspector went to address listed in the complaint twice but no one would answer the door. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

23. Case No.: COS- 2023012591

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-16-23 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.

24. Case No.: COS- 2023012651

First License Obtained: 03/01/2022

License Expiration: 09/01/2023

Complaint history: None

This 3-16-23 annual school inspection (of student files) revealed age/education information missing and Respondent owner could not provide the monthly hour/progress report submitted to the board. A Notice of Violation was issued. Respondent was initially unaware of the requirements at the time of inspection, but subsequently provided age/education/monthly progress report for same and states it will not be a problem in the future.

Recommendation: Letter of warning (age/education information in student files; monthly progress reports to the board).

Decision: Approved.

25. Case No.: COS- 2023012841

First License Obtained: 03/01/2017

License Expiration: 09/30/2023

Complaint history: None

This 3-17-23 consumer complaint alleges a negligent service and unprofessional conduct (with specificity). The Respondent stated the complainant was also rude, which prompted the unprofessional conduct, and explained the service process to the complainant at the time of service; Respondent further provided proof of a cash app response where the complainant approved of the service performed. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

26. Case No.: COS- 2023012881

First License Obtained: 11/17/2022

License Expiration: 11/30/2024

Complaint history: None

This 3-19-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

27. Case No.: COS- 2023013951

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-21-23 anonymous competitor complaint alleges unlicensed activity with alleged social media in support. The complaint did not list a full address for an inspection to be completed; thus, a Notice of Violation was not issued.

Recommendation: Closure (no address).

Decision: Approved.

28. Case No.: COS- 2023013991

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-21-23 anonymous competitor complaint alleges unlicensed activity with alleged social media in support. The complaint did not list a full address for an inspection to be completed; thus, a Notice of Violation was not issued.

Recommendation: Closure (no address).

Decision: Approved.

29. Case No.: COS- 2023014011

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-21-23 anonymous competitor complaint alleges unlicensed activity with alleged social media in support. The complaint did not list a full address for an inspection to be completed; thus, a Notice of Violation was not issued.

Recommendation: Closure (no address).

Decision: Approved.

30. Case No.: COS-2023014381

First License Obtained: 10/08/2018

License Expiration: 10/31/2022

Complaint history: None

This 3-23-23 consumer complaint alleges theft of a deposit on a service that was not performed. Criminal matters (theft) are outside the scope of the Board's authority.

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

Decision: Approved.

31. Case No.: COS- 2023014311

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-22-23 competitor complaint alleges unlicensed activity. Inspection revealed a lash extension specialist who was about to operate without a shop license; inspector counseled Respondent regarding individual and shop licensure. A Notice of Violation was not issued.

Recommendation: Close and re-inspect for appropriate licensure.

Decision: Approved.

32. Case No.: COS- 2023014541

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 3-23-23 former student complaint alleges Respondent school has not sent student's hour withdrawal form and no one in a role of authority answers the phone regarding same. The Respondent states they submitted the withdrawal form initially on 3-24-23 and again on 5-2-23 when the initial information appeared to not be received.

Recommendation: Closure.

Decision: Approved.

33. Case No.: COS- 2023014811

First License Obtained: 02/04/2021

License Expiration: 01/31/2023

Complaint history: 2022009601, closed by Agreed Citation and payment of \$1,000 civil penalty

This 3-24-23 annual inspection revealed an inspection sheet not displayed, an expired shop license (expiration 1-31-23), and four (4) individuals practicing while unlicensed. A Notice of Violation was issued. This is the Respondent's second offense for unlicensed individuals practicing in the shop. The shop license remains expired.

Recommendation: Letter of warning (inspection sheet not displayed). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$4,100.00.

Decision: Approved.

34. Case No.: COS- 2023014831

First License Obtained: 12/10/2021

License Expiration: 12/31/2023

Complaint history: 2022009851, closed by Agreed Citation and payment of \$1,500 civil penalty

Please see fact pattern for Item #33 above. This Respondent is the designated manager cited for failure of responsibilities. This is the Respondent's second offense for unlicensed individuals practicing in the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$4,100.00.

