



**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 October 2, 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, Patricia Parsons, Becky Russell, and Amy Tanksley.

Not available: Frank Gambuzza, Layne Petty, and Mona Sappenfield.

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

Director Gumucio introduced Jesse Gentry to the board. Mr. Gentry will be the acting attorney for the board until a replacement for Hugh Cross is hired.

MINUTES-

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

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

PRESENTED BEFORE THE BOARD-

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

Ms. Amanda Young participated to answer questions for the board. The school is located in Selmer. Ms. Young owns two separate campuses, one in Jackson and another in Paris Tennessee. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

Sandra Academy of Salon Services - New Branch Cosmetology and Barber Schools

Ms. Sandra Clark participated to answer questions for the board. The application is for two separate school licensed, cosmetology and barber. The new branch campuses are located in Morristown. Ms. Clark owns a school in New Tazewell which has been opened since 2009. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve the new school applications pending requested updates and an inspection by a field inspector. The motion carried with seven yes and two no votes.

Neisha School of Cosmetology - Cosmetology School, Inspection update

Ms. Taneisha Noble Ware was approved at the October board meeting pending an inspection by a field inspector and board member. The field inspector completed the inspection on September 14th however a board member was not available until after the October meeting. The Inspection included everything that needs to be reviewed and the executive director approved the school license so the school could start operating. The members discussed the need to request board member inspections given the statute does not require two inspections.

MOTION made by David McElreath and seconded by Patricia Parsons to approve the school with only one inspection and except the executive director's decision. The motion carried unanimously.

Tri-Cities Academy of Aesthetics – New Specialty Aesthetics School

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

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

Cli Barber Academy – New Barber School

Mr. Jay Holmes 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 David McElreath and seconded by Monica Lemons to approve the new school application pending requested updates and an inspection by a field inspector and a board member if possible. The motion carried with eight yes and one no vote.

Vibe Barber College - New Cosmetology School

Mr. Kendrick Jefferson participated to answer questions for the board. The school is located in Memphis. This school has been licensed as a Barber school since 2003. This application was presented at the June and August board meetings and the members asked that it be updated and represented in October.

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

The Beauty Vault Institute of Cosmetology – New Cosmetology Apprenticeship School

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

MOTION made by Judy McAllister and seconded by David McElreath to approve the new school application pending requested updates and an inspection by a field inspector. The motion carried unanimously.

Skin & Brow – Change in Location

Ms. Jessica West participated to answer questions for the board. The school is located in Chattanooga. A change in location was presented in December 2022, as well as April and August 2023 board meetings. The members asked for updates and the request the application be represented at the October meeting.

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

Jewels and Gems Be YOUiversity, Inc. – Name Change

Ms. Donneka Johnson participated to answer questions for the board regarding the change in the school's name. The application and fee were received timely.

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

Rogue Aesthetics Academy – New Specialty Aesthetics School

Ms. Nikisha Odom appeared before the board to answer questions for the board. The school is located in Kingsport. 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 the new school pending an inspection by a field inspector and board member inspection if possible. The motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 82 complaints and make recommendations to the Board.

1. COS-2023027861

First License Obtained: 02/28/2020

License Expiration: 02/29/2024

Complaint history: None

This 6-5-23 inspection revealed an unlicensed individual practicing. 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 \$1,000.00.

Decision: Approved.

2. COS- 2023028371

First License Obtained: 12/01/1994

License Expiration: 05/31/2024

Complaint history: 2011026051, closed by Consent Order and payment of \$500.00 civil penalty; 2012002281, closed by Consent Order and payment of \$250.00 civil penalty; 2021062841, closed by Consent Order and payment of \$1,000 civil penalty

This 6-6-23 inspection revealed a manicure shop offering outside services (waxing). This is the Respondent shop's second violation for this offense. A Notice of Violation was issued

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

Decision: Approved.

3. COS- 2023028481

First License Obtained: 06/30/2014

License Expiration: 06/30/2024

Complaint history: None

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.

4. COS-2023031291

First License Obtained: 10/02/2019

License Expiration: 10/31/2023

Complaint history: None

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.

5. COS-2023031321

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Please see fact pattern for Item #4 above. This Respondent is one of the unlicensed individuals performing cosmetology services on clients in the shop. A Notice of Violation was issued.

