



**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 August 6, 2018 at 10:30 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

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

Ron Gillihan welcomed new board member Janie Ross to the board.

Roxana Gumucio, Executive Director, called roll. The following members were present: Kelly Barger, Jimmy Boyd, Nina Coppinger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Judy McAllister, Patricia Richmond and Becky Russell. Ms Yvette Granger participated telephonically. Not in attendance: Anita Charlton, Mona Sappenfield and Amy Tanksley.

Others present were: Roxana Gumucio, Executive Director, Cherrelle Hooper, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the June 4, 2018 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to approve the June 4, 2018 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Professional School of Beauty – New Hybrid Apprenticeship Program

Ms. Rasheedah Jones and Ms. Cladette Franklin appeared before the board for a cosmetology school program that includes online apprenticeship coursework for the theory hours. That information was also provided for the board to review.

MOTION made by Frank Gambuzza and seconded by Yvette Granger to approve new hybrid apprenticeship program. Motion carried unanimously.

Success Barber College – New Barber School

Mr. Morris Wilder appeared before the board for a barber school license. The school is located in Memphis and is 3,600 square feet. The business license, curriculum, contingency plan, fifteen tentative agreements, floor plan, application and fee were all received timely.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

Jenny Lea Academy of Cosmetology, Inc. – New Barber School

Ms. Virginia Lewis appeared before the board for a barber school license. The school is located in Johnson City. This school has been a licensed Cosmetology school in Tennessee since 2006. The business license, curriculum, contingency plan, floor plan, application and fee were all received timely.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve new school pending an inspection by a field inspector. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Request to waive the Tennessee exams presented by Ms. Evoon Bekheat. Ms. Bekheat submitted the application to test in August 2017 and with it her documents from her school in Egypt. At that time and currently all international hours are reviewed and applicants are generally submitted to test. Subsequently Ms. Bekheat applied for a license by reciprocity from Michigan. Her initial licensure date is May 24, 2018 with both exams. She does not have five years' work experience in the US as the board requires. The board explained to her in person and sent a letter consistent with the board's decision that she needs to take both exams. Ms. Bekheat provided a written statement requesting the board reconsider the decision for the exam.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to deny request. Applicant must pass Tennessee exams. Motion carried unanimously.

Applications for examination for: Linda Bowling, Kenneth Daniel, Latarrius Howard, Larry Johnson, and Cedric Taylor. The applicants have felonies within the last three years and/or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. 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 Nina Coppinger and seconded by Judy McAllister to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Separately, Mr. Kenneth Daniel has gone past the seven years to complete his education because he was incarcerated in 2014. He needs approval to use the hours he obtained since 2009. He completed his hours on June 4, 2018.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve extension of the seven years through June 2018. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:05 AM on Monday, August 6th to review applications for 13 individuals and make recommendations to the Board.

Attending were Board members Nina Coppinger, Ron Gillihan, Judy McAllister, and Patricia Richmond.

Application for reciprocity of manicure license from Illinois for Melissa Arnold. Ms. Arnold was grandfathered in 1994. She explains in a letter that licensure was in 1994 and that is why she was grandfathered. She provided proof of working in the industry during most of the time. The most recent is between 2012 and 2017. She is requesting waiver of the exams.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist instructor license from Iowa for Chad Aaron Evans. Mr. Evans appeared before the board to request the practical instructor exam be waived. He obtained his cosmetology license in Tennessee in August 2015 by reciprocity. He obtained his cosmetology license in 1999 with 2,100 hours and the instructor license in 2010 with 1,000 but no practical exam. Mr. Evans provided several letters of recommendations and has a job pending to start teaching. He is requesting the board reconsider and waive the practical exam.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Wisconsin for Sandra Hull. Ms. Hull was originally licensed in Iowa with 2,100 hours and no practical exam. She was then licensed in Florida between 1984 and 1996. Her license in Wisconsin was issued by reciprocity in 1993 and is currently active. She is requesting the board waive the practical exam.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve reciprocity. Motion carried unanimously.

Application for reciprocity of manicure license from Georgia for Shiqin Ma. Because of a complaint and allegations of hours not in compliance with regulatory boards standards for one particular school, the board voted and requested that all applicants from Georgia present their transcripts. The office has received several applicants with a transcript that appeared to be fraudulent. The subscribed and sworn date has errors in date format and spelling errors appear in more than one section of the transcript. The office was able to confirm this is not an authentic transcript. With the hours in question the applicant does not substantially meet reciprocity requirements.

Recommendation - is that the applicant be denied reciprocity.

MOTION made by Judy McAllister and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Leslie Ann Nipper. Certification shows license was issued May 2011 with 1,200 hours and no practical exam. Work records reflect she was in the industry until 2017. She provided a letter explaining why she took time off.

Recommendation - is that the applicant take the practical exam.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from California for Chris Nguyen. The transcript provided from California is for one of the schools that State Board is investigating. His application states he completed 400 hours in California in 2010. This is believed to be before the problems that California is looking into. Mr. Nguyen provided work experience from California from 2013 – 2015. The board has certification of licensure in New Mexico by reciprocity since 2014. His current active license is from West Virginia where he is currently living. It appears he also has a license in California and North Carolina. Those have not been received yet but, since there is no meeting in September, the application is presented to determine if the school situation affects him.

Recommendation - is to deny reciprocity until California completes the investigation.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from California for Minh Hoai Nguyen. The transcript provided from California is for one of the schools that State Board is investigating. Certification shows initial licensure issued August 2012 with 400 by examination.

