



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting June 1, 2015 at 10:00 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, Chairman called for "Pledge of Allegiance".

Roxana Gumucio, Executive Director called roll. The following members were present: Anita Allen, Kelly Barger , Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Yvette Granger, Patricia Richmond, Judy McAllister, Mona Sappenfield, Amy Tanksley, and Dianne Teffeteller.

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

MINUTES-

Minutes for the May 4, 2015 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Dianne Teffeteller to approve the May 4, 2015 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Change in Location, Nashville Barber and Style Academy:

A request for a change in location for Nashville Barber and Style Academy barber school was presented to the board. The school is staying within the same street. The Board was presented with the revised floor plan and application.

MOTION made by Amy Tanksley and seconded by Patricia Richmond to approve change in location application pending an inspection by a board member and field inspector. Motion carried unanimously.

Proposal for Mobile Salon serving elderly and handicapped:

Ms. Joyce DeVooght and Ms. Deborah Mollish appeared before the board to present a proposal for a mobile salon service catering to the elderly, handicapped and persons with special needs. They showed letters of recommendation including one in support of their project from Senator Douglas Overbey. The board office explained that current laws do not allow mobile salons but that if service is provided inside a home of an individual who is homebound, that is well within the law. The layout of the mobile unit and other questions were discussed. The board recommended they present this information to their representatives for a new law to be considered or a change made.

ExpertEase Consulting: Instructor Program

Ms. Ciara Gordon appeared before the board to express her desire to offer a new book with curriculum for the instructor program. Currently ExpertEase is approved to offer continued education seminars to instructors throughout the State. Ms. Gordon explained her progress on the book. The timeline was discussed and the impact this would have on PSI. The board recommended she update them in December. In the meantime the contract with PSI would be looked into to determine if a new book is approved how that would affect the exams.

Professional Workshops: Preparation for PSI exams

Ms. ShaRon Lewis appeared before the board to request consideration of a workshop she would like to offer to future professionals preparing for the State exams. These sessions would be offered in Memphis, every Wednesday and hold eight to sixteen individuals.

MOTION made by Bobby Finger and seconded by Kelly Barger to approve exam preparation workshops program. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for Pamela Allen, Tavorris Davis, Jeremy Eanes, Curtis Green, Billy Hiatt, Stanley Jones, Jason Justice, Tony Mckissick, Johnny Nguyen, Michael Wall, Johnathon Waters, and Evelyn Stone Bailey. All applicants have felonies; their applications to

take the Tennessee examination are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation is submitted.

Motion made by Nina Coppinger and seconded by Patricia Richmond to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Application for testing with hours in cosmetology for Eva Monge from El Salvador. Ms. Monge provided translated documents stating she completed 1,800 hours and earned a diploma in cosmetology in January 1999.

Recommendation – is that the applicant take Tennessee Examination.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers:

Request from instructor Andrea Szinai for an extension of her required continuing education hours to the July 2015 session. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

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

Request from instructor Telsey Renee Ratliff for an extension of her required continuing education hours to the July 2015 session. She became an instructor in 2013 and needed to attend her first session by April 2015. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

MOTION made by Patricia Richmond and seconded by Bobby Finger to approve request. Motion carried unanimously.

Request from instructor Mende Brown for an extension of her required continuing education hours to June 2015 in Franklin. She became an instructor in 2013 and needed to attend her first session by March 2015. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request from Ms. Sinh T. Nguyen for waiver of proof of high school diploma. Ms. Nguyen is planning on continuing her education in Tennessee to enter the industry. She applied at a cosmetology school where they needed proof of high school level completed. Ms. Nguyen, with the help of her son, communicated that she finished high school in Vietnam but has lost the paperwork. The school she attended many years ago is no longer there. She can attest to her level of completion but has no proof. The board requested that student provide the school with an affidavit regarding the inability to obtain a copy of the diploma from a war torn Country.

MOTION made by Judy McAllister and seconded by Nina Coppinger to approve the request. Motion carried unanimously.

New Shop Application:

A new shop application was received for a shop to be located at the same address as a school. The school in question has several open cases, most of which are in the litigation process. Concern over the school's history, the owner being the same person and the shop located near the school, gives reasons to present the application to the board. Pursuant to Tenn. Code Ann. § 62-4-127(b) (2), the board may refuse to issue a license.

MOTION made by Yvette Granger and seconded by Patricia Richmond to deny new shop application. Motion carried unanimously.

School Authorization:

In compliance with Public Chapter 863 and 818 The Salon Professional Academy, located in Nashville, requested authorization to provide postsecondary education. The board reviewed these documents on the iPads.

MOTION made by Patricia Richmond and seconded by Kelly Barger to approve the board office to send letters authorizing postsecondary education to each of the schools listed above. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 8:45 AM on Monday, June 1st to review reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger, Ron Gillihan, and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The applications reviewed consisted of the following:

Application for reciprocity of manicurist license from Illinois for Mathou Jones. Certification from Illinois shows initial licensed issued in October 2005 by examination and 350 hours. Ms. Jones provided tax records include 2008 – 2013. The most recent year Ms. Jones filed disability therefore she did not work in the industry. She is ready to get back to work.

Recommendation - is that the applicant be approved for reciprocal license.

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

Application for reciprocity of manicurist license from Florida for Phuong Nguyen. Certification from Florida shows full specialist initial license issued March 2010 with 500 hours. The breakdown is 240 hours of manicuring and 260 for aesthetics. No exam is provided. Ms. Nguyen provided tax records from 2010 – 2014 in the manicuring and skin care industry.

Recommendation - is that the applicant take the Tennessee exam.