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

Decision: Approved.

6. COS-2023030281

First License Obtained: 10/11/2021

License Expiration: 10/31/2023

Complaint history: None

This 6-18-23 consumer complaint alleges unlicensed activity. Inspection revealed two (2) unlicensed individuals performing cosmetology services on clients in the Respondent 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.

7. COS-2023032111

First License Obtained: 07/24/2023

License Expiration: 07/31/2025

Complaint history: None

This 6-27-23 annual inspection revealed an unlicensed shop (new owner) and four (4) unlicensed individuals performing cosmetology services on clients in the Respondent shop. A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$5,000.00.

Decision: Approved.

8. COS- 2023032221

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 6-27-23 revealed an unlicensed shop (new owner). 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.

9. COS- 2023032321

First License Obtained: 10/25/2017

License Expiration: 10/31/2023

Complaint history: None

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.

10. COS- 2023032341

First License Obtained: 09/16/2009
License Expiration: 09/01/2023
Complaint History: 2010006241, close; 2010002681, close; 2016070001, Close; 2022027741, closed with Letter of Warning

This 6-29-23 student complaint alleges a student is charging for services in the student clinic while still in cosmetology school. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

11. COS- 2023032711

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

This 7-3-23 consumer complaint alleges theft of a deposit and unlicensed activity with alleged screenshots in support. Inspector went to address listed, which was a closed shop, and could not make contact with Respondent. A Notice of Violation was not issued. Criminal matters (theft) are outside the scope of the Board's authority.

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

Decision: Approved.

12. COS- 2023032971

First License Obtained: 01/13/2021
License Expiration: 01/31/2025
Complaint history: None

This 7-5-23 inspection revealed waxing services (and equipment) being offered in a manicure shop, but *no waxing services being performed at the time of inspection*. A Notice of Violation was issued.

Recommendation: Letter of warning (performing outside services).

Decision: Approved.

13. COS- 2023033101

First License Obtained: 11/07/2018
License Expiration: 11/30/2024

This 7-7-23 consumer complaint alleges a scheduling conflict caused by the Respondent cosmetologist. Respondent did not provide a response to the complaint.

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

Decision: Approved.

14. COS- 2023033381

First License Obtained: 05/12/2022
License Expiration: 05/31/2024

Complaint history: None

This 7-9-23 anonymous consumer complaint alleges alcohol/drug usage as well as kids running around the shop. Inspector went to the shop but it was closed; inspector contacted Respondent, who was unavailable for an inspection at that time. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

15. COS- 2023033641

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-10-23 consumer complaint alleges unlicensed activity. Inspector went to shop location that was listed in the complaint; Respondent was not present and no one knew of Respondent working at the location. A Notice of Violation was issued.

Recommendation: Closure.

Decision: Approved.

16. COS- 2023033721

First License Obtained: 09/01/2022

License Expiration: 09/30/2024

Complaint history: None

This 7-11-23 former employer complaint alleges Respondent opened her own shop in violation of a non-compete agreement which was attached to the complaint. Respondent provided a response that did not address the non-compete agreement. Chancery court actions (non-compete agreements) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

17. COS- 2023033731

First License Obtained: 10/21/2022

License Expiration: 10/31/2024

Complaint history: None

This 7-11-23 consumer complaint alleges unprofessional conduct (making a negative TikTok video of client during the service and without client's consent). Respondent states client was aware and consented to pictures being taken of the service for future posting.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

18. COS- 2023034381

First License Obtained: 04/29/2008

License Expiration: 04/30/2024

Complaint history: None

This 7-11-23 inspection revealed an expired license and offering waxing services outside of the shop's manicure license. A Notice of Violation was issued. This Respondent is the owner of the

shop cited for failure of responsibilities. The shop already settled the violations by agreed citation; this would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

19. COS- 2023033711

First License Obtained: 10/22/2021

License Expiration: 09/01/2023

Complaint History: 2022012071, closure; 2022032101, closure

This 7-11-23 student complaint states Respondent school is holding hours for payment in full of tuition when school is in the process of closing. Respondent school did not provide a response to the complaint; it is noted in an attachment of complainant's complaint (provided by the school) that such contractual matters (hours released on payment of tuition) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

20. COS-2023034191

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-12-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

21. COS- 2023034221

First License Obtained: 11/22/2019

License Expiration: 11/30/2023

Complaint history: None

This 7-13-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

22. COS- 2023034411

First License Obtained: 09/15/2022

License Expiration: 09/30/2024

Complaint history: None

This 7-14-23 anonymous complaint is alleging unlicensed lash classes from a home with alleged pictures in support. Inspector went to address listed in the complaint on several occasions (leaving card on the door each time) and never received a call back. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed lash classes from home).

