



**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 7, 2024, at 9:00 a.m. in person in Room 1A and via Teams.

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

Executive Director Gumucio introduced the board new barber school board member Marquise Martin. She explained that Ron Gillihan had served two four-year terms and was thanked for his service. The board shared their wishes for his continued success and appreciation of all he did for the board starting with years before the barber and cosmetology boards were combined into one. She also shared that Ryan Timmons resigned from the board.

Roxana Gumucio, Executive Director, called roll. The following members participated: Perry Baldwin, Anita Charlton, Judy McAllister, David McElreath, Marquise Martin, Jeffery Moran, Becky Russell, and Tamika Turner.

Not available: Monica Lemons, Layne Petty, Amy Tanksley.

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

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.

Pursuant to T.C.A. 62-4-105, the board shall annually elect a chair and vice chair. Due to the vacancy of the chair position, the board needed to make new appoints.

MOTION made by Judy McCallister and seconded by Perry Baldwin to elect Becky Russell as Chair. The motion carried by unanimous roll call vote.

MOTION made by Judy McCallister and seconded by Perry Baldwin to elect Amy Tanksley as vice chair. The motion carried by unanimous roll call vote.

## **MINUTES-**

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

Motion made by David McElreath and seconded by Judy McCallister to approve the August 2024 minutes. The motion carried unanimously.

## **PRESENTED BEFORE THE BOARD-**

### **Performance Beauty Academy – New Cosmetology School**

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

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

### **Em’pressed Beauty Academy – Change in Location, Manicure Specialty School**

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

MOTION made by David McElreath and seconded by Tamika Turner to approve the change in location pending a complete inspection by a field inspector. The motion carried unanimously.

### **The Black Pearl Nail Academy – Change in Location, Manicure Specialty School**

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

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

### **Legend’z Beauty & Barbering Institute – New Cosmetology and Barber School**

Ms. Georgette Clark participated to answer questions for the board. The school is located in Knoxville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely for both school applications.

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

### **Hendersonville Barber Academy – New Barber School**

Mr. Steven Lightfoot participated to answer questions for the board. The school is located in Hendersonville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

## **LEGAL REPORT- STAFF ATTORNEY**

The State Board of Cosmetology and Barber Examiners met to review the allegations of 123 complaints and make recommendations to the Board.

### **1. COS-2024027171**

|                                       |             |
|---------------------------------------|-------------|
| <b><u>First License Obtained:</u></b> | <b>N/A</b>  |
| <b><u>License Expiration:</u></b>     | <b>N/A</b>  |
| <b><u>Complaint history:</u></b>      | <b>None</b> |

This 5-9-24 consumer complaint alleges unlicensed activity with alleged social media in support. Inspector made contact with Respondent, who stated they do not perform any services that require a license. Inspector counseled Respondent on individual/shop licensure if performing services from the home. A Notice of Violation was not issued.

|                               |   |
|-------------------------------|---|
| <b><u>Recommendation:</u></b> | <b>Letter of warning (individual/shop licensure).</b> |
| <b><u>Decision:</u></b>       | <b>Approved.</b>                                      |

### **2. COS-2024032131**

|                                       |                   |
|---------------------------------------|-------------------|
| <b><u>First License Obtained:</u></b> | <b>12/13/2021</b> |
| <b><u>License Expiration:</u></b>     | <b>12/31/2025</b> |
| <b><u>Complaint history:</u></b>      | <b>None</b>       |

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.

**3. COS-2024034161**

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

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

**Complaint history:** None

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.

**4. COS-2024035821**

**First License Obtained:** 09/22/2021

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

**Complaint history:** None

This 6-13-24 annual inspection revealed outside services being performed in the shop. A Notice of Violation was issued.

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

**Decision:** Approved.

**5. COS-2024035841**

**First License Obtained:** 09/05/2019

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

**Complaint history:** 2021060351, closed with Letter of Warning

Please see fact pattern 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 \$500.00.

**Decision:** Approved.

**6. COS-2024033891**

**First License Obtained:** 07/27/2022

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

**Complaint history:** None

This 6-18-24 employer (hotel) complaint alleges a negligent service on a customer by a former terminated employee. Respondent states they are a front desk worker asked by the employer to also perform aesthetics services on customers without proper training on the product line.

Negligence actions are outside the scope of the board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**7. COS-2024037661**

**First License Obtained:** 11/15/2019

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

**Complaint history:** None

This 6-20-24 annual inspection revealed an expired shop license (expiration 11-30-23). A Notice of Violation was issued. The shop license was subsequently renewed.

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

**Decision:** Approved.

**8. COS-2024034571**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 6-21-24 school complaint alleges Respondent fraudulently obtained a hair braider certificate by using a fake email address; the money was refunded back to the student who passed the examination and therefore the certificate obtained by Respondent is “invalid.” Respondent did not provide a response to the allegation.

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

**Decision:** Approved.

**9. COS-2024035671**

**First License Obtained:** 03/03/1989

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

**Complaint history:** None

This 6-21-24 inspection revealed a shop offering services outside of its license. 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.

**10. COS-2024034641**

**First License Obtained:** 11/21/2014

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

**Complaint History:** 2018066451, closure; 2018040351, closure; 2020023011, closure

This 6-23-24 student complaint alleges the Respondent school has not provided a copy of the student’s hours to the student upon request. Respondent states they provided a copy of student’s hours sheet to the student.

**Recommendation:** Closure.

**Decision:** Approved.

**11. COS-2024034701****First License Obtained:** 07/14/2008**License Expiration:** 02/28/2025**Complaint history:** None

This 6-24-24 anonymous complaint alleges unsanitary conditions, a pet in the shop, and unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.**Decision:** Approved.**12. COS- 2024040721****First License Obtained:** 12/15/2023**License Expiration:** 12/31/2025**Complaint history:** None

This 6-24-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.**Decision:** Approved.**13. COS- 2024035701****First License Obtained:** 07/31/2015**License Expiration:** 06/30/2023**Complaint History:** 201601359, closed by Agreed Citation and payment of \$100.00 civil penalty; 2017006361, closed by Consent Order and payment of \$2,600 civil penalty; 2018040601, closure; 2020003311, closed by Consent Order and payment of \$500.00 civil penalty; 2020040621, closure

This 6-27-24 consumer complaint alleges a negligent service and unprofessional conduct (with specificity) with alleged screenshots in support. 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.)**Decision:** Approved.**14. COS-2024038641****First License Obtained:** 09/13/1993**License Expiration:** 10/31/2026**Complaint history:** 2015006971, closed by Consent Order and payment of \$100.00 civil penalty

This 6-27-24 annual inspection revealed an expired individual license and thus the designated manager was not present during the operation of the shop. A Notice of Violation was issued.