Decision: Approved.

35. Case No.: COS- 2023014591

First License Obtained: 01/14/2014

License Expiration: 12/31/2023

Complaint history: None

This 3-24-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

36. Case No.: COS- 2023014611

First License Obtained: 10/04/2006

License Expiration: 09/01/2023

Complaint history: 2006042441, dismissed; 201002561, closed with no action;
20150131421, closed with no action; 2021065911, closure

This 3-24-23 anonymous student complaint alleges the following:

1. Students are required to clock in/clock out to log student hours;
2. There was not a nail instructor/classroom for manicuring;
3. No place to clean brushes;
4. There were implements laying around;
5. The school was unsanitary; and
6. Students are discriminated and placed on the back wall if clients cannot understand them.

A compliance inspection of the school revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

37. Case No.: COS- 2023014651

First License Obtained: 10/04/2006

License Expiration: 09/01/2023

Complaint history: 2006042441, dismissed; 201002561, closed with no action;
20150131421, closed with no action; 2021065911, closure

This 3-24-23 anonymous student complaint alleges impropriety regarding the logging of student hours (students clocking in and out), the charging of \$5.00 for each hour “missed,” and the expulsion of students if they miss two (2) Fridays during the ten (10) month course. Respondent states students are responsible for clocking in/out so that student hours are appropriately logged, the \$5.00 missed hours policy is in the student contract, and the two Fridays policy is in the Rules and Regulations that are provided to the students on the first day of classes.

Recommendation: Closure.

Decision: Approved.

38. Case No.: COS-2023015641

First License Obtained: 10/04/2006

License Expiration: 09/01/2023

Complaint history: 2006042441, dismissed; 201002561, closed with no action;
20150131421, closed with no action; 2021065911, closure

Please see fact pattern for Item #36 above. This complainant is a student who alleges an instructor at the school is harassing/blaming the student for initiating the complaint which prompted the compliance inspection. Respondent school owner states the student complaint was initiated one day before the school was to have its annual inspection and the owner was initially unaware of the student's identity due to an illness at the same time, but later learned of the student's identity when the student demanded an apology from the same instructor; further, the owner (with a provided statement from the instructor) opines the complaint originated in retaliation from the same instructor turning down a job offer to come work for the complainant mother's competing school. Additionally, Respondent school owner states they have dismissed the student from the school as the school owner does not feel it would be in any of our best interests to allow the complainant to be a student there. Human resource (instructor) and contractual (dismissal) matters are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

39. Case No.: COS-2023015771

First License Obtained: 08/09/2019

License Expiration: 09/01/2023

Complaint history: None

This 3-29-23 student complaint alleges her transcript was withheld pending approval of her payment of tuition. Respondent states they received payment from the collection agency on 3-14-23. The transcript was released on 3-30-23.

Recommendation: Closure.

Decision: Approved.

40. Case No.: COS-2023016031

First License Obtained: 04/04/1997

License Expiration: 04/30/2025

Complaint history: None

This 3-30-23 consumer complaint alleges unprofessional conduct (with specificity) and a negligent service (with alleged pictures in support). Respondent submits a general denial of both allegations. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

41. Case No.: COS-2023016351

First License Obtained: 08/02/2013

License Expiration: 07/31/2023

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

This 3-30-23 Attorney General Consumer Affairs referral alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

42. Case No.: COS-2023016481

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 4-3-23 anonymous competitor complaint alleges unlicensed activity with alleged screenshots/social media in support. Inspector went to address listed in complaint but no one answered the door and a phone number was not listed in the complaint; inspector left a card on the door but did not receive a call back. A Notice of Violation was not issued.

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

Decision: Approved.