Recommendation - is to deny reciprocity until California completes the investigation.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from California for Ngoc Pham. The transcript provided from California is for one of the schools that State Board is investigating. Ms. Pham presented her educational documents before the California Board shared their concerns and started the investigation of schools. The board office submitted her to test because she met the educational requirements even though California only requires 400 hours, her transcript stated she completed 600. She was submitted to test in Tennessee and on May 17, 2018 she passed her practical. She is requesting her license.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve license. Motion carried unanimously.

Application for reciprocity of manicure license from Georgia for Thien Thai Pham. The office has received several applicants with a transcript that appeared to be fraudulent. The subscribed and sworn date has errors in date format and spelling errors appear in more than one section of the transcript. The office was able to confirm this is not an authentic transcript. With the hours in question the applicant does not substantially meet reciprocity requirements.

Recommendation - is that the applicant be denied reciprocity.

MOTION made by Judy McAllister and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Connie Redden-Levay. Certification shows license was issued May 1998 with 1,200 hours and no practical exam. A letter from shop owner states she worked with her since 2009 until 2014. She emailed the board explaining she worked for Regis Corporation for a total of 14 years. She left the industry for a little while for medical reasons but is now in Tennessee and is requesting the practical exam be waived.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from California for Tommy Tran. The transcript could not be provided because Mr. Tran states he no longer has it, however on the application he the name of his school and it is one of the schools that State Board is investigating. Certification shows initial licensure issued May 2013 with 400 by examination. Mr. Tran is also licensed in Alabama by reciprocity from California since 2013.

MOTION made by Patricia Richmond and seconded by Judy McAllister to deny reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from Georgia for Yen Tran. Certification from Georgia show initial licensure in May 2006 by examination. Ms. Tran states that she does not have the transcript. Georgia provided a letter explaining that their records retention does not require these documents be kept longer than five years. Her application states she attended Career Institute of Nail Care but there is no proof of this.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve reciprocity with proof of work experience in the industry for the last five years. Motion carried unanimously.

Application for reciprocity of cosmetology license from Georgia for Maura Hovious. Certification from Georgia shows initial licensure in May 2000 by examination. Ms. Hovious states that she does not have the transcript. Her application states she attended Aveda but so far has not been able to obtain a transcript. Georgia only maintains records for five years.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve reciprocity with proof of work experience in the industry for the last five years. Motion carried unanimously.

Application for reciprocity of cosmetology license from California for Phuong My Truong. The transcript provided from California is for one of the schools that State Board is investigating. Certification shows initial licensure issued in 2017 with 1,600 hours by examination.

Recommendation - is to deny reciprocity until California completes the investigation.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Linda Thi Vo. Certification shows license was issued September 2006 with 240 hours and no exam. Ms. Vo provided her husband's active military orders and insurance policy to prove the relationship. She provided records and an explanation of her work experience. She is asking for consideration of the exams so she can start work soon and help support her family.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

The meeting adjourned at 9:25 AM.

MOTION made by Patricia Richmond and seconded by Judy McAllister for approval by the full board of the Reciprocity Committee decisions. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for consideration to reinstate cosmetology license for Mr. Le Phan. The board was presented with the new application Mr. Phan completed on June 11, 2018 for a cosmetology license. Legal counsel presented the history behind Mr. Phan's license revoked January 2015.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to deny the request. Motion carried unanimously.

Request for board's approval of Cosmetology license for Ms. Lanice Shults. Ms. Shults applied to take the Tennessee exams in November 2017 because her Florida license held since 1980 had expired in 2000. At that time she submitted her high school education showing she completed the Cosmetology program, she would have also taken both exams in Florida but she decided to test in Tennessee rather than take continued education and try to reactivate her expired Florida license. She substantially met the requirements for reciprocity but decided to test in Tennessee. She passed both exams and on June 25, 2018 and submitted for her license. Because she had a job waiting and no board meeting until August the office approved her license.

MOTION made by Judy McAllister and seconded by Frank Gambuzza to approve the license. Motion carried unanimously.

Request for consideration of continued education for barber instructor Charles Robinson. Mr. Robinson is asking for his instructor license back. He attended the UT Knoxville Conference Center session every year. Mr. Robinson teaches at these sessions. In 2016 and 2017, the Roster list did not consistently show that he actually attended all of the two day sessions. It was clear he taught and therefore, without his license number in the appropriate location, the board office did not give him the credit for 16 hours. In 2016 his renewal was completed and the instructor part was removed. Mr. Robinson did not notice this change until the June 2018. He and the seminar provider have submitted certificates of completion showing he does attend all of the classes. Because he does this every year, he completes more than 16 hours between renewals.

MOTION made by Frank Gambuzza and seconded by Nina Coppinger to approve request and reinstate the instructor qualification back to license. Motion carried unanimously.

Request for extension of continued education requirement from cosmetology instructor Frances Fuqua. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She provided a letter from her Doctor explaining that she will not be able to attend a session anytime soon.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve the request. Motion carried unanimously.

Request for extension of the time frame to complete school from Ms. Tishanna Jonson. Pursuant to Tenn. Code Ann. §62-4-123, a student has seven (7) years from the original date of enrollment to complete the required hours. Ms. Johnson is enrolled in a school but needs additional time after September 2018 to finish. She provided a letter explaining her unique situation.

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve hours and allow her extension. Motion carried unanimously.

Request for reinstatement of master barber license #16747 for Courtney Deshun Bolden. License was revoked for failure to be in compliance with the agreement set forth by Consent Order. Courtney Bolden's license was revoked February 22, 2017. Since then the pending payments have been received and Ms. Bolden would like to reinstate her license.

MOTION made by Kelly Barger and seconded by Janie Ross to approve the request. Motion carried unanimously.

DIRECTOR'S REPORT:

Financial information presented through May 2018 reflects an estimated surplus \$242,350 for fiscal year 2018 with only one more month to go.