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

**15. COS-2024038941****First License Obtained:** 06/20/2007**License Expiration:** 03/31/2025**Complaint history:** 2014010581, close and flag

This 6-27-24 annual inspection revealed a shop performing outside services as well as the owner manager absent 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 \$1,000.00.

**Decision:** Approved.

**16. COS-2024036041****First License Obtained:** N/A**License Expiration:** N/A**Complaint history:** None

This 6-29-24 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed home with alleged social media in support. Respondent did not provide a response.

**Recommendation:** Close the complaint with a letter of warning (unprofessional conduct – not providing a response). Inspect for individual/shop licensure.

**Decision:** Approved.

**17. COS-2024036051****First License Obtained:** 07/01/2013**License Expiration:** 06/30/2025**Complaint history:** None

This 6-29-24 anonymous complaint alleges an unsanitary condition. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**18. COS-2024036951****First License Obtained:** 11/18/2021**License Expiration:** 11/30/2025**Complaint history:** None

This 7-2-24 anonymous competitor complaint alleges unlicensed activity with social media in support. Inspection revealed an individually licensed cosmetologist not performing a service on a client. Respondent was counseled on shop licensure. A Notice of Violation was not issued.

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

**Decision:** Approved.

**19. COS-2024036941****First License Obtained:** 05/10/2002**License Expiration:** 05/10/2024**Complaint history:** None

This 7-2-24 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.

**20. COS-2024036981**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** N/A

This 7-3-24 consumer complaint alleges a negligent service. The Respondent did not provide a response. Negligence actions are outside the scope of the Board.

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

**Decision:** Approved.

**21. COS- 2024036991**

**First License Obtained:** 03/06/2020

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

**Complaint history:** None

This 7-3-24 anonymous consumer complaint alleges Respondent was over 2 hours late on the start of the appointment time. Respondent subsequently offered a refund and cancelled the appointment. Appointment time conflicts are outside the scope of the board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**22. COS- 2024037011**

**First License Obtained:** 02/21/2024

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

**Complaint history:** None

This 7-3-24 co-owner complaint alleges Respondent co-owner whited out the co-owner's name from the latest inspection sheet. Respondent co-owner did not provide a response to the complaint.

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

**Decision:** Approved.

**23. COS-2024041061**

**First License Obtained:** 01/11/2010

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

**Complaint history:** None

This 7-3-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**24. COS-2024041081**

**First License Obtained:** 11/10/2022



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

**Complaint history:** None

This 7-3-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**25. COS-2024037291**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-4-24 anonymous complaint alleges unlicensed individual activity from an unlicensed home with alleged social media in support. The anonymous complainant did not provide sufficient address information for an inspection.

**Recommendation:** Closure.

**Decision:** Approved.

**26. COS-2024037601**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-8-24 competitor complaint alleges unlicensed individual activity and unsanitary conditions from an unlicensed home with alleged social media in support. A refund is requested. Inspector went to a locked/gated apartment complex but was unable to make contact with the hair braider. A Notice of Violation was not issued. Refunds are outside the scope of the Board's authority.

**Recommendation:** Letter of warning (hair braider certificate).

**Decision:** Approved.

**27. COS- 2024037801**

**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

This 7-8-24 anonymous complaint alleges an unsanitary condition. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**28. COS-2024038231**

**First License Obtained:** 04/22/2024

**License Expiration:** 04/30/2026

**Complaint history:** None

This 7-9-24 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.

**29. COS-2024038201**

**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

This 7-9-24 student complaint alleges the following:

1. Failure to comply with contract guidelines as to providing daily instruction by qualified personnel;
2. Double indemnity on excused student absences;
3. Not having enough teachers per students;
4. Not providing refund of funds;
5. No consistent timeframe for grant money; and
6. No management available for student concerns.

The school responds as follows:

1. The school maintains a licensed instructor for 15 barber students;
2. The school allows a student to miss 10% of contracted hours;
3. The school maintains a licensed instructor for 15 barber students;
4. Aid is released on a pro-rata basis of hours earned;
5. Aid is released on a pro-rata basis of hours earned;
6. Management is on campus daily for any student challenges.

The school would have been amenable to receive the student's complaint so they could have addressed them prior to the filing of a formal complaint.

**Recommendation:** Closure.

**Decision:** Approved.

**30. COS- 2024039131**

**First License Obtained:** 04/22/2024

**License Expiration:** 04/30/2026

**Complaint history:** None

This 7-9-24 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.

**31. COS- 2024038351**

**First License Obtained:** 05/01/2024

**License Expiration:** 04/30/2026

**Complaint history:** None

This 7-10-24 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.

**32. COS-2024038361**

**First License Obtained:** 07/12/2024

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

**Complaint history:** None

This 7-10-24 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**33. COS-2024038671**

**First License Obtained:** 03/02/2017

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

**Complaint history:** None

This 7-11-24 consumer complaint alleges a negligent service from alcohol usage. Respondent denies the alcohol usage, tried to correct the service, and gave the customer a full refund.

Negligence actions are outside the scope of the board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**34. COS- 2024040221**

**First License Obtained:** 08/04/2021

**License Expiration:** 10/31/2026

**Complaint history:** 202106168, closed by an Agreed Citation and payment of \$6,000.00 civil penalty; 2023040711, closure

This 7-11-24 annual inspection revealed seven (7) unknown unlicensed individuals practicing on customers in the shop. A Notice of Violation was issued. This is Respondent's second offense for this violation.

**Recommendation:** Authorize formal hearing for revocation. Authorize settlement by consent order for the civil penalty of \$7,000.00 and revocation of shop license.

**Decision:** Approved.

**35. COS- 2024040291**

**First License Obtained:** 01/25/2021

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

**Complaint history:** 202106228, closed by an Agreed Citation and payment of \$6,500.00 civil penalty

Please see the fact pattern for Item #34 above. 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.