Decision: Approved.

23. COS- 2023034561

First License Obtained: 10/04/2019

License Expiration: 08/31/2023

Complaint history: None

This 7-16-23 anonymous consumer complaint alleges unprofessional conduct (with specificity).

The Respondent did not provide a response to the complaint.

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

Decision: Approved.

24. COS- 2023034671

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-17-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

25. COS- 2023034691

First License Obtained: 06/18/2015

License Expiration: 05/31/2025

Complaint history: 2017054791, closed w/no action; 2017063161; closed w/no action; 201701955, closed by Agreed Citation and payment of \$2,000 civil penalty; 2018026111, closed by Consent Order and payment of \$2,000 civil penalty

This 7-17-23 consumer complaint alleges MMA use and unlicensed activity. Inspection revealed no evidence to substantiate either allegation of the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

26. COS- 2023034751

First License Obtained: 04/26/2021

License Expiration: 04/30/2025

Complaint history: 202302823, No jurisdiction

This 7-17-23 administrative complaint alleges performance of services (subdermal) outside of a license. Inspector went to the suite several times, but it was never open and is by appointment only. A Notice of Violation was not issued.

Recommendation: Letter of instruction (performing outside services).

Decision: Approved.

27. COS- 2023035201

First License Obtained: 01/19/2023

License Expiration: 01/31/2025

Complaint history: None

This 7-18-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

28. COS- 2023035231

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-18-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

29. COS- 2023034781

First License Obtained: 05/25/2023

License Expiration: 05/31/2025

Complaint history: None

This 7-18-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspector went to address listed in the complaint on several occasions and was unable to make contact with the Respondent. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

30. COS- 2023034901

First License Obtained: 02/01/2023

License Expiration: 01/31/2025

Complaint history: None

This 7-18-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

31. COS- 2023035311

First License Obtained: 08/26/2021

License Expiration: 08/31/2023

Complaint history: None

This 7-20-23 consumer complaint alleges/requests a refund for a service deposit that was not performed, with screenshots in support. Respondent 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.

32. COS- 2023035421

First License Obtained: 09/14/2017

License Expiration: 08/31/2023

Complaint history: None

This 7-20-23 consumer complaint alleges unsanitary conditions and a negligent service. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

33. COS- 2023035741

First License Obtained: 08/29/2022

License Expiration: 08/31/2024

Complaint history: None

This 7-21-23 inspection revealed an animal in the shop. A Notice of Violation was issued. A Letter of Warning was issued for the offense.

Recommendation: Closure (letter of warning sent).

Decision: Approved.

34. COS- 2023035681

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2020020671, closed with Letter of Instruction; 2022040471, closed with re-inspection

This 7-22-23 consumer complaint alleges unlicensed activity with a screenshot in support. Inspector went to address listed (apartment) and spoke to Respondent on the intercom system; inspector counseled Respondent on individual licensure/ shop licensure and Respondent stated she would apply for same promptly. A Notice of Violation was not issued.

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

Decision: Approved.

35. COS-2023035691

First License Obtained: 02/13/2020

License Expiration: 02/29/2024

Complaint history: None

This 7-23-23 consumer complaint alleges MMA usage and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint other than some minor, correctible sanitation issues. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

36. COS-2023036451

First License Obtained: 09/25/2013

License Expiration: 01/31/2024

Complaint history: None

This 7-27-23 consumer complaint alleges unsanitary conditions in the shop. Inspection revealed the unsanitary condition was being addressed with the building owner and there was no evidence of the unsanitary condition at the time of inspection. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

37. COS-2023036551

First License Obtained: 05/02/2023

License Expiration: 05/31/2025

Complaint history: None

This 7-28-23 Attorney General – Consumer Affairs complaint alleges a negligent service. Respondent submits a general denial of negligence. Negligence actions are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision: Approved.