2019 proposed meeting dates were presented. The board discussed going from nine meetings a year to six (6). This would provide a substantial savings to the program and make it easier on board members to participate. Similar suggestions are presented in other regulatory programs.

MOTION made by Frank Gambuzza and seconded by Judy McAllister for approval of the six meeting dates for 2019. Motion carried unanimously.

All shop inspections were completed as of mid-July for the fiscal year. This is a huge accomplishment and all thanks to a wonderful team of field inspectors and their supporting team.

Continuing education provider Professional School of Beauty cancelled both of their approved Instructor sessions. The reason for the cancellation was due to low enrollment. The board discussed options and how this hurts those that plan to attend a session that later cancels.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:45 AM on Monday, August 6th to review the allegations of 82 complaints and make recommendations to the Board.

Attending were Board members Frank Gambuzza, Ron Gillihan, Becky Russell and Amy Tanksley.

COSMETOLOGY CASES

1. Case No.: COS-2018014841

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

This is a consumer complaint alleging unlicensed activity. The Respondent provided a response denying any unlicensed activity and no proof of unlicensed activity was submitted by the consumer.

Recommendation: Close with request for inspection.

Decision: Approved.

2. Case No.: COS-2018016211

First License Obtained: 04/29/2002
License Expiration: 04/30/2019
Complaint history: None

This is a consumer complaint alleging a bad result from a nail service. The Respondent provided a response to the Complaint stating that they have no information about this consumer but have not had any complaints in the past about the services that they provide.

Recommendation: Close.

Decision: Approved.

3. Case No.: COS-2018016391

First License Obtained: 05/06/2011
License Expiration: 04/30/2019
Complaint history: 2017079421, closed by Letter of Warning; 2017082361, closed by Consent Order and payment of \$1,000 civil penalty

This is a consumer complaint alleging a bad result from nail services. The Complainant has resolved the issues with the salon since filing the complaint.

Recommendation: Close.

Decision: Approved.

4. Case No.: COS-2018016481

First License Obtained: 01/04/2018
License Expiration: 09/01/2018
Complaint history: None

This is a student complaint alleging that the Respondent did not explain the apprenticeship program. The school responded and provided information that the student signed a contract which stated that the student was entered into an apprentice type program.

Recommendation: Close.

Decision: Approved.

5. Case No.: COS-2018016741

First License Obtained: 12/12/2013
License Expiration: 11/30/2019

Complaint history: None

This is a consumer complaint alleging a bad result from nail services. The consumer alleges that there were issues with the price of the services and that she left before the services were completed. The Respondent provided a response stating that this incident resulting in the salon contacting the police due to the threats made by the consumer.

Recommendation: Close.

Decision: Approved.

6. Case No.: COS-2018017351

First License Obtained: 11/17/1989

License Expiration: 03/31/2018

Complaint history: None

This is a consumer complaint alleging that the Respondent's shop chair was faulty. An inspection was performed and no issues were found. The shop is now closed.

Recommendation: Close.

Decision: Approved.

7. Case No.: COS-2018017511

First License Obtained: 10/16/2013

License Expiration: 08/31/2019

Complaint history: None

Pursuant to inspection, the shop was found to be providing services not authorized by the license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty.

Decision: Approved.

8. Case No.: COS-2018019751

First License Obtained: 06/28/1996

License Expiration: 05/31/2020

Complaint history: 2011026001, closed with a Letter of Warning;
2013015221, closed by Consent Order and payment of \$1,000 civil penalty

Pursuant to inspection, the inspector found two persons providing services who proceeded to leave the salon after the inspector announced his presence. The manager/owner refused to sign the NOV and filed a response stating that the two individuals were not providing services. The inspector provided photographs of the two individuals providing services in the salon prior to exiting through the back of the building.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.

Decision: Approved.

9. Case No.: COS-2018018171

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a complaint alleging a bad result from an eyelash treatment and alleging unsanitary conditions. The Respondent provided a response denying the unsanitary conditions and states that she did not charge for the treatment and was not expecting payment for same.

Recommendation: Closure with letter of warning.

Decision: Approved.

10. Case No.: COS-2018018351

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The complaint failed to provide sufficient details to substantiate the complaint.

Recommendation: Close and request inspection regarding any potential unlicensed activity at the address listed in the complaint.

Decision: Approved.

11. Case No.: COS-2018018651

First License Obtained: 05/05/1992

License Expiration: 08/31/2018

Complaint history: None

This is a consumer complaint alleging sanitation issues. However, since the time of the complaint the shop has been inspected and no violations were found.

Recommendation: Close.

Decision: Approved.

12. Case No.: COS-2018020881

First License Obtained: 09/16/2009

License Expiration: 09/01/2018

Complaint history: 2009024791, closed w/no action; 2009025961, closed and flagged; 2012000141, closed w/no action; 2014016731, closed with a letter; 2017047441, closure

This is a student complaint alleging that the school is acting in an unprofessional manner. The Complainant was asked for additional information but same has not been provided. The school responded stating that the student had been suspended for fighting which likely causes the complaint to be filed.

Recommendation: Close.

Decision: Approved.

13. Case No.: COS-2018019161

First License Obtained: 01/31/2017

License Expiration: 12/31/2018

Complaint history: 201701567, closed by Agreed Citation along with a warning letter and payment of \$1,000 civil penalty; 201703925, closed with no action;

Pursuant to inspection, two persons were found to be providing services without a license. The manager was not present and a hot wax machine was found in the salon which is not an authorized service.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$3000.00 civil penalty.

Decision: Approved.

