



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

## **MINUTES**

The State Board of Cosmetology and Barber Examiners held a meeting December 2, 2024, at 9:05 a.m. in person in Room 1A and via Teams.

The Meeting was called to order by Chair Becky Russell. Becky Russell. She welcomed everyone to the Board meeting.

Roxana Gumucio, Executive Director, called roll. The following members participated: Perry Baldwin, Anita Charlton, Monica Lemons, Judy McAllister, David McElreath, Marquise Martin, Jeffery Moran, Layne Petty, Becky Russell, Amy Tanksley, Tamika Turner, and Hobby Weiss.

Not available: Jeffrey Moran.

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

Director Gumucio introduced Hobby Weiss, new board member replacing Ryan Timmons.

Individuals who wish to make a public comment on an item listed on the posted agenda during the scheduled public comment period will need to sign in on the provided sign-in sheet or by placing their name in the chat box online. It is requested that comments be limited to three (3) minutes out of respect for other speakers.

### **AGENDA-**

Motion made by David McElreath and seconded by Layne Petty to approve the agenda. The motion carried unanimously.

### **MINUTES-**

Minutes for the October 2024 board meetings were submitted for changes and/or approval.

Motion made by Layne Petty and seconded by David McElreath to approve the October 2024 minutes. The motion carried unanimously.

## **PRESENTED BEFORE THE BOARD-**

### **A&A Nail Academy – New Manicure School**

Ms. Ashley Glenn 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 for both school applications.

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

### **Art of Locs Training Academy – New Natural Hair Styling School**

Ms. Latorah Spearman 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 for both school applications.

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

### **Caviar Beauty Institute – Change in Location**

Ms. LaShun Thompson participated to answer questions for the board. The school is an apprenticeship only school located in Memphis. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely for both school applications.

MOTION made by Amy Tanksley and seconded by Perry Baldwin to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

### **2025 Continued Education Seminar Requests:**

The University of Tennessee, Knoxville UT Conference Center submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, July 20 and Monday, July 21, 2025. The session will be in person.

Motion made by Monica Lemons and seconded by Layne Petty to approve the 2025 session and requested date. Motion carried with nine yes votes. Mr. David McElreath voted No. Ms. Becky Russell abstained from the vote.

The Confident Educator: Ms. LaShun Thompson submitted her information for the instructor continuing education seminar for two virtual sessions: March 23 & 24<sup>th</sup> and September 20<sup>th</sup> & 21<sup>st</sup>, 2025.

Motion made by Layne Petty and seconded by Tamika Turner to approve the 2025 session and requested dates. Motion carried unanimously.

Beauty Educator's Leadership Conference: Ms. Destiny Cox submitted her information for the instructor continuing education seminar for two virtual sessions: April 27<sup>th</sup> & 28<sup>th</sup>, and November 16<sup>th</sup> & 17<sup>th</sup>, 2025.

Motion made by Tamika Turner and seconded by Judy McAllister to approve the 2025 session and requested dates. Motion carried unanimously.

Integrating Today's Beauty Education with Tomorrow's Techniques: Mr. Thomas James submitted the information for the instructor continuing education seminar for two virtual sessions: February 16<sup>th</sup> & 17<sup>th</sup>, and October 5<sup>th</sup> & 6<sup>th</sup>, 2025.

Motion made by Judy McAllister and seconded by Layne Petty to approve the 2025 session and requested dates. Motion carried unanimously.

TSU, Avon Campus, submitted the information for the instructor continuing education seminar. They are requesting to have the session offered in person and virtually on Sunday, August 3<sup>rd</sup> & Monday, August 4<sup>th</sup>, 2025.

Motion made by Monica Lemons and seconded by Layne Petty to approve the 2025 session and requested date. Motion carried unanimously.

KINCC Education Group: Ms. Kimberly Anderson submitted the information for the instructor continuing education seminar for two sessions.

One virtual session: January 26<sup>th</sup> & 27<sup>th</sup>, 2025.

One in person and virtual session at Paul Mitchell in Memphis June 7<sup>th</sup> & 8<sup>th</sup>, 2025.

Motion made by David McElreath and seconded by Tamika Turner to approve the 2025 session and requested dates. Motion carried unanimously.

## **LEGAL REPORT- STAFF ATTORNEY**

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

### **COSMETOLOGY CASES**

#### **1. COS- 2024044211**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-7-24 consumer complaint alleges unsanitary conditions with an alleged picture in support. Respondent states the name/address used for complainant is false and the picture of Respondent's kids/nephews who were having their hair cut in the home for school. Complainant states this is not a false report, and the picture is that of customers and not family.

**Recommendation:** Close the complaint and send for inspection of unsanitary conditions/individual licensure and shop licensure.