38. COS-2023036571

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-28-23 consumer complaint alleges fraud/theft of a deposit for a service that was not performed. Inspector went to address listed in the complaint and the shop owner did not know the Respondent; shop owner thinks Respondent is using the shop’s address for a scam. Criminal actions (fraud/theft) are outside the scope of the Board’s authority.

Recommendation: Refer the complainant to local law enforcement for fraud/theft investigation.

Decision: Approved.

39. COS- 2023036591

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-28-23 anonymous consumer complaint alleges unlicensed activity. Inspector went to address listed in the complaint and made contact with Respondent, who stated she does hair for her friends and then slammed the door on the inspector. A Notice of Violation was not issued.

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

Decision: Approved.

40. COS- 2023036671

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-30-23 consumer complaint alleges unprofessional conduct, with social media in support, and unlicensed activity. Inspector attempted going to the address listed in the complaint (an

apartment complex), but the complainant did not list enough information in the complaint to locate the Respondent's apartment unit. A Notice of Violation was not issued.

Recommendation: Closure (incomplete address).

Decision: Approved.

41. COS- 2023036811

First License Obtained: 08/09/2023

License Expiration: 08/31/2025

Complaint history: None

This 7-31-23 consumer complaint alleges unlicensed activity from an apartment and unsanitary conditions. Inspector went to apartment and spoke to Respondent, who denied operating a shop in the apartment and did not know the complainant. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

42. COS- 2023036801

First License Obtained: 04/02/2015

License Expiration: 02/28/2025

Complaint history: None

This 7-31-23 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

43. COS- 2023037001

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

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.

44. COS- 2023037031

First License Obtained: 08/07/2023

License Expiration: 08/31/2025

Complaint history: None

This 8-1-23 anonymous consumer complaint alleges unlicensed activity. Inspection revealed a licensed hair braider. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

45. COS-2023037241

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

This 8-2-23 consumer complaint alleges fraud regarding a service deposit (with screenshots in support). Criminal matters (fraud) are outside the scope of the Board's authority. A Notice of Violation was not issued.

Recommendation: Refer the complainant to local law enforcement for investigation of theft/fraud.

Decision: Approved.

46. COS- 2023037221

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

This 8-2-23 consumer complaint alleges unlicensed activity with alleged social media in support. Inspector made contact with Respondent and counseled Respondent on individual and shop licensure. A Notice of Violation was not issued.

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

Decision: Approved.

47. COS- 2023037261

First License Obtained: 08/07/2014
License Expiration: 08/31/2024
Complaint history: None

This 8-2-23 cosmetology school complaint alleges an apprenticeship student is attempting to satisfy her clinic hours at a family member's salon. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

48. COS-2023037401

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

This 8-3-23 alleges a negligent service and unlicensed activity. Inspector met with Respondent, who does not perform cosmetology services and does not perform cosmetology services at home. A Notice of Violation was not issued. Respondent was counseled on individual/home licensure.

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

Decision: Approved.

49. COS- 2023037531

First License Obtained: 05/12/2021
License Expiration: 03/31/2025
Complaint history: None

This 8-4-23 school complaint states the same allegation in Item #47 above. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

50. COS- 2023037851

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 8-4-23 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed a business had not yet been initiated and Respondent was counseled on individual/shop licensure. A Notice of Violation was not issued.

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

Decision: Approved.

51. COS- 2023038291

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 8-4-23 Attorney General – Consumer Affairs referral alleges a negligent service (requesting a refund) and unlicensed activity. Inspector went to business address several times but the business was closed each time. CORE revealed a licensed cosmetologist and an expired shop license application. A Notice of Violation was not issued. Negligence and refunds are outside the scope of the Board’s authority.

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

Decision: Approved.

52. COS- 2023038021

First License Obtained: 08/17/2023

License Expiration: 08/31/2025

Complaint history: None

This 8-4-23 consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed no evidence to substantiate the complaint on unlicensed activity. Negligence actions are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision: Approved.