**36. COS-2024038861**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-12-24 anonymous consumer complaint alleges a pet present in the shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**37. COS-2024039071**

**First License Obtained:** 05/17/2011

**License Expiration:** 04/30/2024

**Complaint history:** None

This 7-12-24 consumer complaint alleges a dog in the shop with alleged pictures in support. Inspector went to shop location several times, but the shop was closed. A Notice of Violation was not issued.

**Recommendation:** Letter of Instruction (service animals only allowed in the shop).

**Decision:** Approved.

**38. COS- 2024039161**

**First License Obtained:** 01/04/1995

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

**Complaint history:** None

This 7-14-24 consumer complaint alleges dissatisfaction with a service and unprofessional conduct (with specificity). Respondent states the hair was severely matted and provided more services than was paid for; further, the Respondent stated that the service was not being performed on the matted hair to complainant's liking. Additionally, complainant harassed the Respondent after the service.

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

**Decision:** Approved.

**39. COS- 2024039401**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2023038291, closed with Letter of Warning

This 7-16-24 consumer complaint alleges unlicensed shop activity. Inspector made contact with Respondent, who states she has not worked due to childbirth but would reapply for the shop license shortly. A Notice of Violation was not issued. Board records indicate that Respondent had an expired application for a shop license.

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

**Decision:** Approved.

**40. COS- 2024039691**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-17-24 consumer complaint alleges unlicensed individual activity with alleged unlicensed activity in support. Inspection revealed a business complex and complainant did not provide a specific suite number for inspection. Complainant adds that Respondent is also providing unlicensed services at a local nail shop and provides the name of the shop.

**Recommendation:** Close the file and inspect for individual licensure at named salon.

**Decision:** Approved.

**41. COS- 2024039701**

**First License Obtained:** 06/01/2015

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

**Complaint history:** None

This 7-17-24 anonymous complaint alleges a toe infection (with alleged pictures of same) from unsanitary conditions as well as unprofessional conduct (with specificity). Inspection revealed no unsanitary condition but did reveal no owner or manager present during the operation of the shop and an unlicensed individual performing a service on an individual in the shop. A Notice of Violation was issued.

**Recommendation:** Letter of Instruction (unprofessional conduct). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00 (no owner or manager present/unlicensed individual).

**Decision:** Approved.

**42. COS-2024039721**

**First License Obtained:** 06/01/2015

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

**Complaint history:** None

Please see Item #41 above. This is a duplicate complaint.

**Recommendation:** Closure.

**Decision:** Approved.

**43. COS-2024039841**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-17-24 consumer complaint alleges unlicensed individual activity with alleged social media in support. Inspection revealed a cosmetology student close to graduation who does not

charge for her services from home and the social media from a service performed at cosmetology school. A Notice of Violation was not issued.

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

**Decision:** Approved.

**44. COS-2024040401**

**First License Obtained:** 04/25/2014

**License Expiration:** 04/30/2026

**Complaint history:** None

This 7-19-24 consumer complaint alleges a negligent service (with alleged pictures in support), unprofessional conduct (without specificity, but indicating taking clients on an allegedly expired license) and operating on an expired individual license (allegedly expiring on 4-30-24 when the initial consultation was on 7-8-24). Respondent denies any negligence regarding the service or any unprofessional conduct; the individual license is current although the paper license has lapsed. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**45. COS-2024040431**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-19-24 competitor complaint alleges unlicensed individual activity with alleged social media in support. Inspection revealed an apartment complex with no specific apartment number provided.

**Recommendation:** Closure.

**Decision:** Approved.

**46. COS-2024040441**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-19-24 competitor complaint alleges unlicensed individual activity from an unlicensed home shop with an alleged social media post in support. An e-mail was sent to the complainant for a physical address but did not receive a response.

**Recommendation:** Closure.

**Decision:** Approved.

**47. COS-2024040451**

**First License Obtained:** 06/24/2015

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

**Complaint history:** 2017031741, closed with Letter of Warning and re-inspection; 2021004611, closure

This 7-21-24 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.

**48. COS-2024041101**

**First License Obtained:** 08/23/2011

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

**Complaint history:** None

This 7-23-24 consumer complaint alleges unlicensed individual activity with an alleged picture of the unlicensed individual in support. Inspection revealed the alleged unlicensed individual was not working on a customer in the shop at the time of inspection. Respondent was counseled on individual licensure.

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

**Decision:** Approved.

**49. COS-2024041521**

**First License Obtained:** 08/25/2017

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

**Complaint history:** None

This 7-24-24 student complaint alleges the school is preventing them from taking the second part of their state examination. The Respondent states the matter is out of their control (student's upload expired with PSI) and will reach out to the student to rectify the matter.

**Recommendation:** Closure.

**Decision:** Approved.

**50. COS-2024043441**

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

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

**Complaint history:** 202305727, closed by Agreed Citation and payment of \$600.00 civil penalty

This 7-24-24 annual inspection revealed an individual practicing on an expired individual license (second offense) and no owner or manager present during the operation of the shop (second offense). A Notice of Violation was issued. Respondent has paid in \$500.00 for the second offense expired individual license. Respondent requests a payment plan on the remaining \$1,000.00 civil penalty owed.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00 (acknowledging the \$500.00 pre-payment).

**Decision:** Approved.

**51. COS-2024041611**

**First License Obtained:** 04/15/2009

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

**Complaint history:** None

This 7-25-24 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the issuance of a Notice of Violation.

**Recommendation:** Closure.

**Decision:** Approved.

**52. COS- 2024042451**

**First License Obtained:** 07/17/2018

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

**Complaint history:** None

This 7-30-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**53. COS- 2024044131**

**First License Obtained:** 06/09/2011

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

**Complaint history:** None

This 7-30-24 inspection revealed an individual performing a service on a customer in the shop with an expired individual license (expiration 6-30-24). A Notice of Violation was issued. The individual license was subsequently renewed.

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

**Decision:** Approved.

**54. COS-2024043921**

**First License Obtained:** 06/26/2018

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

**Complaint history:** None

Please see fact pattern for Item #53 above. This Respondent is the individual performing a service on a customer in the shop with an expired individual license. The license was subsequently renewed.