**Decision:** Approved.

#### **2. COS- 2024045571**

**First License Obtained:** 06/07/1993

**License Expiration:** 11/30/2021

**Complaint history:** 2014031091, closed with Letter of Warning

This 8-9-24 inspection revealed an expired shop license (expiration 11-30-21). A Notice of Violation was issued. The owner paid the civil penalty by agreed citation on the owner's complaint; this would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

#### **3. COS- 2024045821**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-16-24 administrative complaint alleges an unlicensed shop with an alleged picture of the shop in support. Respondent did not provide a response.

**Recommendation:** Close the complaint and send for inspection of shop licensure.

**Decision:** Approved.

#### **4. COS- 2024048331**

**First License Obtained:** 06/22/2022  
**License Expiration:** 06/30/2024  
**Complaint history:** None

This 8-15-24 annual inspection revealed an expired shop license (expiration 6-30-24). A Notice of Violation was issued. The shop license remains expired.

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

**Decision:** Approved.

**5. COS- 2024048351**

**First License Obtained:** 12/19/2011  
**License Expiration:** 12/31/2025  
**Complaint history:** None

Please see facts for Item #4 above. This Respondent is the designated manager cited for failure of responsibilities.

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

**Decision:** Approved.

**6. COS- 2024047721**

**First License Obtained:** 04/28/2016  
**License Expiration:** 04/30/2024  
**Complaint history:** None

This 8-16-24 annual inspection revealed an expired shop license (expiration 4-30-24). A Notice of Violation was issued. The shop license remains expired.

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

**Decision:** Approved.

**7. COS- 2024046811**

**First License Obtained:** 03/26/2014  
**License Expiration:** 09/01/2025  
**Complaint history:** 2014005651, closed with Letter of Caution; 2018008001, closure; 2023063441; 2023063501, closure and refer the complainant to local law enforcement; 2023065101, closure; 2024018131, closed with Letter of Warning; 2024015981, closure; 2024046311, closure

This 8-21-24 anonymous student complaint alleges:

1. one licensed instructor for esthetics and cosmetology who is not with students at all times,
2. no air conditioning in the theory room,
3. unprofessional conduct of an instructor (with specificity),
4. none of the licensed instructors work there currently,
5. no badge for a student to clock in and out,

6. students are being told their student files are lost and will have to retake their practicals,
7. students trying to transfer out of the school are being refused their hours,
8. an esthetics teacher hired by the school has an open investigation for hitting another student at another school, and
9. students are not being taught how to cut hair after 900 hours.

The school provided the following responses to the allegations:

1. on the evening in question, very few students were in attendance – the instructor broke the students into levels and were given different assignments so the instructor could float between different levels so the students could get the help they needed.
2. The school has had repeated issues with parts breaking down in the air conditioning unit – they hired a portable unit to help with the issue.
3. The response provided did not specifically address the allegation.
4. The instructors quit without notice.
5. This allegation was not addressed.
6. When the instructors quit without notice, the student files were moved – the students are thus redoing their practicals to ensure competency.
7. Students must fulfill their financial obligations before their hours can be released per established policy.
8. This allegation was not addressed.
9. This is why students are redoing their practicals.

**Recommendation:** Send a letter to Respondent school owner to address allegations 3, 5 and 8. Send an inspector to the school to ensure proper air conditioning and the new school instructors have the proper licensure.

**Decision:** Approved.

**8. COS- 2024047021**

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

**License Expiration:** 09/01/2025

**Complaint history:** 2014005651, closed with Letter of Caution; 2018008001, closure; 2023063441; 2023063501, closure and refer the complainant to local law enforcement; 2023065101, closure; 2024018131, closed with Letter of Warning; 2024015981, closure; 2024046311, closure

This 8-22-24 anonymous student complaint alleges most of the same allegations in Item #7 above.

**Recommendation:** Closure.

**Decision:** Approved.

**9. COS- 2024047011**

**First License Obtained:** 06/25/2020

**License Expiration:** 06/30/2026

**Complaint history:** None

This 8-22-24 consumer complaint alleges a negligent service. Respondent states they do not know the complainant and have not serviced the complainant. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

#### 10. COS-2024047051

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

**License Expiration:** 09/01/2025

**Complaint history:** 2014005651, closed with Letter of Caution; 2018008001, closure; 2023063441; 2023063501, closure and refer the complainant to local law enforcement; 2023065101, closure; 2024018131, closed with Letter of Warning; 2024015981, closure; 2024046311, closure

This 8-23-24 student complaint alleges some of the same allegations in Item #7 above and provides the following new allegations:

1. The aesthetics teacher is unprofessional (disrespectful and rude).
2. The aesthetics teacher clocked out students when they were actually present at the school.
3. The instructors are not teaching the students anything.
4. The school does not care about the students and are just making money off of them.
5. The school does not take the school courses and student's problems seriously.
6. The school is trying to take student hours and preventing students from coming in early to make up hours.

The school provided the following responses to the allegations.