53. COS- 2023038351

First License Obtained: 12/08/2006

License Expiration: 09/01/2022

Complaint History: 2007054751, Dismissed; 2007064711, closed with a letter of warning; 2009018991 closed with no further action; 2009020141, closed with no action; 2009022401 closed with no action; 2010009261, closed with no action; 2010016101, closed with no

action; 2012016541 closed by consent order and \$500 civil penalty 2016067441, closed; 2017015651, closure; 2017066681, closure; 2020013471, closure; 2020081061, closure

This 8-7-23 student complaint alleges Respondent school is withholding financial aid from the student due to an attendance issue. Respondent states the check was presented to the student on 8-8-23 after verifying student's attendance (which was below the drop level); Respondent wanted to do their due diligence in an effort to be responsible with federal funds.

Recommendation: Closure.

Decision: Approved.

54. COS- 2023038451

First License Obtained: 11/06/2019

License Expiration: 09/01/2024

Complaint History: 2020053191, closure; 2020097131, closure; 2021002751, closure; 2021027801, closure; 2022042291, closure; 2023002811, closed with Letter of Warning

This 8-7-23 graduate complaint alleges Respondent school will not release the former student's hours after payment of tuition in full (with social media in support). Respondent states the graduate's hours will be released when confirmation is received of the check clearing the bank.

Recommendation: Closure.

Decision: Approved.

55. COS- 2023038601

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 8-8-23 consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed no evidence of unlicensed activity. Negligence actions are outside the scope of the Board's authority. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

56. COS- 2023039361

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

This 8-11-23 anonymous consumer complaint alleges an unsanitary condition with a picture in support. Inspection revealed the sanitation issue had been corrected. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

57. COS- 2023039371

First License Obtained: 10/05/2007
License Expiration: 10/31/2025
Complaint history: None

This 8-13-23 consumer complaint alleges a negligent service and performing a corrective service outside of a cosmetology license. Inspection revealed no evidence to substantiate the complaint. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

58. COS- 2023039431

First License Obtained: 10/16/2020
License Expiration: 09/01/2024
Complaint history: 2022044291, closure; 2022027261, closure; 2021050741, closure

This 8-14-23 former student complaint alleges Respondent school held her hours to test due to late/missed tuition payments. Respondent school acknowledged that student did not pay the delinquent amount owed to be eligible to graduate from the program; the student did not meet the criteria to reapply as her account was more than 60 days past due. The student may receive eligibility for her hours to be submitted for testing after the student account is paid in full. Contractual matters (tuition for education) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

59. COS- 2023039691

First License Obtained: 04/21/2017
License Expiration: 04/30/2025
Complaint history: None

This 8-16-23 consumer complaint alleges unsanitary conditions resulting in an infection, with pictures in support. Inspection revealed no evidence of unsanitary conditions to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

60. COS- 2023040261

First License Obtained: 04/20/2022
License Expiration: 04/30/2024
Complaint history: 2023023111, closure; 2023032281, closure

This 8-17-23 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.

61. COS- 2023040271

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

This 8-17-23 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.

62. COS- 2023040441

First License Obtained: 09/21/2022

License Expiration: 09/30/2024

Complaint history: None

This 8-18-23 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.

63. COS- 2023040631

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 8-18-23 competitor complaint alleges unlicensed activity. Inspection of the shop revealed Respondent is no longer employed there. A Notice of Violation was not issued, but the owner was counseled on employing only licensed cosmetologists.

Recommendation: Closure (shop owner was counseled).

Decision: Approved.

64. COS- 2023040721

First License Obtained: 07/22/1968

License Expiration: 11/30/2003

Complaint history: None

This 8-21-23 consumer complaint alleges a negligent service with a picture in support. Inspection of the shop revealed no evidence of unlicensed activity. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

65. COS- 2023040711

First License Obtained: 08/04/2021

License Expiration: 10/31/2024

Complaint history: 202106168, closed by Agreed Citation and payment of \$6,000.00 civil penalty

This 8-21-23 consumer complaint alleges unsanitary conditions. Inspection revealed the unsanitary condition had been corrected. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

66. COS-2023040801

First License Obtained:

02/02/2018

License Expiration:

09/01/2024

Complaint history:

**2019024071, closure, 202103321, Letter of Instruction;
2022025421, closure**

This 8-21-23 student complaint alleges the following:

1. withholding of phones after the school made the student sign a document stating the student had received the phone,
2. the withholding of federal student funding;
3. inadequate student supplies,
4. mold in the building,
5. rats and cockroaches in the school,
6. no air conditioning,
7. the releasing of the student's hours,
8. teachers under the influence of a drug or intoxicant,
9. sexual harassment of students,
10. teachers fighting students in the parking lot,
11. overpopulation of students in the barber program,
12. inadequate plumbing, and
13. the inspector from the last inspection should not do a future inspection because they did not do a competent inspection of the school.