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

**Decision:** Approved.

**55. COS-2024044161**

**First License Obtained:** 11/30/2010

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

**Complaint history:** None

Please see fact pattern for Item #53 above. This Respondent is the designated manager cited for failure of responsibilities.

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

**Decision:** Approved.

**56. COS- 2024043741**

**First License Obtained:** 05/01/2018



**License Expiration:** 04/30/2026

**Complaint history:** None

This 7-31-24 annual inspection revealed unlicensed individual was performing a service 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 \$1,000.00.

**Decision:** Approved.

**57. COS- 2024043761**

**First License Obtained:** 12/02/2013

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

**Complaint history:** None

Please see fact pattern for Item #56 above. This Respondent is the owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

**58. COS- 2024043531**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-3-24 consumer complaint alleges unsanitary practices, a negligent service, unprofessional conduct and unlicensed individual activity. Inspector went to two (2) locations listed for the Respondent but could never find either location open for business. A timely inspection of either location could not be performed. Negligence actions are outside the scope of the board's authority.

**Recommendation:** Letter of warning (unprofessional conduct) and close the file. Re-inspect both locations for unlicensed activity and unsanitary conditions.

**Decision:** Approved.

**59. COS-2024043591**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-4-24 consumer complaint alleges unlicensed activity (with alleged social media in support) and theft of an iPad. The theft is being addressed with local law enforcement. The Respondent did not respond to the complaint.

**Recommendation:** Letter of warning (individual/shop licensure) and close the file. Send an inspector to the address listed in the complaint to address individual and shop licensure.

**Decision:** Approved.

**60. COS-2024043571**

**First License Obtained:** 03/28/2011

**License Expiration:** 09/01/2025  
**Complaint History:** 2019008951, closure; 2019006161, closure;  
2020073161, closure; 2020093351, closure;  
2021033331 closure; 2021066931, closure;  
2022023081, closed with Letter of Instruction

This 8-4-24 anonymous student complaint alleges:

1. Inadequate student supplies in student kits.
2. More time spent on servicing clients rather than engaging in practice/learning.

Respondent states they do not accept anonymous student complaints as they hold no validity or accountability; the statements in the complaint are false and the Respondent follows the curriculum approved by THEC, NACCAS and the Department of Education.

**Recommendation:** Closure.

**Decision:** Approved.

61. COS- 2024043971

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-6-24 consumer complaint alleges “poor quality” of service and unsanitary conditions from a home shop. Complainant provided a receipt for the service. Inspector went to apartment listed in the complaint and no one answered the door; a card was left on the door and the inspector received no return telephone call.

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

**Decision:** Approved.

62. COS- 2024043961

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-6-24 competitor complaint alleges unlicensed individual activity from an unlicensed home shop with alleged social media posts in support. The complainant could not provide a physical address for an inspection.

**Recommendation:** Closure.

**Decision:** Approved.

63. COS- 2024044171

**First License Obtained:** 09/22/2023

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

**Complaint history:** 2024021701, closure

This 8-6-24 consumer complaint alleges theft of several service deposits with alleged copies of a chat group in support. Respondent provided a general denial, providing copies of refunds to clients and testimonials of good service provided. Criminal matters (theft of service deposits) are outside the scope of the Board’s authority.

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

**Decision:** Approved.

64. COS- 2024044331

**First License Obtained:** 11/20/2019

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

**Complaint history:** None

This 8-7-24 consumer complaint alleges an unsanitary condition. Inspector made contact with the owner, who stated the “employee” in the complaint who was alleged to be unsanitary was an out-of-town friend who was helping out in the shop on the date in question. Owner was warned about individual licensure of persons who will be working in the shop.

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

**Decision:** Approved.

65. 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 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.

66. COS- 2024044571

**First License Obtained:** 04/14/2023

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

**Complaint history:** 202403918, closed by Agreed Citation and payment of \$2,000 civil penalty; 2024005901, closure

This 8-8-24 consumer complaint alleges unlicensed individual activity. The shop had previously been inspected on 7-24-24 and a Notice of Violation was issued. Further, the Respondent has stated all out-of-state licenses are in the process of being transferred to Tennessee licenses.

**Recommendation:** Closure.

**Decision:** Letter of instruction (individual licensure).

67. COS-2024044801

**First License Obtained:** 06/30/2017

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

**Complaint history:** 202000623, closed by Agreed Citation and payment of \$100.00 civil penalty; 2021001351, closed by Consent Order and payment of \$1,000 civil penalty;

This 8-9-24 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.

**68. COS-2024044791**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-9-24 competitor complaint alleges an unlicensed shop and performing services outside of a license. Inspection revealed a medical spa fully licensed through the Department of Health. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**69. COS- 2024044921**

**First License Obtained:** 11/10/1981

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

**Complaint history:** None

This 8-10-24 student complaint alleges instructor is having students perform services in the student clinic before they receive the required hours. Respondent states the service was actually a demonstration of product removal for students to observe.

**Recommendation:** Closure.

**Decision:** Approved.

**70. COS-2024045031**

**First License Obtained:** 09/10/2021

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

**Complaint history:** None

This 8-12-24 consumer complaint alleges dissatisfaction with a service as well as unlicensed activity and unsanitary conditions. Respondent (with a valid license) explained the process used during the service and stated the shop received a 100 score on previous inspections regarding the allegation of unsanitary conditions.

**Recommendation:** Closure.

**Decision:** Approved.

**71. COS- 2024048071**

**First License Obtained:** 10/06/2023

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

**Complaint history:** 2023056141, closure; 2024022461, closure

This 8-12-24 anonymous consumer complaint alleges unlicensed individual activity. Research indicated the shop was inspected within the last six months and no unlicensed activity was found.

**Recommendation:** Closure.

**Decision:** Approved.

**72. COS- 2024048101**

**First License Obtained:** 04/18/2023

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

**Complaint history:** 2024022531, closed by Consent Order and payment of \$500.00 civil penalty

This 8-12-24 anonymous consumer complaint alleges unlicensed individual activity. Research indicated the shop was inspected within the last six months and no unlicensed activity was found.

**Recommendation:** Closure.

**Decision:** Approved.

**73. COS- 2024045681**

**First License Obtained:** 11/21/2016

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

**Complaint history:** None

This 8-15-24 anonymous competitor complaint alleges illegal substances are being sold from the shop (with an alleged screenshot in support) as well as the shop owner is posting sexually provocative photos of themselves under the shop name (with alleged pictures in support).