1. This allegation was not addressed.
2. If students are not actively engaged in practical or theory, then they are clocked out. They do not receive hours for merely showing up. This ensures the students are receiving a quality education and are equipped with the proper skills and knowledge needed for their future careers.
3. The school uses the learning platform CIMA with online textbooks, learning modules, activities and testing. The complainant currently has completed 97 hours of assignments and has a score of 92.
4. The school conducts regular classroom evaluations where students can provide feedback about their classes and instructors in order to improve the programs and address any issues in real time; further, students can e-mail any concerns that they may have to the school.
5. Please see answer to #4 above.
6. Please see answer to #2 above.

**Recommendation:** Closure.

**Decision:** Approved.

**11. COS- 2024047131**

**First License Obtained:** 07/06/2021

**License Expiration:** 07/31/2025

**Complaint history:** None

This 8-23-24 consumer complaint alleges theft of a service deposit and requests a refund. Complainant will be contacting local law enforcement. Respondent states her boyfriend had the phone and taking service deposits; Respondent is in the process of refunding money back to clients. Criminal matters (theft)/refunds are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**12. COS-2024047361**

**First License Obtained:** 12/10/2021

**License Expiration:** 12/31/2025

**Complaint history:** None

This 8-26-24 anonymous consumer complaint alleges an expired shop license and unlicensed individual activity. Inspection revealed the shop open with no customers; inspector spoke with designated manager regarding the renewal of the shop license. A Notice of Violation was not issued and the shop license was renewed.

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

**Decision:** Approved.

**13. COS-2024049731**

**First License Obtained:** 03/01/2012

**License Expiration:** 03/31/2026

**Complaint history:** None

This 8-28-24 annual inspection revealed no valid individual licenses displayed and an individual practicing on an expired license. A Notice of Violation was issued. This Respondent is the designated manager cited for failure of responsibilities. The agreed citation was paid for the expired individual license but we still need the signed/dated agreed citation.

**Recommendation:** Letter of warning (valid individual licenses not displayed). Send an inspector to have the Respondent sign the agreed citation. If the signed Agreed Citation is not received, authorize formal hearing if necessary. Authorize settlement by consent order for the civil penalty of \$500.00.

**Decision:** Approved.

**14. COS- 2024050061**

**First License Obtained:** 07/01/2013

**License Expiration:** 06/30/2021

**Complaint history:** 201403246, closed by Agreed Citation and payment of \$1,000 civil penalty; 2015020001 and 2015019721 closed by Agreed Order and payment of \$2,000 civil



**penalty; 2019054841, closure**

This 8-28-24 inspection revealed two (2) unlicensed individuals performing services on customers in the 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.

**15. COS- 2024053221**

**First License Obtained:** 05/28/2013

**License Expiration:** 07/31/2025

**Complaint history:** 201501973, closed with Letter of Warning; 201502001, closed by Agreed Order and payment of \$1,000 civil penalty; 202303901, closed by Agreed Citation and payment of \$1,500.00 civil penalty; 2024049251, closure

Please see facts for Item #14 above. This Respondent is the shop owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

**16. COS-2024048391**

**First License Obtained:** 12/18/2020

**License Expiration:** 12/31/2024

**Complaint history:** None

This 8-30-24 consumer complaint alleges a negligent service of a minor child; an attorney has been retained. Respondent apologizes for the incident and did not charge the client. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**17. COS-2024048651**

**First License Obtained:** 02/15/2024

**License Expiration:** 02/28/2026

**Complaint history:** 202403983, closed by Agreed Citation and payment of \$1,500.00 civil penalty

This 9-1-24 consumer complaint alleges an unsanitary condition with a picture in support.

Inspection revealed a sanitary violation and an unlicensed individual practicing on a customer in the shop. A Notice of Violation was issued. This is Respondent's second offense for an unlicensed individual practicing on a customer in the shop.

**Recommendation:** Letter of warning (sanitation violation). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00 (unlicensed individual).

**Decision:** Approved.

**18. COS-2024048781**

**First License Obtained:** 05/28/2021

**License Expiration:** 05/31/2025

**Complaint history:** None

This 9-3-24 anonymous consumer complaint alleges drinking in the shop and unlicensed individuals working in the shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**19. COS-2024049541**

**First License Obtained:** 03/30/2023

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

**Complaint history:** None

This 9-5-24 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**20. COS-2024052181**

**First License Obtained:** 10/24/2016

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

**Complaint history:** None

This 9-6-24 Attorney General - Consumer Affairs referral alleges unlicensed individual activity and unprofessional conduct regarding the Respondent's cancelling of an appointment (with screenshots in support) and requests a refund of the service deposit. Respondent did not provide a response to the allegations.

**Recommendation:** Letter of warning (unprofessional conduct) and close the complaint. Send an inspector for individual license/shop license at address listed in the screenshots.