The Respondent school replies as follows:

1. did not provide a response to this specific allegation,
2. they apply federal student funding to the student account, pay all outstanding debts, and release any overages to the students in a timely manner,
3. since they carry specific brand products, they try to keep the student supplies replenished as best as possible,
4. the school is inspected annually where such a condition would be addressed if found,
5. the school is 11,000 square feet and they employ a pest control company to maintain the facility,
6. the air conditioning was addressed in a timely manner,
7. the hours have been released to PSI,
8. the complaint did not provide the names of the teachers to investigate,
9. there is a student process for the filing of sexual harassment complaints,
10. the teacher and the student involved in fighting were both terminated from the school,
11. the school meets state board minimum requirements on the number of barber students they take in the barber program and manage them accordingly,
12. plumbing issues are addressed as soon as they become known to the school, and
13. the school did not provide a response to this specific allegation.

Recommendation:

Re-inspect for the issues of school phone dispersal to students, working air conditioning and plumbing, adequate student supplies/products, areas of mold

in the school, and overpopulation of barber students in the barber program as stated in the student complaint and in the school response.

Decision: Approved.

67. COS- 2023040941

First License Obtained: 12/09/2021

License Expiration: 12/31/2023

Complaint history: 202303688, closed by Letter of Warning; 202303861, closed by Letter of Warning

This 8-22-23 employee complaint alleges unlicensed activity. Inspection revealed no evidence of unlicensed activity. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

68. COS- 2023041021

First License Obtained: 11/12/2014

License Expiration: 10/31/2024

Complaint history: 201500224571, closed by Consent Order and payment of \$100.00 civil penalty; 2019040421, closure

This 8-22-23 consumer complaint alleges a latex allergic reaction to the gloves worn by the shop employee; further, the Respondent was unprofessional in her reaction to the client's allergic reaction. Respondent states this was their first instance with a latex-allergic customer and they have adjusted their practice and corrected it accordingly.

Recommendation: Closure.

Decision: Approved.

69. COS- 2023041211

First License Obtained: 04/19/2023

License Expiration: 04/30/2025

Complaint history: None

This 8-23-23 anonymous consumer complaint alleges this cosmetology shop is performing barbering services outside of its license with alleged social media in support. Inspection revealed that neck shaves were the only barbering services being performed. No services were being performed at the time of inspection. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

70. COS-2023041661

First License Obtained: 12/02/2021

License Expiration: 09/01/2024

Complaint history: 2022027821, closure; 2023025551, closure

This 8-25-23 anonymous complaint alleges unlicensed instructors at the school. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

BARBER CASES

71. BAR-2023031221

First License Obtained: 03/24/2020

License Expiration: 03/31/2024

Complaint history: None

This 6-22-23 annual inspection revealed an unlicensed individual practicing on a client in the Respondent 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-2023033621

First License Obtained: 03/14/2001

License Expiration: 03/31/2025

Complaint history: None

This 7-6-23 annual inspection revealed an expired shop license (expiration 12-31-22). A Notice of Violation was issued.

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

Decision: Approved.

73. BAR-2023034111

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-12-23 anonymous complaint alleges unlicensed activity but does not list a physical address for an investigation to take place.

Recommendation: Closure (no address).

Decision: Approved.

74. BAR-2023036731

First License Obtained: 04/30/1991

License Expiration: 06/30/2010

Complaint history: None

This 7-31-21 competitor complaint alleges an unlicensed barber shop. Inspection revealed an unlicensed shop and two (2 – including the Respondent owner) performing services on customers without an individual master barber license. This Respondent has had multiple infractions for unlicensed activity and recently had a hearing for unlicensed activity where a judgement was taken against the Respondent and ultimately sent to collections.