43. Case No.: COS- 2023016521

First License Obtained: 08/11/2022

License Expiration: 08/31/2024

Complaint history: None

This 4-3-23 anonymous complaint alleges unlicensed activity/providing services outside of their license. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

44. Case No.: COS-2023017651

First License Obtained: 03/05/2021

License Expiration: 02/28/2025

Complaint history: None

This 4-4-23 annual inspection revealed an expired shop license (expiration 2-28-23) and the owner/manager was not present during the operation of the shop. A Notice of Violation was issued. The shop license has since been renewed through 2-28-25.

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

Decision: Approved.

45. Case No.: COS-2023017671

First License Obtained: 10/11/2016

License Expiration: 10/31/2024

Complaint history: None

Please see fact pattern for Item #44 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.

46. Case No.: COS- 2023016921

First License Obtained: 01/28/2021

License Expiration: 01/31/2025

Complaint history: None

This 4-4-23 consumer complaint alleges dissatisfaction with a service and unsanitary conditions. Inspection revealed dirty tools. A Notice of Violation was not issued.

Recommendation: Letter of warning (dirty tools).

Decision: Approved.

47. Case No.: COS- 2023017751

First License Obtained: 04/12/2023

License Expiration: 04/30/2025

Complaint history: None

This 4-10-23 anonymous competitor complaint alleges unlicensed activity and unsanitary conditions with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

48. Case No.: COS- 2023017781

First License Obtained: 11/13/2020

License Expiration: 11/30/2024

Complaint history: None

This 4-10-23 consumer complaint alleges a negligent service/theft of services. Respondent states they performed a free fix to rectify any dissatisfaction with the original service. Negligence/theft of services actions are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

49. Case No.: COS- 2023017831

First License Obtained: 02/29/2008

License Expiration: 12/31/2024

Complaint history: 2010000321, closed by Consent Order and payment

of \$1,000 civil penalty; 201905339, closed by Consent Order and payment of \$100 civil penalty

This 4-10-23 anonymous consumer complaint alleges unsanitary conditions and unlicensed activity. Inspection revealed minor unsanitary conditions that did not result in the issuance of a Notice of Violation.

Recommendation: Letter of warning (unsanitary conditions).

Decision: Approved.

50. Case No.: COS- 2023018331

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

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.

51. Case No.: COS-2023018521

First License Obtained: 03/12/2018

License Expiration: 02/29/2024

Complaint history: None

This 4-13-23 former employee complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

52. Case No.: COS- 2023018821

First License Obtained: 04/21/2023

License Expiration: 04/30/2025

Complaint history: None

This 4-17-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint; Respondent was in the process of a pre-opening inspection by the state. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

53. Case No.: COS- 2023018961

First License Obtained: 02/29/2008
License Expiration: 12/31/2024
Complaint history: 2010000321, closed by Consent Order and payment of \$1,000 civil penalty; 201905339, closed by Consent Order and payment of \$100 civil penalty

This 4-17-23 anonymous consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

54. Case No.: COS- 2023019131

First License Obtained: 06/04/2021
License Expiration: 01/31/2025
Complaint history: None

This 4-18-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

55. Case No.: COS- 2023019371

First License Obtained: 07/29/2021
License Expiration: 07/31/2023
Complaint history: None

This 4-20-23 Tennessee Consumer Affairs Division referral alleges unprofessional conduct (with specificity), not refunding money for a partial service, and unlicensed activity. Inspection revealed no evidence of unlicensed activity, and the alleged unprofessional conduct/no refund was adequately explained by Respondent to the inspector. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

56. Case No.: COS-2023019541

First License Obtained: 01/16/1997
License Expiration: 09/01/2023
Complaint history: 2010001851, close with no action;
2020008421, closure; 2021030661, closure

This 4-21-23 student complaint alleges discrepancies in the amount of student hours kept by the Respondent school, a graduate student is teaching at the school without taking their tests, the school has too many students, there is possible mold in the building, and unprofessional conduct (with specificity). Respondent states there is a paper and electronic means for the student to log their hours, and even a "Time Clock Correction Sheet" for the student; this student lacked in attendance. The school has four licensed instructors after the junior instructor left the school and

maintains a 20 to 1 student/instructor ratio. There is not a mold issue and the leak in the bathroom has been professionally fixed. The alleged unprofessional conduct is a reference to the use of the word “sue” is when persons use their personal cellphones, it can lead to litigation.