**Decision:** Approved.

**21. COS-2024052211**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 9-6-24 Attorney General – Consumer Affairs referral alleges a negligent service (with an alleged picture in support), unlicensed activity and unsanitary conditions. Inspection revealed a closed shop and owner stated they are not open for business to the public yet since they are filling out an application; owner further stated they are not providing services since they are still in the process of opening up the shop. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

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

**Decision:** Approved.

**22. COS- 2024050071**

**First License Obtained:** 07/07/2023

**License Expiration:** 07/31/2025

**Complaint history:** None

This 9-7-24 consumer complaint alleges unsanitary conditions from a home shop. The Respondent did not provide a response to the allegations.

**Recommendation:** Letter of warning (unprofessional conduct – not providing a response.) and close the complaint. Send an inspector to inspect for unsanitary conditions of home shop.

**Decision:** Approved.

**23. COS-2024050251**

**First License Obtained:** 04/03/2017

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

**Complaint history:** 2020015801, closure

This 9-9-24 consumer complaint alleges an unlicensed individual in the shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**24. COS-2024050271**

**First License Obtained:** 03/21/2024

**License Expiration:** 03/31/2026

**Complaint history:** None

This 9-9-24 anonymous consumer complaint alleges an unsanitary condition. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**25. COS- 2024055351**

**First License Obtained:** 12/18/2018

**License Expiration:** 12/31/2024

**Complaint history:** 202403198, closed by Agreed Citation and payment of \$1,000 civil penalty

This 9-9-24 anonymous consumer complaint alleges unlicensed individual activity. Respondent states the named individuals no longer work in the salon.

**Recommendation:** Close the complaint and inspect for individual licensure.

**Decision:** Approved.

**26. COS- 2024053081**

**First License Obtained:** 08/28/2023

**License Expiration:** 08/31/2025

**Complaint history:** None

This 9-9-24 anonymous consumer complaint alleges unlicensed individual activity. Respondent provided a copy of the named individual's Tennessee Cosmetology License in response.

**Recommendation:** Closure.

**Decision:** Approved.

**27. COS-2024050491**

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

**License Expiration:** 01/31/2026

**Complaint History:** 2016022661, closed by Consent Order and payment of \$1,000 civil penalty; 2019092001, closure; 2022046841, Closure; 2022052651, closure; 2022046991, closure

This 9-10-24 consumer complaint alleges unlicensed individual activity with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**28. COS-2024050361**

**First License Obtained:** 11/27/2019

**License Expiration:** 11/30/2025

**Complaint history:** 2023049261, closed with Letter of Instruction

This 9-10-24 consumer complaint alleges price gouging and requests a refund. Pricing/refunds are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**29. COS- 2024051461**

**First License Obtained:** 08/22/2024

**License Expiration:** 08/31/2026

**Complaint history:** None

This 9-16-24 anonymous former employee complaint alleges unsanitary conditions and fraud. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued. Criminal matters (fraud) are outside the scope of the board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**30. COS-2024051411**

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

**License Expiration:** 09/01/2025

**Complaint history:** 2014005651, closed with Letter of Caution; 2018008001, closure; 2023063441; 2023063501, closure and refer the complainant to local law enforcement; 2023065101, closure; 2024018131, closed with Letter of Warning; 2024015981, closure; 2024046311, closure

This 9-16-24 anonymous complaint alleges unlicensed activity, inadequate instruction (without specificity), and unsanitary conditions. Inspection revealed no evidence of unlicensed activity nor unsanitary conditions. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**31. COS-2024051501**

**First License Obtained:** 04/23/2024

**License Expiration:** 09/01/2025

**Complaint history:** 2024045701, closure

This 9-16-24 student complaint alleges Respondent is giving discounted tuition to one of the students and improper teaching (with specificity). Respondent states the discounted tuition was a rumor and was misunderstood as to the allegation regarding improper teaching. Student wishes to withdraw the complaint.

**Recommendation:** Closure.

**Decision:** Approved.

**32. COS- 2024053421**

**First License Obtained:** 12/06/2019

**License Expiration:** 11/30/2025

**Complaint history:** None

This 9-16-24 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**33. COS- 2024051541**

**First License Obtained:** 03/15/2023

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

**Complaint history:** None

This 9-17-24 consumer complaint alleges unlicensed shop activity. Research indicated the shop license is currently active.

**Recommendation:** Closure.

**Decision:** Approved.

**34. COS- 2024051511**

**First License Obtained:** 04/18/2011

**License Expiration:** 09/30/2025

**Complaint history:** 20150226281, close; 202303150, closed with Letter of Warning

This 9-17-24 consumer complaint alleges a negligent service, unprofessional conduct and unsanitary conditions. The Respondent did not provide a response. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Letter of warning (unprofessional conduct – not providing a response.) and close the file. Send an inspector to investigate allegation of unsanitary conditions.