Recommendation: Refer complainant to local law enforcement for investigation/prosecution of crime for impersonating a licensed professional; refer complainant to attorney general for investigation/initiation of nuisance abatement of unlawfully engaging in business or profession.

Decision: **Approved.**

75. BAR-2023036891

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

This 8-1-23 competitor complaint alleges unlicensed activity with alleged social media in support; the complaint does not state a physical address, telephone number or e-mail address. Thus, an inspection could not be performed.

Recommendation: **Close (no information for inspection) and flag.**

Decision: **Approved.**

76. BAR- 2023038821

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

This 8-2-23 inspection revealed an unlicensed individual performing services on a client. A Notice of Violation was issued.

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

Decision: **Approved.**

77. BAR- 2023038051

First License Obtained: **03/20/2023**

License Expiration: **03/31/2025**

Complaint history: **None**

This 8-5-23 consumer complaint alleges alcohol use by a barber and unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

78. BAR- 2023039211

First License Obtained: **02/09/2023**

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

Complaint history: **None**

This 8-11-23 former in-law complaint alleges a domestic situation at a barber shop which resulted in the shop owner brandishing a firearm at the former in-law. The matter is being pursued with local law enforcement. Criminal matters (brandishing a firearm) are outside the scope of the Board's authority. Complainant states, during the domestic situation, they noticed two (2) unlicensed barbers performing services on customers.

Recommendation: **Letter of warning (unprofessional conduct). Re-inspect for unlicensed activity.**

Decision: **Approved.**

79. BAR-2023041001

First License Obtained: 10/15/2020
License Expiration: 10/31/2024
Complaint history: None

This 8-22-23 anonymous complaint alleges a murder/killing of a patron was committed at the barbershop on Saturday, 4-22-23. The Respondent is out on bond for the killing of a person who entered the shop banging a trash can and throwing garbage around the shop. Respondent allegedly shot the non-customer in self-defense as he was under the impression his life was in danger. A grand jury hearing was conducted on September 12, 2023 and the Respondent has a “report date” hearing scheduled for December 11, 2023 as the case moves along in the criminal court process.

Recommendation: Litigation monitoring.
Decision: Approved.

80. BAR-2023042231

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 8-30-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed an expired shop license (expiration 12-31-22) and the shop owner-manager was absent during the operation of the shop. There have been multiple offenses previously for these same infractions. A Notice of Violation was issued. A hearing will be conducted in the future on the previous infractions for the revocation of the shop license.

Recommendation: Closure.
Decision: Approved.

81. BAR- 2023042301

First License Obtained: 03/31/2017
License Expiration: 03/31/2025
Complaint history: None

This 8-30-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Approved.

RE-PRESENT

82. 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 matter was previously presented to the Board at the Board at its June 5, 2023 meeting as follows: *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.*

Update: **The Respondent evaded service of process, so service will be an issue. The shop now appears closed.**

Recommendation: **Close (evasion of service of process) and flag.**

Decision: **Approved.**

Motion made by Amy Tanksley and seconded by Patricia Parsons to approve the legal report recommendations as presented. The motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Applications for examination for: Bethanie Carriker, Ashanti Glass, and Tanuja Rivers. The applicants have felonies within the last three years and/or are currently incarcerated. The request to take the Tennessee examination was submitted for the board's approval along with the required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

Motion made by Amy Tanksley and seconded by 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 waive the need to retest pursuant to rule 0200-01-.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. Mr. Kyler Lee White provided an explanation about his personal situation and how that impacted the year after he passed the exams. He passed his master barber practical exam on 12/10/2021.

MOTION made by Amy Tanksley and seconded by Judy McAllister 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 shall attend an approved training program of 16 hours every two (2) years. The Board may, for good cause such as medical hardship or death in the immediate family, approve such an extension. Ms. Stephanie Smith emailed explaining the health issues her daughter was dealing with and why during this renewal she was a couple of weeks late. Under rule 0440-01-.15 (4) an instructor has sixty (60) days from the expiration date to submit such a onetime request.

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

DIRECTOR'S REPORT:

The financial information as of August reflecting June 2023 final number were presented. FY23 shows a deficit of \$106,453 leaving the reserve surplus balance at \$1,193,168.

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 11:43 AM.

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