14. Case No.: COS-2018019601

First License Obtained: 12/06/2004

License Expiration: 12/31/2018

Complaint history: None

This is a consumer complaint alleging a dispute over payment for services. The Respondent provided a response to the complaint explaining in detail the situation and the issue is that the consumer failed to pay for the service.

Recommendation: Close.

Decision: Approved.

15. Case No.: COS-2018019551

First License Obtained: 11/20/1996

License Expiration: 03/31/2020

Complaint history: None

This is the shop from the above Complaint No. **2018019601**. Same issues as above.

Recommendation: Close.

Decision: Approved.

16. Case No.: COS-2018021081

First License Obtained: 01/04/2018

License Expiration: 09/01/2018

Complaint history: None

This is a student complaint alleging failure to provide materials. The Respondent provided a response to the complaint stating all proper materials were provided.

Recommendation: Close with request for inspection regarding enrollment procedures.

Decision: Approved.

17. Case No.: COS-2018021531

First License Obtained: 07/11/2007

License Expiration: 04/30/2020

Complaint history: 2008011451, closed by Consent Order and payment \$2,000 civil penalty; 2013011531, closed with no action

This is a consumer complaint alleging a bad result with nail services. The Respondent provided a response stating that the complainant has returned to the salon since the complaint was filed and received additional services.

Recommendation: Close

Decision: Approved.

18. Case No.: COS-2018021571

First License Obtained: 07/28/2016

License Expiration: 07/31/2018

Complaint history: None

This is a consumer complaint forwarded by the Nashville Health Dept. but the underlying consumer's information was not provided. The complaint alleges sanitation issues.

Recommendation: Close with request for inspection.

Decision: Approved.

19. Case No.: COS-2018021911

First License Obtained: 07/27/2005

License Expiration: 05/31/2019

Complaint history: 2012003751, closed by Consent Order and payment of \$500.00 civil penalty; 2014022191, Letter of Warning; 20150217401, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging that the consumer received the incorrect nail services. The Respondent provided a response clarifying the issues and stating that the consumer was only charged \$15.00 for the service which is usually \$25.00 due to the misunderstanding.

Recommendation: Close

Decision: Approved.

20. Case No.: COS-2018021721

First License Obtained: 07/21/2016

License Expiration: 07/31/2019

Complaint history: None

This is a consumer complaint alleging unlicensed activity. An inspection was performed and no violations were found.

Recommendation: Close

Decision: Approved.

21. Case No.: COS-2018021931

First License Obtained: 03/09/2015

License Expiration: 04/30/2020

Complaint history: None

Pursuant to inspection, one licensed Barber was found to be providing services in the Respondent shop which is not licensed as a dual shop. The Respondent provided a response and has applied for a dual shop license.

Recommendation: Close with letter of warning.

Decision: Approved.

22. Case No.: COS-2018022441

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The address provided is not complete and came back as undeliverable.

Recommendation: Close

Decision: Approved.

23. Case No.: COS-2018023031

First License Obtained: 07/29/2009
License Expiration: 05/31/2017
Complaint history: None

Pursuant to inspection, the shop license was found to be expired.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

24. Case No.: COS-2018022881

First License Obtained: 01/26/2015
License Expiration: 09/30/2018
Complaint history: None

This is a consumer complaint alleging a bad result from a hair color.

Recommendation: Close

Decision: Approved.

25. Case No.: COS-2018023471

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

This is a consumer complaint alleging unlicensed activity. The Respondent admits to not having a license in the State of Tennessee but states that she is only providing services in her home. The Facebook posts indicate that she is charging a fee/donation for the services.

Recommendation: Close with letter of instruction including cease and desist language.

Decision: Approved.

26. Case No.: COS-2018023731

First License Obtained: 08/29/2017
License Expiration: 07/31/2019
Complaint history: None

This is a consumer complaint alleging unlicensed activity. Based on the complaint, an inspection was performed but no unlicensed activity could be substantiated although two persons did proceed to leave their stations and move to the rear of the store when the inspector identified himself.

Recommendation: Close and flag.

Decision: Approved.

27. Case No.: COS-2018023751

First License Obtained: 03/16/2016
License Expiration: 03/31/2020
Complaint history: 2016052071, closed by Amended Consent Order and payment of \$7,000 civil penalty for unlicensed activity and sanitation violations; 2017066571, closed by Consent Order and payment of \$3,000 civil penalty for unlicensed activity

This is a consumer complaint alleging unlicensed activity. Based on the complaint, an inspection was performed and one unlicensed person was found to be providing services.

Recommendation: Authorize formal hearing for revocation. Authorize settlement by consent order with voluntary revocation.

Decision: Approved.

28. Case No.: COS-2018025061

First License Obtained: 05/25/2016

License Expiration: 05/31/2020

Complaint history: None

This is a consumer complaint alleging a bad result from a nail service. The Respondent provided a response explaining that the Complainant chose to remove the nails herself prior to returning to the salon.

Recommendation: Close

Decision: Approved

29. Case No.: COS-2018023941

First License Obtained: 04/13/2004

License Expiration: 04/30/2020

Complaint history: None

This Respondent is the manager of the Respondent Shop No. 35946 and was cited for having a dog inside the shop.

Recommendation: Close with letter of warning.

Decision: Approved

30. Case No.: COS-2018023921

First License Obtained: 11/08/2013

License Expiration: 10/31/2019

Complaint history: None

This Respondent shop from the above complaint which was cited for having a dog inside the shop.

Recommendation: Close with letter of warning.

Decision: Approved.

31. Case No.: COS-2018023901

First License Obtained: 03/20/2008

License Expiration: 03/31/2016

Complaint history: 2016032761, closed by Consent Order and payment of \$100.00 civil penalty

Pursuant to inspection, the shop license was found to be expired but no customers were present.