**Decision:** Approved.

**35. COS- 2024052191****First License Obtained:** 01/31/2018**License Expiration:** 09/01/2025**Complaint History:** 2018066661, closure; 2019094801, closure; 2020092201, closure; 2023002051, closure; 2023043021, closure with re-inspection

This 9-19-24 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.**Decision:** Approved.**36. COS- 2024052221****First License Obtained:** 10/07/2022**License Expiration:** 09/01/2025**Complaint history:** None

This 9-19-24 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.**37. COS- 2024052241****First License Obtained:** 12/21/2009**License Expiration:** 12/31/2025**Complaint history:** None

This 9-19-24 consumer complaint alleges an unsanitary condition (bad breath) of an employee. Respondent employer states they all practice dental care as well as use gum and breath mints; however, sometimes halitosis still does occur in close proximity when applying facial wax.

**Recommendation:** Closure.**Decision:** Approved.**38. COS- 2024052451****First License Obtained:** 05/05/2023**License Expiration:** 04/30/2025**Complaint history:** None

This 9-20-24 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.**Decision:** Approved.**39. COS-2024053921****First License Obtained:** N/A**License Expiration:** N/A**Complaint history:** None

This 9-26-24 consumer complaint alleges a negligent service and unlicensed individual activity. Inspection revealed a salon where Respondent worked but was recently let go due to

Respondent's unlicensed status. A Notice of Violation was not issued. There is not an individual address listed for a letter of warning. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure (no individual address) and flag.

**Decision:** Approved.

**40. COS- 2024053851**

**First License Obtained:** 10/30/2023

**License Expiration:** 10/31/2025

**Complaint history:** None

This 9-27-24 alleges a negligent service, unlicensed activity, and unprofessional conduct. Inspector went to suite address listed in the complaint, but Respondent had already vacated the suite due to unpaid rent. Inspector was able to get a residential address for Respondent. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Letter of warning (hairbraider certificate/unprofessional conduct) to residential address and flag.

**Decision:** Approved.

**41. COS- 2024053841**

**First License Obtained:** N/A

**License Expiration:** 09/01/1996

**Complaint history:** None

This 9-27-24 consumer complaint requests a refund of services at the student clinic when the student/consumer's cousin was suspended for providing more services than what was conveyed to the student clinic manager. Refunds are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**42. COS- 2024053871**

**First License Obtained:** 08/02/2013

**License Expiration:** 07/31/2025

**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; 2023010211, closure; 2023016351, closure; 2023044001, closed with Letter of Warning and referred complainant to local law enforcement

This 9-28-24 consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed an unlicensed individual working on a client in the 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.

**43. COS- 2024054051**

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

This 9-30-24 consumer complaint alleges a negligent service and unsanitary conditions but did not provide a complete address for an inspection. Negligence actions are outside the scope of the Board's authority.

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

**Decision:** Approved.

**44. COS- 2024054361**

**First License Obtained:** 03/24/2023

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

**Complaint history:** 202402251, close with re-inspection; 202403632, closed by Agreed Citation and payment of \$1,000.00 civil penalty

This 10-2-24 consumer complaint alleges a negligent service and an unsanitary condition. Inspection revealed no evidence to substantiate the allegation of an unsanitary condition. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**45. COS- 2024054381**

**First License Obtained:** 09/24/2024

**License Expiration:** 09/30/2026

**Complaint history:** None

This 10-3-24 competitor complaint alleges unlicensed individual activity with alleged pictures in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**46. COS- 2024054741**

**First License Obtained:** 03/21/1994

**License Expiration:** 09/01/2025

**Complaint History:** 6964, dismissed, 9015, dismissed; 2006002571, closed with no action; 2006041431, closed with no action; 2009011581, 2009021901, 2010001381, 201000241, closed with no action; 2013018401 closed by Consent Order and payment of \$250.00 civil penalty; 2022021761, closure

This 10-4-24 student complaint was requested to be closed by the student.

**Recommendation:** Closure.

**Decision:** Approved.

**47. COS- 2024055151**



**First License Obtained:** 08/21/2023

**License Expiration:** 05/31/2025

**Complaint history:** None

This 10-8-24 consumer complaint alleges an unsanitary condition. Inspection revealed some other minor, correctible sanitary issues only. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**48. COS- 2024057501**

**First License Obtained:** 01/08/2020

**License Expiration:** 12/31/2025

**Complaint history:** 202304370, closed by Agreed Citation and payment of \$1,500.00 civil penalty

This 10-8-24 annual inspection revealed an unlicensed individual performing a service on a customer in the shop. A Notice of Violation was issued. This is Respondent's second offense for having an unlicensed individual performing services on a customer in the shop.

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

**Decision:** Approved.

**49. COS- 2024057851**

**First License Obtained:** 02/26/2008

**License Expiration:** 03/31/2026

**Complaint History:** 2011032381, closed with Letter of Warning;  
2013006031, closed with Letter of Warning;  
2021033211, closure

This 10-9-24 annual inspection revealed two (2) unlicensed individuals practicing on customers in the shop and no owner or manager present during the operation of the shop. A Notice of Violation was issued.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.