Respondent pointed out that the alleged illegal substance in the text message discussed use of a substance for personal use prior to the FDA disapproving same, and the pictures were from a personal social media account and not the shop account.

**Recommendation:** Closure.

**Decision:** Approved.

**74. COS- 2024045701**

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

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

**Complaint history:** None

This 8-15-24 instructor complaint alleges the school is not equipped with proper space, supplies and books for proper teaching and learning to the point of trying to operate outside the scope of the school/student contract. Respondent stated there were problems with the soft opening of the school prior to its initial start date. Further, Respondent states there are proper supplies even though there was a delay with the book manufacturer that was subsequently rectified.

Respondent provided a response from a student of the school in support of its position/response.

**Recommendation:** Closure.

**Decision:** Approved.

**75. COS- 2024048841**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2024031191, closed with Letter of Warning and re-inspection

This 8-15-24 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.

**76. COS- 2024046141**

**First License Obtained:** 08/30/2017

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

**Complaint history:** 2018043541, closure

This 8-19-24 anonymous consumer complaint alleges unlicensed activity. Inspector talked with shop owner (licensed hair braider) where it was revealed the service in question was performed by an unlicensed hair braider. A Notice of Violation was not issued since the unlicensed hair braider was not in the shop at the time of inspection.

**Recommendation:** Letter of warning (certificate of registration needed for hair braiding).

**Decision:** Approved.

**77. COS- 2024046311**

**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

This 8-20-24 anonymous student complaint alleges unlicensed teacher activity with an alleged picture in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**78. COS- 2024046741**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-21-24 competitor complaint alleges a nurse practitioner is performing facials in the shop with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued and the matter was referred to the Tennessee Department of Health.

**Recommendation:** Closure.

**Decision:** Approved.

**79. COS- 2024048951**

**First License Obtained:** 08/14/2023

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

**Complaint history:** 202304635 and 202304735, closed by Agreed Citation and payment of \$1,000 civil penalty; 2024015121, closure

This 8-22-24 inspection revealed an unknown unlicensed individual performing a service on a customer in the shop. A Notice of Violation was issued. This is the Respondent's second offense for an unlicensed individual practicing in the shop.

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

**Decision:** Approved.

**80. COS- 2024048981**

**First License Obtained:** 09/02/2022

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

**Complaint history:** 2023048411, closed by an Agreed Citation and payment of \$1,500 civil penalty

Please see facts for Item #78 above. This is the designated manager cited for failure of responsibilities. This is the Respondent's second offense for an unlicensed individual practicing in the shop.

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

**Decision:** Approved.

**81. COS- 2024047181**

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

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

**Complaint history:** 202306481, closed by an Agreed Citation and payment of \$1,500 civil penalty; 2024015481, closure.

This undated anonymous consumer complaint alleges unlicensed individual activity that happens only on weekends with alleged social media in support. Respondent provided current licenses of two persons who work in the shop, but admits they have a New York cosmetology license but is currently seeking reciprocity.

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

**Decision:** Approved.

**82. COS- 2024047391**

**First License Obtained:** 07/26/2023

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

**Complaint history:** 2024018911, closure

This 8-26-24 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**83. COS- 2024047451**

**First License Obtained:** 10/20/2020

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

**Complaint history:** None

This 8-26-24 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**84. COS- 2024047571**

**First License Obtained:** 06/17/2024

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

**Complaint history:** None

This 8-27-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**85. COS- 2024047871**

**First License Obtained:** 10/04/2002

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

**Complaint history:** 200501956, closed by Consent Order and payment of \$500.00 civil penalty; 2009005731, close and flag; 2009025241, closed by Consent Order and payment of \$3,000 civil penalty

This 8-27-24 consumer complaint alleges a negligent service resulting in an infection. Inspection revealed some minor sanitation infractions that did not result in the issuance of a Notice of Violation.

**Recommendation:** Closure.

**Decision:** Approved.

**86. COS- 2024047681**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-27-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**87. COS- 2024048431**

**First License Obtained:** 04/13/2012

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

**Complaint history:** 2013008321, closed by Consent Order and payment of \$500 civil penalty; 2014007161, closed by Consent Order and payment of \$250 civil penalty; 2015004591, closed by Consent Order and \$1,500 civil penalty



This 8-27-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**88. COS- 2024048521**

**First License Obtained:** 07/27/2020

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

**Complaint history:** None

This 8-27-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**89. COS- 2024049221**

**First License Obtained:** 08/05/2019

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

**Complaint history:** 202303899, closed by Agreed Citation and payment of \$1,000 civil penalty

This 8-28-24 inspection revealed two (2) unknown unlicensed individuals performing services on customers in the shop. A Notice of Violation was issued. This is the Respondent's second offense for an unlicensed individual practicing in the shop.

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

**Decision:** Approved.

**90. COS- 2024049251**

**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

Please see facts for Item #89 above. This Respondent is the owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

### **BARBER CASES**

**91. BAR- 2024037701**

**First License Obtained:** 07/03/2018

**License Expiration:** 07/31/2020

**Complaint history:** 2016044471, closed by Final Order and assessment of \$2,000 civil penalty and \$375.00 hearing costs – sent to collection

This 6-20-24 annual inspection revealed an individual practicing on a client in the shop with an expired individual license (expiration 7-31-20). A Notice of Violation was issued. The license remains expired.

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

**Decision:** Approved.

**92. BAR- 2024037721**

**First License Obtained:** 10/25/2021

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

**Complaint history:** None

This 6-20-24 annual inspection revealed an individual practicing on a client in the shop with an expired individual license (expiration 10-31-23). A Notice of Violation was issued. The license remains expired.

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

**Decision:** Approved.

**93. BAR- 2024038881**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 6-25-24 inspection revealed an unlicensed individual practicing 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 \$1,000.00.