Recommendation: Closure.

Decision: Approved.

57. Case No.: COS- 2023019751

First License Obtained: 08/13/2019

License Expiration: 08/31/2023

Complaint history: None

This 4-22-23 anonymous consumer complaint alleges unsanitary conditions and unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

58. Case No.: COS-2023020081

First License Obtained: 01/16/1997

License Expiration: 09/01/2023

Complaint history: 2010001851, close with no action;
2020008421, closure; 2021030661, closure

Please see the allegations and responses for Item #56 above. This 4-24-23 student complaint additionally and generally alleges fraud, discrimination, breach of contract and HIPPA violations. Criminal (fraud) matters are outside the scope of the Board’s authority. EEOC (discrimination) matters are outside the scope of the Board’s authority. Civil (breach of contract/HIPPA violations) matters are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision: Approved.

59. Case No.: COS-2023020301

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 4-25-23 anonymous consumer complaint alleges unlicensed activity. Inspector went to address listed in the complaint and had to leave a card on the door; inspector did not receive a return call. A Notice of Violation was not issued.

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

Decision: Approved.

60. Case No.: COS- 2023020571

First License Obtained: 02/14/1995

License Expiration: 05/31/2024

Complaint history: None

This 4-26-23 consumer complaint alleges a dog in the shop. Inspection revealed no dog in the shop. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

61. Case No.: COS- 2023020611

First License Obtained: 02/01/2023

License Expiration: 02/28/2025

Complaint history: None

This 4-26-23 consumer complaint alleges fraud involving a deposit check for a service. Respondent's attorney states Respondent was the victim of the deposit check being stolen from the Respondent and the amount of the check was subsequently altered for a greater amount. The matter has been turned over to the local police. Criminal matters (fraud) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

62. Case No.: COS-2023020651

First License Obtained: 02/25/2010

License Expiration: 02/29/2024

Complaint history: None

This 4-27-23 alleges a negligent service. Respondent states they have no knowledge of the complainant being a client. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

63. Case No.: COS- 2023021171

First License Obtained: 06/04/2021

License Expiration: 01/31/2025

Complaint history: None

This 5-1-23 consumer complaint alleges a negligent service and unlicensed activity. The shop underwent a recent inspection and there was no evidence of unlicensed activity. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

64. Case No.: COS-2023021181

First License Obtained: 06/10/2015

License Expiration: 01/31/2025

Complaint history: None

This 5-1-23 consumer complaint alleges unsanitary conditions and performing services outside of their license. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

65. Case No.: COS- 2023021931

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 5-4-23 consumer complaint alleges unlicensed activity with alleged social media in support. Inspector went to address listed in the complaint but was unable to contact the Respondent (someone was present but would not answer the door or the phone). A Notice of Violation was not issued.

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

Decision: Approved.

BARBER CASES

66. Case No.: BAR-2023011561

First License Obtained: 02/04/1999

License Expiration: 02/28/2025

Complaint history: None

This 3-8-23 shop inspection revealed an expired individual license. A Notice of Violation was issued. The individual license has since been renewed through 2-28-25.

Recommendation: Letter of warning (expired individual license).

Decision: Approved.

67. Case No.: BAR- 2023011541

First License Obtained: 08/14/2018

License Expiration: 08/31/2024

Complaint history: None

This 3-8-23 shop inspection revealed an expired shop license. A Notice of Violation was issued. The shop license has since been renewed through 8-31-24.

Recommendation: Letter of warning (expired shop license).