Recommendation: Close with letter of warning with cease and desist language.

Decision: Approved.

32. Case No.: COS-2018025171

First License Obtained: 10/02/2000

License Expiration: 06/30/2019

Complaint history: None

This is a consumer complaint alleging a bad result from a hair treatment service.

Recommendation: Close

Decision: Approved.

33. Case No.: COS-2018024701

First License Obtained: 04/25/2018

License Expiration: 03/31/2020

Complaint history: None

This is a consumer complaint alleging a bad result with a hair service and unlicensed activity. The salon was inspected and no violations were found.

Recommendation: Close

Decision: Approved.

34. Case No.: COS-2018025411

First License Obtained: 04/30/2015

License Expiration: 09/01/2018

Complaint history: None

This is a student complaint initially alleging sexual harassment by other students but there is no proof of same and the Complainant specifically stated that “she doesn’t care anymore about the allegation of sexual harassment”. The school responded and states it has security cameras that the Complainant never filed a complaint with the school and never gave the student’s name who was supposedly the perpetrator of the harassment as would be necessary for an investigation. The student also complained about junior instructors at the school but same has been found to be without merit.

Recommendation: Close

Decision: Approved.

35. Case No.: COS-2018025851

First License Obtained: 10/11/1993

License Expiration: 06/30/2019

Complaint history: None

Pursuant to inspection, this individual was found to be providing services with expired license which has since been renewed.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

36. Case No.: COS-2018025811

First License Obtained: 06/20/2005

License Expiration: 07/31/2019

Complaint history: 2007061041, closed by Consent Order and payment of \$300.00 civil penalty

Pursuant to inspection, the shop was cited for allowing one individual to provide services with expired license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

37. Case No.: COS-2018026111

First License Obtained: 06/18/2015
License Expiration: 05/31/2019
Complaint history: 2017054791, closed w/no action; 2017063161; closed w/no action; 201701955, closed by Agreed Citation and payment of \$2,000 civil penalty

This is a consumer complaint alleging unlicensed activity. An inspection was requested and two unlicensed persons were found to be providing services and left the building after the inspector arrived.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.

Decision: Approved.

38. Case No.: COS-2018026151

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

This is a consumer complaint alleging a bad result in hair braiding services. The owner of the shop responded not realizing until the legal dept. contacted her that she had to have a shop license. The Respondent has a business license and is a licensed hair braider in other states but has not applied for a shop license in this state.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

39. Case No.: COS-2018026901

First License Obtained: 07/17/2013
License Expiration: Revoked
Complaint history: 2014001301, closed by Consent Order for the voluntary License Revocation; 2015000511, closed by Consent Order to pay \$2,000 civil penalty assessed against the Respondent's shop

Pursuant to inspection, this owner was found to be providing services without a license. One other individual was also found to be providing services but left the building after the inspector arrived. The owner's license is revoked.

Recommendation: Referral to appropriate State agency with request for state court action.

Decision: Approved.

40. Case No.: COS-2018026881

First License Obtained: 09/26/2013
License Expiration: 09/30/2019
Complaint history: 2015000481, closed by Consent Order and payment of \$2,000 civil penalty; 2016029021, closed by Consent Order and payment of \$2,000 civil penalty; 2016028121, closed w/no action

Pursuant to inspection, this owner was found to be providing services without a license. One other individual was also found to be providing services but left the building after the inspector arrived. The owner's license is revoked.

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

Decision: Approved.

41. Case No.: COS-2018026791

First License Obtained: 08/10/2015

License Expiration: 08/31/2019

Complaint history: 201601457, closed by Agreed Citation and payment of \$1,000 civil penalty; 201800881, closed by Agreed Citation and payment of \$500.00 civil penalty

This is a consumer complaint alleging unsanitary conditions. The Respondent provided a Response denying the allegations and the complainant has no photographs to substantiate the issues.

Recommendation: Letter of warning and request for re-inspection.

Decision: Approved.

42. Case No.: COS-2018027221

First License Obtained: 07/11/2011

License Expiration: 06/30/2019

Complaint history: 2013007481, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging a bad result with a pedicure.

Recommendation: Close.

Decision: Approved.

43. Case No.: COS-2018027341

First License Obtained: 05/31/2018

License Expiration: 09/01/2018

Complaint history: None

This is a student complaint alleging that the school did not open timely and therefore the student requested a refund. The school refused to issue the refund and the student filed a lawsuit and obtained a judgment for the refund against the school. The school provided a response stating that the student was aware that the school was not open yet at the time of enrollment.

Recommendation: Close with letter of instruction.

Decision: Approved.

44. Case No.: COS-2018028481

First License Obtained: 05/03/2017

License Expiration: 05/31/2019

Complaint history: 2017046681, closed w/ no action

This is an anonymous complaint alleging unlicensed activity. The Respondent filed a response stating that the shop has always passed inspection and no violations have been found. The shop

stated that they have been singled out for inspections and that two persons have been present for the inspections and no violations have been found.

Recommendation: Close

Decision: Approved.

45. Case No.: COS-2018028531

First License Obtained: 04/05/2001

License Expiration: 07/31/2019

Complaint history: 201700136, closed by Agreed Citation and payment of \$600.00 civil penalty

This is a consumer complaint alleging unlicensed activity. As a result of the allegation an inspection was requested and no violations were found.

Recommendation: Close

Decision: Approved.

46. Case No.: COS-2018029251

First License Obtained: 09/29/2016

License Expiration: 09/30/2018

Complaint history: 2017060111, closed w/no action

This is a consumer complaint alleging unsanitary conditions. As a result of the complaint an inspection was performed and no violations were found.