**Decision:** Approved.

**50. COS- 2024055601**

**First License Obtained:** 11/15/2021

**License Expiration:** 10/31/2025

**Complaint history:** 2022015811, closed with Letter of Warning

This 10-11-24 anonymous consumer complaint alleges unsanitary conditions and unlicensed activity. When inspector arrived at the salon, the owner saw the inspector and had 6 persons exit out of the back of the shop. There were six customers being serviced in the shop, and 3 customers got up and left the shop (the other 3 customers were being serviced by licensed individuals). The shop owner stated the 6 persons who exited out the back door were only cleaning the shop. A Notice of Violation was not issued since the inspector did not actually see

the unlicensed activity in person due to the shop owner seeing the inspector first. Inspector requests a follow-up inspection.

**Recommendation:** Close the complaint and re-inspect for unlicensed activity.

**Decision:** Approved.

**51. COS- 2024055791**

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

**License Expiration:** 06/30/2026

**Complaint history:** 201700828, closed by Agreed Citation and payment of \$200.00 civil penalty

This 10-14-24 anonymous consumer complaint alleges unlicensed individual activity with alleged social media in support. Inspector made contact with the named individual, who was not working on a client at the time of inspection and counseled on individual licensure. A Notice of Violation was not issued.

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

**Decision:** Approved.

**52. COS- 2024058831**

**First License Obtained:** 08/19/2013

**License Expiration:** 08/31/2025

**Complaint history:** 202301023, closed by an Agreed Citation of \$1,600.00 civil penalty

This 10-17-24 inspection revealed an unlicensed individual in this shop. A Notice of Violation was issued to the shop and its owner. This Respondent is the owner of the shop. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

**53. COS-2024056411**

**First License Obtained:** 01/26/2016

**License Expiration:** 01/31/2026

**Complaint history:** None

This 10-17-24 administrative complaint alleges Respondent has been charged with aggravated assault and false imprisonment of a client in the salon regarding an extra payment for a service with a new article in support. Respondent denies the allegations and states the complainant was extremely rude and knew the total amount of the service charged, but claimed she only had a certain amount to pay the Respondent on the total bill (\$50 dollars less than the total amount).

**Recommendation:** Place in litigation monitoring to see if the charges result in a felony (potential revocation of license due to felony plea or conviction).

**Decision:** Approved.

**54. COS- 2024058251**

**First License Obtained:** 04/18/1997

**License Expiration:** 11/30/2026

**Complaint history:**

2006005041, closed by Consent Order and payment of \$500.00 civil penalty; 20060249561, closed w/no action; 2007073881, closed with Letter of Warning; 2007079091, closed by Final Order and payment of \$2,250 civil penalty; 2008001411, closed by Consent Order and payment of \$2,000 civil penalty; 2008014801, closed by Consent Order and payment of \$3,000 civil penalty; 2015012651, close with a Letter of Instruction on sanitation and communicating with the public; 20150223251, closed by Consent Order and payment of \$125.00 civil penalty for this complaint

This 10-21-24 annual inspection revealed two (2) unlicensed individuals practicing on customers in the shop and no owner or manager present during the operation of the shop. A Notice of Violation was issued. This is the Respondent's fourth offense for having unlicensed individuals performing services in the shop, the other times occurring in 2007, 2008, and again in 2008.

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

**Decision:** Approved.

**55. COS- 2024055371**

**First License Obtained:** 08/28/2023

**License Expiration:** 08/31/2025

**Complaint history:** None

This 10-28-24 anonymous consumer complaint alleges unlicensed activity. The Respondent did not provide a response.

**Recommendation:** Letter of warning (unprofessional conduct – not providing a response.) and close the complaint. Send an inspector to investigate allegation of unlicensed activity.

**Decision:** Approved.

**56. COS- 2024054601**

**First License Obtained:** 06/10/2021

**License Expiration:** 06/30/2025

**Complaint history:** 2024015701, closure

This 10-30-24 inspection revealed no evidence of unlicensed activity or unsanitary conditions. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**57. COS-2024060801**

**First License Obtained:** 05/28/2015

**License Expiration:** 07/31/2026

**Complaint history:** None

This 11-8-24 consumer complaint alleges Respondent refuses to service customers with a certain political affiliation. This type of complaint is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

### **BARBER CASES**

**58. BAR- 2024048901**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-28-24 inspection revealed an unlicensed individual performing a service on a customer in an unlicensed shop. A Notice of Violation was issued.

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

**Decision:** Approved.

**59. BAR- 2024049591**

**First License Obtained:** 04/26/2000

**License Expiration:** 06/30/2026

**Complaint history:** None

This 8-28-24 annual inspection revealed an expired shop license (expiration 6-30-24). A Notice of Violation was issued. The shop license has since been renewed through 6-30-26.