Decision: **Approved.**

68. Case No.: BAR-2023014461

First License Obtained: **12/12/2018**

License Expiration: **12/31/2022**

Complaint history: **2019037771, closed by Consent Order and payment of \$1,500 civil penalty; 2021014881, closed by Consent Order and payment of \$700.00 civil penalty**

This 3-22-23 annual inspection revealed an expired shop license (expiration 12-31-22) and the owner-manager of the shop was not present during the operation of the shop. A Notice of Violation was issued. The shop license remains expired. This is Respondent's second violation for an expired shop license and third violation for the owner-manager not being present during the operation of the shop.

Recommendation: **Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 (expired shop license – second offense). Authorize settlement by consent order for the voluntary revocation of the shop license (owner or manager not present – third offense).**

Decision: **Approved.**

69. Case No.: BAR- 2023015921

First License Obtained: **03/02/2006**

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

Complaint history: **201800999, closed by an Agreed Citation and payment of \$1,000 civil penalty; 201907209, closed by an Agreed Citation and payment of \$1,000 civil penalty; 2020088611, closed by an Agreed Citation and payment of \$1,000 civil penalty; 2022027951, closed by an Agreed Citation and payment of \$600.00 civil penalty**

This 3-29-23 annual inspection revealed an inspection sheet not displayed and two (2) persons practicing on clients while unlicensed. A Notice of Violation was issued. The Respondent has multiple offenses for unlicensed persons practicing in the shop.

Recommendation: **Letter of warning (inspection sheet not displayed). Authorize formal hearing. Authorize settlement by consent order for the voluntary revocation of the shop license.**

Decision: **Approved.**

70. Case No.: BAR-2023015951

First License Obtained: **03/28/2016**

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

Complaint history: **201801001, closed by an Agreed Citation and payment of \$1,000 civil penalty**

Please see fact pattern for Item #69 above. This Respondent is the designated manager cited for failure of responsibilities. This is the Respondent's third offense for failure of responsibilities regarding unlicensed individuals.

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

Decision: Approved.

71. Case No.: BAR-2023015981

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Please see fact pattern for Item #69 above. This Respondent is one of the unlicensed individuals practicing in the shop.

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

Decision: Approved.

72. Case No.: BAR- 2023020821

First License Obtained: 01/22/2001

License Expiration: 01/31/2025

Complaint history: None

This 4-27-23 anonymous consumer complaint alleges an expired individual license. Inspector met with Respondent, who was not working on a client, and was counseled to renew her individual license and to apply for a shop license. A Notice of Violation was not issued. The individual license has since been renewed through 1-31-25.

Recommendation: Closure (respondent was counseled).

Decision: Approved.

73. Case No.: BAR-2023022251

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 5-7-23 consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed a proper apprentice student. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

RE-PRESENTS

74. Case No.: COS-2022047851

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2021060091, closure

This matter was previously presented to the Board at its February 6, 2023 meeting as follows: *This 11-15-22 Attorney General Consumer Affairs referral alleges fraud involving a credit card for cosmetology products and requests a refund. Inspection revealed an unlicensed cosmetology shop. A Notice of Violation was issued. Criminal matters (fraud) are outside the scope of the Board's authority. Refunds 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: Further research indicated the Respondent was applying skincare products in a demonstration only (no services were being provided for a fee; no penetration of the skin was being performed) in hopes that the customer would purchase the product.

Recommendation: Closure.

Decision: Approved.

75. Case No.: COS- 2023004891

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its April 3, 2023 meeting as follows: *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: Approved.

Update: Further research indicated Respondent was not actually seen performing a service on a client at the time of inspection.

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

Decision: Approved.

76. Case No.: BAR-2020064711

First License Obtained: 03/01/1990
License Expiration: 07/31/2023
Complaint History: 2019080591, closure

This matter was previously presented to the Board at its October 5, 2020 meeting as follows:

This administrative complaint alleges the Kingsport Police Department has received numerous reports that Respondent has been involved in violent behavior with patrons on numerous occasions in possible violation of T.C.A. section 62-3-121 (a)(6) [Immoral or Unprofessional Conduct]. This matter is set for summary suspension on October 5, 2020.