Recommendation: Close

Decision: Approved.

47. Case No.: COS-2018029551

First License Obtained: 08/26/2009

License Expiration: 08/31/2019

Complaint history: None

This is a consumer complaint alleging a bad result with a haircut.

Recommendation: Close

Decision: Approved.

48. Case No.: COS-2018029601

First License Obtained: 01/08/2001

License Expiration: 06/30/2019

Complaint history: None

This is a consumer complaint alleging a bad result with a nail service. The respondent provided a response and disagrees with the statements provided by the consumer.

Recommendation: Close

Decision: Approved.

49. Case No.: COS-2018029641

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

50. Case No.: COS-2018029671

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

These two complaints are from the same complainant alleging unlicensed activity in a restaurant. The complaint gives two different addresses for the locations. The complainant provided no additional information.

Recommendation: Closure of these complaints and request inspection of the two locations.
Decision: Approved.

51. Case No.: COS-2018029711

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

This complaint is from the same complainant as above. The complaint alleges unlicensed activity. The Respondent provided a response denying that he is providing services to the public and states that he only provided services free of charge to his family and is currently in barber school.

Recommendation: Close
Decision: Approved.

52. Case No.: COS- 2018030361

First License Obtained: 01/10/2003
License Expiration: 12/31/2018
Complaint history: 2005017711, dismissed; 200502357, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging unsanitary conditions. The Respondent provided a response stating the procedures used for all treatments.

Recommendation: Close
Decision: Approved.

53. Case No.: COS-2018030761

First License Obtained: 05/19/1994
License Expiration: 08/31/2019
Complaint history: 7185, dismissed; 6179, closed and inspected; 2005044481& 20060044841, closed by Consent Order and payment of \$300.00 civil penalty; 2011025831, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging a bad result from a nail service. The complainant provided a medical note showing a diagnosis of nail fungus. The Respondent provided a response and disagrees with the diagnoses but issued a refund to the consumer as a result of the complaint.

Recommendation: Close
Decision: Approved.

54. Case No.: COS-2018041271

First License Obtained: N/A
License Expiration: N/A

Complaint history: None

Pursuant to inspection, this individual providing eyelash services without a license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

BARBER CASES

55. Case No.: BAR-2018016021

First License Obtained: 10/12/1992

License Expiration: 07/31/2018

Complaint history: 2006034051, closed with Letter of Warning;
2017066111, Formal Charges Authorized

This is a consumer complaint was filed against the Respondent's barber shop alleges that the Respondent was operating on a suspended shop license. A follow up inspection by an inspector found that the business was closed and there was no activity at the shop location.

Recommendation: Close

Decision: Approved.

56. Case No.: BAR-2018019511

First License Obtained: 05/27/2015

License Expiration: 05/31/2019

Complaint history: None

This is a consumer complaint was filed against the Respondent, a master barber, alleging that the Respondent refused to refund a partial payment to the Complainant for teaching a class on dread locks. The Respondent filed a response admitting to teaching a class regarding dead locks. The Complainant has requested that the complaint be closed as the issues have been resolved and the complainant will not participate in litigation.

Recommendation: Close with letter of warning regarding teaching classes without an instructor license.

Decision: Approved.

57. Case No.: BAR-2018019811

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to an inspection, the Respondent was found to be practicing barbering on a client without a master barber license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

58. Case No.: BAR-2018019831

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to an inspection, the Respondent was found to be practicing barbering on a client without a master barber license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.

Decision: Approved.

59. Case No.: BAR-2018020661

First License Obtained: 01/09/2007

License Expiration: 01/31/2017

Complaint history: None

Pursuant to an inspection on March 28, 2018, the Respondent was found to be displaying an expired master barber license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.

Decision: Approved.

60. Case No.: BAR-2018021431

First License Obtained: 01/09/2007

License Expiration: 01/31/2017

Complaint history: None

This complaint was opened administratively against the Respondent in complaint No. BAR-2018020661 alleges that the Respondent acted in unprofessional manner towards the State's inspector and that the Respondent's attitude and behavior made the inspector feel threatened.

Recommendation: Close with letter of warning regarding unprofessional behavior.

Decision: Approved.

61. Case No.: BAR-2018021951

First License Obtained: 08/03/1988

License Expiration: 07/31/2019

Complaint history: 2016005951, closed by Letter of Warning

Pursuant to an inspection on March 29, 2018, the Respondent, a licensed master barber, was working on a client in a licensed cosmetology shop. At the time of the inspection, the shop did not have a barber shop license. Subsequently, on April 4, 2018, the shop applied for a dual shop licensure and such application was approved on April 11, 2018.

In response, the Respondent stated that she lost her previous job and called the owner of the shop and asked for a job, and that when the inspector came into the shop she was putting things up and was putting a color on her daughter's hair, a non-paying customer, she was cited for working on a client without a barber license. The Respondent states that this was a big misunderstanding and ask that this to be dropped as a warning.

Recommendation: Close with letter of warning as no risk of harm to the public was found.

Decision: Approved.

62. Case No.: BAR-2018025101

First License Obtained: 06/23/2015

License Expiration: 04/30/2020

Complaint history: 2017072511, Formal Charges Authorized

63. Case No.: BAR-2018025121

First License Obtained: 01/22/2004

License Expiration: 03/31/2020

Complaint history: None

Pursuant to an inspection on April 12, 2018, the shop and its owner were found to be operating at a new location with an expired shop license and an expired owner's personal license posted.

Board records indicate that the renewal for the shop was submitted on April 5, 2018 and the renewal for the owner's personal license was submitted on April 12, 2018, and the application for change of location was received on April 17, 2018 and has been approved.