**Decision:** Approved.

**94. BAR- 2024038221**

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

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

**Complaint History:** 2019020891, closure; 2019021131, closed by Consent Order and payment of \$1,000 civil penalty; 2019074811, closed with request for inspection and referral to outside agency; 2021030771, closed with Letter of Instruction

This 7-9-24 student complaint alleges inadequate teaching, not following the student/teacher ratio (with alleged pictures in support), and not enough student haircuts in the clinic. The Respondent states the full curriculum is taught and they maintain adequate student/teacher ratios. Inadequate teaching/not enough student haircuts in the clinic are contractual matters that are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**95. BAR- 2024039591****First License Obtained:** 04/28/2008**License Expiration:** 12/19/2024**Complaint history:** 2013007941, dismissed; 2020008231, closure

This 7-10-24 school inspection revealed non-supervision of a student on the clinic floor and several unsanitary conditions regarding the school. A Notice of Violation was issued.

**Recommendation:** Letter of warning (unsanitary conditions/supervising students on the clinic floor).**Decision:** Approved.**96. BAR-2024040831****First License Obtained:** 01/23/2014**License Expiration:** 01/31/2026**Complaint history:** None

This 7-12-24 annual inspection revealed an unlicensed individual performing a service 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 \$1,000.00.**Decision:** Approved.**97. BAR-2024040871****First License Obtained:** 05/08/2014**License Expiration:** 05/31/2026**Complaint history:** None

Please see facts for Item #96 above. This Respondent is the alleged designated manager cited for failure of responsibilities. Respondent states they are not the designated manager for the shop.

Further, Respondent had the shop owner send in a letter stating that Respondent is not the designated manager for the shop at the time of inspection.

**Recommendation:** Closure.**Decision:** Approved.**98. BAR-2024040921****First License Obtained:** N/A**License Expiration:** N/A**Complaint history:** None

Please see facts for Item #96 above. This Respondent is the unlicensed individual performing a service 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.**99. BAR-2024040541****First License Obtained:** 08/02/2024**License Expiration:** 08/31/2026**Complaint history:** None

This 7-21-24 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**100. BAR- 2024042651**

**First License Obtained:**

**License Expiration:**

**Complaint history:** 2021068151, closure; 202101477, closed by Agreed Citation and payment of \$2,000 civil penalty; 2022048051, closed by Consent Order and payment of \$1,000 civil penalty

This 7-25-24 inspection revealed an unlicensed individual performing a service on a customer in the shop. A Notice of Violation was issued. This is the Respondent's third offense for an unlicensed individual practicing in the shop.

**Recommendation:** Authorize formal hearing for revocation of shop license.

Authorize settlement by consent order for the voluntary revocation of the shop license.

**Decision:** Approved.

**101. BAR-2024042671**

**First License Obtained:** 05/06/2015

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

**Complaint history:** 2022048071, closure

Please see facts for Item #100 above. 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.

**102. BAR-2024042701**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Please see facts for Item #100 above. This Respondent is the unlicensed individual performing a service 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.

**103. BAR- 2024041991**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 7-29-24 consumer complaint alleges unlicensed individual activity with alleged pictures of performing a service on a customer in support. Inspection revealed a barber student who

participated in a day for free haircuts for children, but does not work further at the shop. Respondent was not present at the shop and the alleged haircut station was vacant.

**Recommendation:** Closure.

**Decision:** Approved.

**104. BAR- 2024044701**

**First License Obtained:** 01/08/1991

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

**Complaint history:** None

This 8-1-24 inspection revealed an expired shop license (expiration 3-31-23), the owner/manager not present due to an expired individual license (expiration 8-31-22), and an individual performing services on a customer in the shop with an expired individual license (expiration 2-28-23). 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 \$700.00

**Decision:** Approved.

**105. BAR-2024044741**

**First License Obtained:** 08/04/1977

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

**Complaint history:** None

Please see facts for Item #104 above. This Respondent is the individual performing services on a customer in the shop with an expired individual license (expiration 2-28-23).

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

**Decision:** Approved.

**106. BAR- 2024044631**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 8-8-24 consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed an unlicensed person 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.

**107. BAR- 2024046551**

**First License Obtained:** 02/22/2019

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

**Complaint history:** 2021062791, closure

This 8-13-24 annual inspection revealed an apprenticeship student working on a customer in the shop with no supervising professional present as well as the owner/manager not present during the operation of the shop. A Notice of Violation was issued.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.

**Decision:** Approved.

108. BAR-2024046351

**First License Obtained:** 05/09/2022

**License Expiration:** 05/31/2026

**Complaint history:** None

This 8-20-24 complaint alleges Respondent impersonated a government official by stating they were a member of the state board with alleged screenshots in support. Respondent states they are a member of the state advisory board. Criminal matters (impersonation) are outside the scope of the board's authority.

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

**Decision:** Approved.

109. BAR- 2024047431

**First License Obtained:** 12/20/2023

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

**Complaint history:** 2023062871, closure; 2024012721, closed with Letter of Warning

This 8-26-24 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

110. BAR-2024048501

**First License Obtained:** 07/30/2020

**License Expiration:** 05/31/2026

**Complaint history:** 202304673, closed by Agreed Citation and payment of \$1,500 civil penalty

This 8-27-24 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

### **RE-PRESENTS**

111. BAR- 2024016901

**First License Obtained:** 04/07/2017

**License Expiration:** 04/06/2025

**Complaint history:** 2019079901, closure with re-inspection; 2021061311, closed with Letter of Warning

This matter was previously presented to the Board at its August 5, 2024 meeting as follows: *This 3-21-24 former barber instructor complaint alleges fraud as the Respondent school is giving away hours to students for time not performed or instructed. Respondent provides a*

general denial of the allegation and states the complainant is misrepresenting themselves to the board.

Recommendation: Send an inspector to look at all student files for the past academic year and get electronic mail/telephone numbers of the students so litigation counsel can contact the students/investigate the allegation of fraud (if students were “given” their hours for work not performed/hours not instructed in the full curriculum).

Decision: Approved.

Update: Litigation counsel has spoken with several witnesses who will testify that the Respondent school did manipulate certain student hours for certain students to reach the requisite 1500 hours to complete the barber school curriculum.

Recommendation: Authorize formal hearing for revocation of barber school license before the Board. Authorize settlement by consent order for the voluntary revocation of barber school license.

Decision: Pass to the October, 2024 legal report.

Update: Litigation counsel has contacted several witnesses to confirm that some student hours have been manipulated to come to the 1500 hours needed for graduation.