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

**Decision:** Approved.

**60. BAR- 2024049621**

**First License Obtained:** 08/26/1986

**License Expiration:** 01/31/2026

**Complaint history:** None

Please see facts for Item #59 above. This Respondent is the owner of the shop. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

**61. BAR- 2024048581**

**First License Obtained:** 12/10/2021

**License Expiration:** 12/31/2025

**Complaint history:** None

This 8-28-24 annual inspection revealed an expired shop license (expiration 6-30-24). A Letter of Warning will be issued to this Respondent shop in item #12 regarding the expired shop.

**Recommendation:** Closure.

**Decision:** Approved.

**62. BAR- 2024052121**

**First License Obtained:** 04/15/2024

**License Expiration:** 11/30/2023

**Complaint history:** None

This 9-5-24 inspection revealed an expired shop license (expiration 11-30-23), no owner or manager present, and an unlicensed individual practicing on a customer in the shop. A Notice of Violation was issued.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,600.00.

**Decision:** Approved.

**63. BAR- 2024052141**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Please see facts for Item #62 above. This Respondent is the unlicensed individual practicing on a customer in the shop.

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

**Decision:** Approved.

**64. BAR- 2024051121**

**First License Obtained:** 03/31/1993

**License Expiration:** 07/31/2018

**Complaint history:** None

This 9-12-24 consumer complaint alleges an unsanitary condition. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**65. BAR-2024053621**

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

**License Expiration:** 09/01/2025

**Complaint history:** 2019024071, closure, 202103321, Letter of Instruction; 2022025421, closure; 2023040801, closure with re-inspection; 2024017931, closure; 2024038201, closure

This 9-26-24 former student complaint alleges Respondent school is not allowing student to finish due to unpaid tuition; student has tried to contact the school but no one will talk to her about the unpaid tuition. Respondent states they have since retrieved the voicemail messages from the general mailbox and have reached out to the former student to establish a meeting to go over the unpaid balance.

**Recommendation:** Closure.

**Decision:** Approved.

**66. BAR- 2024054681**

**First License Obtained:** 04/15/2024

**License Expiration:** 03/31/2026

**Complaint history:** None

This 10-4-24 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

### **RE-PRESENTS**

#### **67. COS-2024034161**

**First License Obtained:** 09/01/2021

**License Expiration:** 09/30/2025

**Complaint history:** None

This matter was previously presented to the Board at its October 7, 2024 meeting as follows:

*This 6-11-24 inspection revealed two (2) unlicensed individual practicing on customers in the shop. A Notice of Violation was issued. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.*

**Recommendation:** Closure.

**Decision:** Approved.

**Update:** Further research indicated the matter was paid by agreed citation on 7-5-24.

**Recommendation:** Close this case with the executed agreed citation and paid civil penalty.

**Decision:** Approved.

#### **68. COS-2023063001**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was previously presented to the Board at its April 1, 2024 meeting as follows: *This 11-30-23 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 person who served the Notice of Hearing and Charges on the Respondent is no longer employed by the Department; thus, proof of service will be an issue at trial. CORE shows the Respondent still does not have an individual license nor a shop/suite license.

**Recommendation:** Close the file and re-inspect shop for individual/shop licensure since the last inspection is approaching one year.

**Decision:** Approved.

#### **69. COS- 2024026151**

**First License Obtained:** 01/14/2005

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

**Complaint history:** None

This matter was previously presented to the Board at its August 5, 2024 meeting as follows: *This 4-23-24 annual inspection revealed an expired shop license (expiration 7-31-23). A Notice of Violation was issued. The shop license remains expired.*

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

**Decision:** Approved.

**Update:** Evidence was provided to counsel to show the matter was paid by Agreed Citation to the owner's file on 5-13-24.

**Recommendation:** Closure.

**Decision:** Approved.

#### 70. COS-2024022891

**First License Obtained:** 12/15/2020

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

**Complaint history:** None

This matter was previously presented to the Board at its August 5, 2024 meeting as follows: *This 4-5-24 annual inspection revealed an unlicensed shop license. A Notice of Violation was issued.*

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

**Decision:** Approved.

**Update:** Further research indicated this entity had the same street address as another entity that was cited for an unlicensed shop; this would be a duplicate complaint/duplicate penalty for the same unlicensed shop that was going through the application process.

**Recommendation:** Closure.

**Decision:** Approved.

#### 71. COS- 2024025561

**First License Obtained:** 01/27/2021

**License Expiration:** 01/31/2025

**Complaint history:** None

This matter was previously presented to the Board at its August 5, 2024 meeting as follows: *This 4-24-24 annual inspection revealed the owner/manager was performing a service on a client with an expired individual license (expiration 7-31-23) and thus was not "present" during the operation of the shop. A Notice of Violation was issued. Respondent states she was performing a service on a relative for no compensation before going to work at her actual job.*

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

**Decision:** Approved.

**Update:** Further evidence/witness testimony will show Respondent was performing an isolated service on a family member for no compensation.