Recommendation: Summary suspension.

Decision: Approved

Update: From October 5, 2020 to the present day, Respondent has not provided the Board (through its litigation counsel) the requested medical records of successful treatment of the Respondent's medical condition. Further, the Respondent has been fairly transient over this period of time, keeping litigation counsel current on Respondent's telephone number/electronic mail address/physical address. At last contact with the Respondent, Respondent had moved back to the East Tennessee town where the complaint had originated but did not have a physical location procured to update to litigation counsel; Respondent would let litigation counsel know the physical address once it had been obtained. When litigation counsel followed up with Respondent for the physical address, the cellular telephone number was no longer a working number (Respondent was receiving electronic mail through his cellular phone). Consequently, litigation counsel attempted to e-mail the Respondent and the e-mails were never responded to. Due to the lack of Respondent activity, litigation counsel was preparing to initiate a Notice of Hearing and Charges for the revocation of Respondent's master barber license; however, lack of a physical address makes service of process problematic. Respondent's suspended master barber license comes up for renewal on 7-31-23.

Recommendation: Move Respondent from Litigation Monitoring (since there is no litigation to monitor) to the Do Not Renew list and close the current file. If a physical address is obtained in the future, a new administrative complaint will be filed and Respondent's file can be pulled from closed files; a Notice of Hearing and Charges will be initiated for revocation of Respondent's master barber license and expedited service of process will be requested.

Decision: Approved.

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

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

There are no Applications for examination due to a felony in the last three years.

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. Reneacsha Flowers was already sent the Orders and her license has been approved.

Motion made by Patricia Parsons and seconded by David McElreath 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 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. McKinley Alyse Brown provided an explanation about her delay requesting her initial license. She passed her aesthetics practical exam on 11/16/2021.

MOTION made by Amy Tanksley and seconded by Layne Petty to approve the license. 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. Kierstyn Parkinson provided an explanation that she was completing high school and therefore never applied on time for her initial license. She passed her natural hair styling practical exam on 12/20/2021.

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

Request to take the Tennessee Exams pursuant to Tenn. Code Ann. § 62-4-110(a) where a person who desires a cosmetology license shall have 1,500 hours. Ms. Lesia Kalnytska moved to Tennessee from the Ukraine. She is in the process of obtaining her social security number. She provided all the educational documents she brought with her reflecting certificates starting in 2005 through 2020. The members considered the unique situation Ms. Kalnytska is in to accept her experience and education and approve her to test.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve the cosmetology certificates provided and approve applicant to sit for the exams. The motion carried unanimously.

Ms. Kysa Griffith presented her business model with TKE Beauty Academy. She is a licensed cosmetology instructor. As such, she is required to teach in a licensed school. Her target audience are licensed professionals who want to advance their training. This information was presented so there is no concern about her offering hours toward licensure outside of a school. The members reviewed her vision and agreed that she could offer such training.

MOTION made by Amy Tanksley and seconded by Layne Petty to approve the training.

DIRECTOR'S REPORT:

The financial information through April 2023 was presented. FY23 so far added \$6,733 to the reserve bringing the final surplus balance to \$1,306,354.

NEW BUSINESS:

Public Chapter 90: allows for High School equivalency options without needing to list GED or HiSet. This law makes it easier for future equivalency options.

Public Chapter 214: created a new eyelash specialist license and a new eyelash services shop license type. This law sets the number of hours as 300, covers the topics needed to obtain licensure as well as the examination requirements. The board will notify all schools of this new law.

Mr. Cross presented draft rules for the eyelash specialist license, the eyelash shop license, and a change to the language regarding high school equivalency change. The board discussed the rulemaking process and reviewed the draft rules presented by Mr. Cross. They did not recommend any changes. The draft rules should be presented at the August board meeting and voted on at that time.

Mr. Cross provided the Sunshine Law presentation and answered the board members questions.

Motion to adjourn:

Meeting adjourned at 12:30.

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