Recommendation: Authorize formal hearing for revocation of school license. Authorize settlement by consent order for 12-month probationary period to provide secondary verification of student participation in classroom and clinic settings regarding 1500 hour requirement to graduate.

Decision: Approved.

#### 112. COS- 2024027141

First License Obtained: 08/14/2018

License Expiration: 08/31/2024

Complaint history: None

This matter was previously presented to the Board at its August 5, 2024 meeting as follows: *This 5-9-24 consumer complaint alleges unprofessional conduct and simple assault. The Respondent provided an appropriate response regarding the allegations. Criminal actions (simple assault) are not within the scope of the Board’s authority.*

Recommendation: Refer the complainant to local law enforcement regarding allegation of simple assault and close the file.

Decision: Approved.

Update: Complainant was anonymous so a referral of the complainant to local law enforcement regarding the allegation of simple assault cannot be performed.

Recommendation: Closure.

Decision: Approved.

#### 113. COS-2024028381

First License Obtained: 08/02/2019

License Expiration: 09/01/2024

Complaint history: 2022036721, closure

This matter was previously presented to the Board at its August 5, 2024 meeting as follows: *This 5-16-24 student complaint alleges the following:*

1. School owner is withholding many student's hours;
2. A student does not know how to do foil highlights;
3. Students paid for kits not provided;
4. Owner pushes students to "job shadow" when owner is sick;
5. Owner has not provided school open hours per contract;
6. Owner would give students "hours" sitting in parking lot when owner is at lunch;
7. Owner has unlicensed instructors teaching students;
8. Owner has students watching Youtube videos for instruction;
9. Owner would have students take pictures of practical work and estimate student hours for the work.

Respondent owner states student was transferred to another school with their hours and owing a \$1,300.00 balance that was never paid; an instructor went to the same school and lured some students to come to the school. The school was inspected in February 2024 and found to not have unlicensed instructors. Further, the Respondent owner states the following:

1. The school uses the CIMA online platform and a time clock to records student hours.
2. This allegation was not addressed (a specific student name was not provided).
3. The school provided a copy of the student's signed/dated checklist for supplies.
4. Job shadowing is allowed once a student reaches 750 hours.
5. The student was absent a lot during her time with the school.
6. Owner addressed students being in the parking lot during lunch hours, but did not further address the allegation.
7. The school was inspected in February 2024 and was unfounded.
8. Youtube videos are watched as part of instruction of Chapter 16.
9. This allegation was not addressed.

Recommendation: Send a letter to Respondent owner to address allegations 6 and 9.

Decision: Approved.

**Update:** Litigation counsel received appropriate answers from the Respondent school owner to address all remaining allegations.

**Recommendation:** Closure.

**Decision:** Approved.

**114. COS- 2024034831**

**First License Obtained:** 10/14/2019

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

**Complaint history:** None

This matter was previously presented to the Board at its August 5, 2024 meeting as follows:

*This 6-25-24 consumer complaint alleges a negligent services and unlicensed individual and unlicensed suite activity at the studio. Inspection revealed the studio has a keypad access and*



*appears to be by appointment only. Inspector left a card for the landlord to contact the inspector, but received no phone call.*

Recommendation: Send a letter to the studio owner in order to schedule a date/time to inspect the studio's individual licenses/suite licenses.

Decision: Approved.

Update: Letter from litigation counsel requesting dates/times to conduct an inspection did not receive a response.

Recommendation: Close and place shop license on "do not renew" list until such time as an inspection can be obtained.

Decision: Approved.

**115. BAR-2024035371**

First License Obtained: 07/15/2014

License Expiration: 07/31/2026

Complaint history: 2015017441, closed by Consent Order with payment of \$1,000 civil penalty assessed against the Respondent's shop; 2017021251, closed by Consent Order with payment of \$625.00 civil penalty for this complaint

This matter was previously presented to the Board at its August 5, 2024 meeting as follows:

*Please see the fact pattern for Item #125 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 \$2,000.00.

Decision: Approved.

Update: This Respondent paid \$2,500.00 by agreed citation and admitted to the violations when this board previously authorized a \$2,000.00 civil penalty.

Recommendation: Accept payment by agreed citation and close the file.

Decision: Approved.

**116. COS- 2024011571**

First License Obtained: 01/14/2010

License Expiration: 01/31/2026

Complaint history: None

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

*This 2-24-24 anonymous complaint alleges expired individual license activity from an unlicensed home shop with alleged social media in support. Inspection revealed a licensed cosmetologist operating from an unlicensed home. A Notice of Violation was issued.*

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

Decision: Approved.

Update: Respondent shop owner provided information where they paid the civil penalty against the shop by agreed citation. This case is the shop owner's file, which would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

**Decision:**      **Approved.**

**117.    BAR-2024028211**

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

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

**Complaint history:**                              **None**

This matter was previously presented to the Board at its August 5, 2024 meeting as follows:

*This 5-16-24 anonymous consumer complaint alleges unlicensed activity. Inspection revealed an unlicensed individual practicing on a client and the owner/manager not present during the operation of the shop. A Notice of Violation was issued.*

**Recommendation:**                      *Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.*

**Decision:**                              *Approved.*

**Update:**                      **Respondent showed that the barber shop was properly closed (thus the owner of the barber shop was properly not present) and the hair braider next door was a renter of the next door suite and not an employee hired by the Respondent.**

**Recommendation:**                      **Closure.**

**Decision:**                      **Approved.**

**118.    COS- 2024034341**

**First License Obtained:**                      **12/09/2004**

**License Expiration:**                              **04/30/2026**

**Complaint history:**                              **2005038811, closed by Consent Order and payment of \$500.00 civil penalty; 2007070501, closed by Consent Order and payment of \$500.00 civil penalty**

This matter was previously presented to the Board at its August 5, 2024 meeting as follows:

*This 6-24-24 inspection revealed three (3) unlicensed individuals providing services on customers in the shop. A Notice of Violation was issued. This is the Respondent's third offense for allowing unlicensed individuals to practice on customers in the shop.*

**Recommendation:**                      *Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$3,000.00 and revocation of shop license.*

**Decision:**                              *Approved.*

**Update:**                      **Further research indicated there were no violations found for this shop upon inspection.**

**Recommendation:**                      **Closure.**

**Decision:**                      **Approved.**

**119.    COS- 2024015751**

**First License Obtained:**                      **07/04/2018**

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

**Complaint history:**                              **None**

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

*This 2-26-24 inspection revealed no owner or manager present during the operation of the shop. A Notice of Violation was issued. This is the Respondent's second offense for no owner or*

manager present during the operation of the shop; the first offense is currently an outstanding consent order.