**Recommendation:** Closure.

**Decision:** Approved.

#### 72. COS- 2024025601

**First License Obtained:** 07/14/2017  
**License Expiration:** 07/31/2023  
**Complaint history:** None

This matter was previously presented to the Board at its August 5, 2024 meeting as follows:  
*Please see fact pattern for Item #32 above. This is the owner/manager cited for the expired individual license and not being “present” in the shop.*

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

**Decision:** Approved.

**Update:** Please see facts for Item #71 above.

**Recommendation:** Closure.

**Decision:** Approved.

### 73. COS- 2024022741

**First License Obtained:** 09/14/2012  
**License Expiration:** 08/31/2024  
**Complaint history:** 20150221911, closed by Consent Order and \$50.00 civil penalty for this complaint; 2018029501, closed with Letter of Warning

This matter was previously presented to the Board at its October 7, 2024 meeting as follows:  
*This 4-5-24 annual inspection revealed an expired shop license (expiration 8-31-22). A Notice of Violation was issued. The shop license has since been renewed. This is the Respondent’s second offense for an expired shop license.*

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

**Decision:** Approved.

**Update:** Further research showed Respondent sent in a \$100.00 civil penalty payment but did not send in a signed/dated agreed citation.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the amended civil penalty amount of \$400.00 (remainder owed).

**Decision:** Approved.

**Update:** Further research indicated the Respondent paid the civil penalty by agreed citation to the owner’s file. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Refund the \$100.00 civil penalty paid by the Respondent on this file back to the Respondent and close the file.

**Decision:** Approved.

### 74. COS-2024032131

**First License Obtained:** 12/13/2021  
**License Expiration:** 12/31/2025  
**Complaint history:** None



This matter was previously presented to the Board at its October 7, 2024 meeting as follows:  
*This 5-30-24 annual inspection revealed an expired shop license (expiration 4-30-24). This Respondent is the designated manager cited for failure of responsibilities.*

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

**Decision:** Approved.

**Update:** Further research indicated the matter was paid by agreed citation on 7-1-24.

**Recommendation:** Close this case with the executed agreed citation and paid civil penalty.

**Decision:** Approved.

#### 75. COS- 2024015231

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was previously presented to the Board at its June 17, 2024 meeting as follows:

*Please see the fact pattern for Item #35pa above. This Respondent is the unlicensed individual performing cosmetology services in the shop.*

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

**Decision:** Approved.

**Update:** Further research (CLEAR) indicated the Respondent moved back to Oklahoma and therefore service will be an issue at a hearing.

**Recommendation:** Closure.

**Decision:** Approved.

#### 76. COS-2024044391

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

**License Expiration:** 09/01/2025

**Complaint history:** 2020086811, closure; 2022039831, closed with Letter of Warning; 2024002181, close

This matter was previously presented to the Board at its October 7, 2024, meeting as follows: *This 8-7-24 student complaint alleges the school owner kept tuition after terminating the student from the school's online program (requesting a refund) as well as general rudeness/ unprofessional conduct from the school owner during the termination meeting. The Respondent stated the complainant was also rude before and during the termination meeting. Contractual matters (refunds) are outside the scope of the board's authority. This is the Respondent's second offense for unprofessional conduct, previously receiving a letter of warning as noted above.*

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 (unprofessional conduct – second offense).

**Decision:** Approved.

**Update:** Litigation counsel had an extensive conversation with the Respondent regarding the lack of a response to the allegation of being passive aggressive/rude and received an appropriate response thereto.

**Recommendation:** Closure.  
**Decision:** Approved.

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

The attorney for the Board, Mr. Joe Wharton, updated the board on the status of proposed rules.

## **APPLICATIONS FOR EXAMINATION-**

### **Felony Applicants:**

Applications for examination for: Christopher Brown, Larry Higgins, Derrick Jefferson, Thaddyves Jenkins, and Autumn Williams. The applicants have a felony conviction and are ready to proceed toward licensure. The request to take the Tennessee examination was submitted for the board's approval along with the required information, disclosure from the student and letters of recommendation. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel. Ms. Williams was already licensed based on permission the board granted to legal counsel and the director.

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

## **RECIPROCITY-**

Ms. Anna Thi Nguyen applied for a manicure license via reciprocity from Georgia. Her license certification shows an initial license date of October 15, 2021, with education through apprenticeship and both exams. Ms. Nguyen held a manicure license in Tennessee prior to 1994. That license was revoked. Records that old were not available and the technology did not capture the information currently available.

Recommendation to approve reciprocity license.

MOTION made by Monica Lemons and seconded by Perry Baldwin to approve the recommendation. The motion carried unanimously.

**DIRECTOR'S REPORT:**

The final financial information for FY23-FY24 reflects the board ended with a deficit of \$40,834 and a final reserve balance of \$1,181,639. The budget as of October 2024 shows a surplus of \$16,799 with a current reserve surplus balance is \$1,198.438.

**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 10:55 AM

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