Recommendation: Close

Decision: Approved.

64. Case No.: BAR-2018034031

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A consumer complaint was filed on May 23, 2018 against the Respondent, an unlicensed shop, alleges that the owner of the shop is using someone else's license. Board records indicate that on May 16, 2018 the shop submitted an application for licensure.

A follow up inspection by an inspector who visited the shop on June 8, 2018 found that the shop was closed and not ready for an inspection. As of July 16, 2018, the inspector advised that the shop is still not ready for inspection and do not know when it is going to be ready.

Recommendation: Close and flag.

Decision: Approved.

65. Case No.: BAR-2018034581

First License Obtained: 11/16/2016

License Expiration: 11/30/2018

Complaint history: None

An anonymous consumer complaint alleging that the Respondent is operating a barber shop without a shop license. The Respondent filed a response and stated that he has a valid license and that this complaint is unfounded.

Recommendation: Close with request for inspection.

Decision: Approved.

66. Case No.: BAR-2018035161

First License Obtained: 05/04/1994

License Expiration: 09/01/2018

Complaint history: None

An anonymous complaint was filed against the Respondent's barber school alleges that there is no instructor for the theory or on the floor to teach, but the school is still required them to take clients, and that the school's owner currently has a student being the theory instructor after the previous instructor resigned. In response to the complaint, the Respondent school stated that there are two active instructors provide instructions to the barber program and one master barber currently enrolled in the Institutions Barber program assists with instruction – the school provided a copy of their licenses. The Respondent further states that the institution has successfully hired both a Junior Barber Instructor and a Barber Instructor. Further, the identified

the Complainant through the email provided and verified that the Complainant has 77% attendance average for the Month of May 2018 and states that if a student is not learning it is because of a lack of physically attending classes. Additionally, the Respondent admits that its owner has allowed students to read portions of the study chapters during theory. The Respondent is asking that the complaint be closed.

Recommendation: Close and flag.

Decision: Approved.

67. Case No.: BAR-2018035861

First License Obtained: 06/23/1975

License Expiration: 08/31/2018

Complaint history: None

This is a consumer complaint filed against the Respondent, a licensed barber shop, alleging unsanitary conditions with use of a straight razor. In response to the complaint, the Respondent stated that the shop has been open since the early 70's and has been inspected on a regular basis with no violations and all sanitation rules are followed relating to straight razors.

Recommendation: Close. Shop was inspected in May 2018 and no violations were found no request for re-inspection at this time.

Decision: Approved.

REPRESENTS

68. Case No.: COS-2017059531

First License Obtained: 03/11/2015

License Expiration: 03/31/2017

Complaint history: None

This matter was previously presented to the Board at the January 2018 meeting as follows: *Pursuant to inspection, this shop license was found to be expired. **Authorization:** Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.*

Update: Further investigation of this matter revealed that the Respondent's shop is now out of business and the shop is in "CLOSED" status.

Recommendation: Close and flag

Decision: Approved.

69. Case No.: COS-2017044391

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at the December 2017 meeting as follows: *This is a consumer complaint alleging unlicensed activity. The Facebook page advertises mobile service in the Memphis, Tennessee area. **Authorization:** Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.*

Update: the Consent Order was sent at least twice to the Respondent via U.S. Certified and First Class Mail to the address provided in the complaint and all mail has returned back marked "Undeliverable or unclaimed and/or unable to forward".

Recommendation: Close and flag as unable to locate.

Decision: Approved.

70. Case No.: BAR-2017030431

License Obtained: 06/28/1996

License Expiration: 06/30/2018

Complaint history: None

This matter was previously presented to the Board at the October 2017 meeting as follows: *Pursuant to an inspection, a licensed barber shop and its manager were found to be allowing the owner of the shop to perform services on an expired master barber license. The owner's license has been now renewed. Authorization: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty.*

Update: A Consent Order was sent to the Respondent who was listed on the Notice of Violation as the manager for the shop. In response, the Respondent submitted a written statement stating that he has never functioned as manager within the shop and that he was not in place as manager on the date of the violation and has not held such title since. Further investigation of this matter revealed that the Respondent is not listed on the shop's records as the registered manager for the shop.

Recommendation: Close

Decision: Approved.

71. Case No.: COS-2015006861

72. Case No.: COS-2016046121

73. Case No.: COS-2016076651

74. Case No.: COS-2017035391

First License Obtained: 03/11/2005

License Expiration: 03/31/2019

Complaint history: 200502415, closed by Consent Order and payment of \$600 civil penalty; 2005033371, closed w/no action; 2006011841, dismissed; 2012002111, closed by Consent Order and payment of \$500 civil penalty; 2013011431, closed for lack of disciplinary grounds; 20150218761, closed by Consent Order and payment of \$1,000 civil penalty;

75. Case No.: COS- 2015006862

First License Obtained: 10/14/2004

License Expiration: 10/31/2018

Complaint history: 20150218781, closed by Consent Order and payment of \$1,000 civil penalty

These matters were previously represented to the Board at its November 6, 2017 meeting as follows: *The Board previously authorized revocation of the Respondent's shop license and settlement for all of the above-referenced cases against the shop and its owner/manager for a total civil penalty in the amount of \$9,100. These matters were previously presented to the Board at its March 6, 2017 and November 6, 2017 meetings as follows: Respondent's two previous inspections revealed the shop was permitting unlicensed individuals to perform natural hair braiding services in the shop (open complaints 2015006861 and 2016046121).*

2015006861 (shop) and 2015006862 (owner): On March 12, 2015, upon inspection of the Respondent shop, the inspector observed four individuals performing natural hair care services for clients without a license. The Board authorized a settlement of a total civil penalty of \$4,000, which the shop has not accepted.