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

Decision: Approved.

Update: Further information indicated the shop was not open on Mondays when the inspector came to the shop and thus the owner/manager would normally have not been present in the shop. Respondent's employee was performing a corrective service on a customer who had previously paid; the customer was only able to come in for the corrective service on a Monday.

Recommendation: Closure.

Decision: Approved.

**120. 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 August 5, 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.

**121. COS-2023061811**

First License Obtained: 09/23/2010

License Expiration: 07/31/2024

Complaint history: None

This matter was previously presented to the Board at its April 1, 2024 meeting as follows: *This 11-30-23 annual inspection revealed an unlicensed individual practicing on a client. A Notice of Violation was issued.*

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

Decision: Approved.

Update: An inspector went to the shop to get the owner to sign the consent order since the owner paid the civil penalty; the inspector learned the shop was subsequently sold and

under new ownership with a new license and the old owner was no longer in the area and presumably out of the country.

**Recommendation:** Refund the civil penalty payment back to Respondent (old owner) at last known address and close the file.

**Decision:** Approved.

**122. COS- 2024002821**

**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:

*Please see fact pattern for Item #64 above. This Respondent is the 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.

**Update:** This unlicensed individual moved back to Illinois and service of process could not be accomplished. Thus, there is a service issue at a hearing.

**Recommendation:** Closure.

**Decision:** Approved.

**123. COS- 2024002761**

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

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

**Complaint history:** None

This matter was previously presented to the Board at its April 1, 2024 meeting as follows:

*This 1-10-24 inspection revealed an unlicensed individual performing services 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.

**Update:** Respondent provided further documentation of a civil penalty payment made on or about February 1, 2024 within the 30-day agreed citation period on the owner file. This would be a duplicate penalty for the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

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

The attorney for the Board, Mr. Joe Wharton, provided an update on the proposed rules. At the meeting on June 17, 2024, the board granted Mr. Wharton authority to proceed with a rulemaking package and schedule a rulemaking hearing. Mr. Wharton advised that the rulemaking package

has been reviewed and approved by the Commissioner of the Department of Commerce and Insurance. The rulemaking package is currently being reviewed by the Department of Health as several of the proposed rules relate to hygiene and sanitation.

Mr. Wharton presented amendments to the apprenticeship rules as requested by the board members at the meeting on August 5, 2024. The amendments to the apprenticeship rules for cosmetology and barber increase the number of students per supervising professional from one to three. The supervising professional can only instruct one student at a time, but they can mentor up to three students per semester as long as the students are scheduled at different times. Mr. Wharton advised the board that it would make sense to add these rule amendments to the current rulemaking package for efficiency purposes. The current rulemaking package with the Department of Health would need to be pulled back and restarted with these new rules.

Motion made by Judy McAllister and seconded by Jeffrey Moran to pull back the current rulemaking package and add the proposed apprenticeship rules. The motion carried unanimously.

Mr. Wharton also advised the board that rule 0440-01-.06(5) requires that an applicant for a cosmetology instructor's license has 3 continuous years of licensure. The cosmetology compact removed the requirement of 3 continuous years of licensure for an instructor's license. Mr. Wharton asked the board for permission to add this rule to the rulemaking package.

Motion made by Perry Baldwin and seconded by Judy McAllister to add rule 0440-01-.06(5) to the rulemaking package. The motion carried unanimously.

Mr. Wharton explained the military education, training and experience described in T.C.A. § 4-3-1304 that should be used when considering reciprocal barber applicants.

Motion made by Jeffrey Moran and seconded by Judy McAllister to add legal counsels' recommendation not the rules packet. The motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION-**

### **Felony Applicants:**

Applications for examination for: Hannah Boles. The applicant has a felony conviction and 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 letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

## **RECIPROCITY–**

Mr. Calvin Martin applied for a master barber license using his military occupational skill (MOS). Mr. Calvin is stationed in Clarksville. He served as a barber for more than five years while serving in the Navy. Attorney Joe Wharton advised that T.C.A. § 62-76-106 grants the board the authority to license members of the armed services who are honorably discharged as long as the board finds that the training received in the military is consistent with the requirements for licensure.

Motion made by David McElreath and seconded by Perry Baldwin to approve the request with legal counsels' recommendation. The motion carried unanimously.

Mr. Wharton asked the Board for permission to amend rule 0200-01-.06(9) to cite T.C.A. § 62-76-106 and include the amendment in the current rulemaking package.

Motion made by Judy McAllister and seconded by Perry Baldwin to add the rule amendment to the rulemaking package. The motion carried unanimously.

## **MISCELLANEOUS –**

Ms. Dana Paige requested the board consider her barbering education and exams from Utah and waive the 300-hour certificate from a licensed barber school on the fundamental of barbering and straight razor shaving in order to meet the requirements for the barber instructor license. The board reviewed the transcript and exam scores provided.

Motion made by Jeffrey Moran and seconded by Perry Baldwin to approve application for Dual Barber Instructor License. The motion carried unanimously.

## **DIRECTOR'S REPORT:**

The financial information as of June 2024 reflects a deficit of \$73,932 for fiscal year 23-24. Final numbers to close FY23-24 will be presented at the December meeting along with financials for the first few months in FY24-25. The current reserve surplus balance is \$1,148,541.

Director Gumucio explained that the recent law change eliminating the master barber penalty from being “twice” the fee which was discussed at the August meeting needs to be left as the \$60 penalty until the rules are changed. The board cannot elect to charge the lower \$25 penalty as was discussed in August. The minute the rules are finalized, and those rules include the \$25 penalty fee, only then can the late fee for renewals be reduced.

MOTION made by Judy McAllister and seconded by Jeffrey Moran to follow the current rule regarding penalty fee for master barbers. The motion carried unanimously.

**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.

Mr. Jamal Arnold participating on Teams requested clarification on proposed rule for number of apprenticeship students allowed with each supervising professional. There were no other questions or comments.

**Additional Questions:****Motion to adjourn:**

Meeting adjourned at 10:37 am.

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