2016046121 (shop): On August 4, 2016, upon inspection of the Respondent shop, the inspector observed four individuals performing natural hair care services for clients without a license. Further, there was not a manager present and the shop's license was suspended at the time of the inspection. The Board authorized a settlement of a total civil penalty of \$5,100, which the shop has not accepted. Given the repeat violation, legal requested a follow up inspection.

2016076651 (shop): follow up inspection in December 2016 inspector found two individuals providing services without a license. Board authorized revocation of the shop license and \$9100.00 civil penalty.

Additionally, Pursuant to inspection in June 2017, one individual was found to be providing services with no license. In addition, the shop manager was not present. The shop license was also expired 03/31/17.

Recommendation: Settlement negotiations are ongoing. Current negotiations include revocation of the shop license with a civil penalty reduced from \$9100.00 to \$5000.00.

Decision: The Board authorized formal hearing and to give legal counsel full authority to negotiate a settlement which includes revocation of the shop license and a payment plan with a reduced civil penalty if Respondent agrees to voluntary revocation of the shop license.

Update: The shop is closed and vacant which has been substantiated by counsel for the Respondent and the inspector.

New Recommendation: Authorize closure of complaints against the shop and reduce the civil penalty to the individual owner to \$4000.00.

Decision: Approved.

76. Case No.: L15-COS-RBS- 20150227661

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

At the March 6, 2016 meeting, the Board previously authorized a formal hearing and settlement via consent order and a \$1,000 civil penalty for the above-referenced matter which alleged that at the time of inspection the Respondent, unlicensed employee, was giving a customer a pedicure in a licensed shop.

Update: The Respondent has provided documentation proving that she was not working as a nail tech on the day in question and furthermore disputes that it is her in the pictures provided by the inspector and provided a copy of her driver's license as proof of same.

Recommendation: Close

Decision: Approved.

77. Case No.: BAR-2016028181

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at the August 8, 2016 meeting as follows: Respondent was cited pursuant to an inspection. At the time of inspection the shop was open offering services but no customers were present. The Respondents individual license was expired. The shop is unlicensed and he told the inspector he didn't know he needed a shop license. **Authorization:** Authorize for formal charges. Allow authority to settle by consent order assessing \$1000.

Update: The shop applied for and was approved for a license. No customers were present at the time of inspection so no harm to the public was found.

Recommendation: Close and flag due to Complaint No. 2017055111 which provides for a civil penalty.

Decision: Approved.

78. Case No.: COS-2018008441

First License Obtained: 03/31/2017

License Expiration: 03/31/2019

Complaint history: None

This matter was previously presented to the Board at the June 4, 2018 meeting as follows: *Pursuant to inspection, one individual was found to be providing services without a license. This Respondent is the manager of the shop. **Authorization:** Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty.*

Update: The dept. has no proof that the Respondent is in fact the manager. The Respondent denies being the manager, acting as the manager on duty at the time of the inspection, and further states she was only an employee of the salon.

Recommendation: Close

Decision: Close with re-inspection of the shop.

80. Case No.: BAR-2018039491

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at July 2, 2018 meeting as follows: *Pursuant to an administrative complaint alleging unlicensed activity, two inspectors and the Memphis Police Dept. arrived at the above Respondent shop to conduct an inspection. The shop was found to be unlicensed and the owner was found to be providing services without a license. In addition, the administrative complaint contains information from the Memphis Police Dept. that there was a shooting outside of the Respondent shop and that the victim had been inside the shop prior to the shooting and was waiting outside the shop for other individuals inside the shop at the time of the shooting. The shooting is currently under investigation and no arrests have been made.*

Authorization: Authorize the issuance of a cease and desist consent order with \$2000.00 civil penalty and referral to appropriate authorities to enforce the Cease and Desist consent order. Authorize formal hearing.

Update: The shop was found to be closed and vacant during the attempts at service.

Recommendation: Close and flag.

Decision: Approved.

81. Case No. BAR-2016014681

82. Case No. BAR-2016017461

First License Obtained: 10/04/1989

License Expiration: 04/30/2019

Complaint history: 2001042391, closed by Consent Order and payment of \$1,000 civil penalty

These matters were previously presented to the Board at June 6, 2016 meeting as follows: *Two complaints were filed by past students against this school owner. The complaints alleged severe misconduct. Examples; that he held hours back without cause, that he would reduce hours earned by students right before graduation to hold them back, that he regularly allowed friends to supervise the class, despite them not having licenses. Investigation found five students who supplied affidavits that support allegations of the instructor working on the floor with customers, the instructor allowing students to work on the public while no instructors were present, and that the respondent would reduce the number of hours a student had already earned for infractions.* **Authorization:** Authorize for formal charges, allow authority to settle by consent order assessing \$3000. Flag this school for repeated inspections in the next year given the seriousness of the allegations.

Update: The Respondent's barber school is now closed for business and the investigator who conducted the investigation of these complaints is no longer employed by the Department.

Recommendation: Close and flag.

Decision: Approved.

MOTION made by Frank Gambuzza and seconded by Rebecca Russell for approval of the Legal Report as amended. Motion carried unanimously.

The meeting adjourned at 10:00 AM.

MOTION made by Patricia Richmond and seconded by Kelly Barger for approval by the full board of the Legal Report as amended. Motion carried unanimously.

NEW BUSINESS:

The attorney for the board, Cherrelle Hooper updated the board and the completed rules. The board reviewed the redline version. The rulemaking process was explained, statement of necessity read and the Governor's questions covered.

MOTION made by roll call to accept the rules as amended. Motion carried unanimously.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Frank Gambuzza and seconded by Nina Coppinger. Motion carried unanimously.