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

Application for reciprocity of aesthetician license from Florida for Phuong Nguyen. Certification from Florida shows full specialist initial license issued March 2010 with 500 hours. The breakdown is 240 hours of manicuring and 260 for aesthetics. No exam is provided. Ms. Nguyen provided tax records from 2010 – 2014 in the manicuring and skin care industry.

Recommendation - is that the applicant take 250 additional hours in aesthetics and take the Tennessee exam.

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

Application for reciprocity of cosmetology license from Michigan for Remon Abdelmalik. Certification shows initial licensure in 2014 by reciprocity from Damascus. Mr. Abdelmalik appeared before the board to answer questions. His request was presented at the February 12, 2015 board meeting and the board decided he needed to pass the practical exam. He took and passed the PSI exams in Michigan where the language was not an issue. Both exams were provided to the board.

Recommendation - is that the applicant be approved for a reciprocal license.

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

Application for reciprocity of cosmetology license from Connecticut for Barbara Plegge. Certification from Connecticut shows initial licensure in 1986 with 1,500 hours but no practical exam. Ms. Plegge is also licensed in Florida by reciprocity. When Ms. Plegge received the letter stating a practical exam was required she contacted the office. She explained that she has been working in the industry between the two States for twenty eight years.

Recommendation - is that the applicant be approved for a reciprocal license.

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

Application for reciprocity of cosmetology license from Alabama and Florida for Angela Stephens. Records indicate that Ms. Stephens obtained her Florida license first; however, she explained that her education and original license was in Alabama where she also took both State exams back in 1987.

Recommendation - is that the applicant provide corrected certification from Alabama or take practical exam.

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

The committee meeting adjourned at 9:10 AM.

As a whole, the board discussed the recommendations and decisions.

MOTION made by Judy McAllister and seconded by Dianne Teffeteller to approve all decisions made by the reciprocity committee as amended. Motion carried unanimously.

RULE MAKING COMMITTEE

The Rule Making Committee met at Committee of the State Board of Cosmetology and Barber Examiners met at 9:18 AM and adjourned at 9:55 AM.

Board member Kelly Barger presented a recap to the board of the minimum standards for schools: suggestions of information to provide with applications, full and part-time student files need to be properly noted, contracts with page numbers and student signatures. Attendance/ progress reports should be considered and provided to students with notations showing where they are. Required documents in students' files need to be consistent and complete. The board discussed definitions for aesthetician licenses and different credentials available to master aestheticians. Also, cleaning of schools by students was addressed for consideration in the

schools contract. The board members will continue to work on these topics and work on rules that look ahead to future changes.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:06 AM on Monday, June 1st to review the allegations of **125** complaints and make recommendations to the Board.

Attending were Board members, Bobby Finger, Frank Gambuzza, Amy Tanksley and Dianne Teffeteller.

COSMETOLOGY CASES

NEW CASES

1. Case No.: L14-COS-RBS-2015000481

First License Obtained: 09/26/2013

License Expiration: 09/30/2015

Complaint history: None

2. Case No.: L14-COS-RBS-2015000491 (manager)

First License Obtained: 12/02/1992

License Expiration: 02/28/2017

Complaint history: None

3. Case No.: L14-COS-RBS-2015000501 (Unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

4. Case No.: L14-COS-RBS-2015000511 (owner)

First License Obtained: 07/17/2013
License Expiration: Revoked
Complaint history: 2014001301, Closed by Consent Order for the voluntary Revocation of License

All respondents' received notice of violations on January 6, 2015. The inspector saw the owner working on a client's hairs and saw the unlicensed respondent shampooing another client's hair. The owner's license is revoked. There was no shop license posted.

Recommendation: Authorize all cases for formal hearing. Allow authority to settle beforehand with a consent order assessing a civil penalty of: \$1000 to the unlicensed person, \$1000 to the owner, \$2000 to the shop, and \$1000 to the manager.

Decision: Approved

5. Case No.: L14-COS-RBS- 2015000731
First License Obtained: 10/22/2010
License Expiration: 09/30/2016
Complaint history: None

6. Case No.: L14-COS-RBS- 2015000741
First License Obtained: 06/28/2010
License Expiration: 06/30/2016
Complaint history: None

Respondent, who is the same person for both complaints, received a notice of violation for having an expired shop license on January 7, 2015. The shop was open for business. The shop has no complaint history but the license has been expired since 2012.

Recommendation: Dismiss against the owner. Authorize for a formal hearing against shop. Allow authority to settle beforehand with a consent order assessing \$250, given how long this license has been expired.

Decision: Approved

7. Case No.: L14-COS-RBS- 2015000951 (Shop)

First License Obtained: 08/15/2008

License Expiration: 08/31/2016

Complaint history: 2013016521, closed by Consent Order and payment of \$500 civil penalty

8. Case No.: L14-COS-RBS- 2015000961 (Manager)

First License Obtained: 11/21/2007

License Expiration: 11/30/2015

Complaint history: None

The manager and the shop received notices of violations on January 7, 2015. The inspector walked in and saw four women in the shop. There were no customers in the shop at this time. No one was wearing nametags.

Recommendation: Close both cases with letter of warning. State that only persons licensed under this chapter may practice cosmetology. Also state that the all engaged employees must be wearing nametags.

Decision: Approved

9. Case No.: L14-COS-RBS- 2015001071 (shop)

First License Obtained: 03/23/2011

License Expiration: 03/31/2015

Complaint history: 201200851 & 201401062, closed by Consent Order and payment of \$250 civil penalty

10. Case No.: L14-COS-RBS- 2015001091 (owner)

First License Obtained: 07/07/2000

License Expiration: 07/31/2016

Complaint history: 2014010611, Respondent signed Amended Consent Order, but failed to pay \$1,000 civil penalty – case has been sent to collection proceedings

The respondent, who is the same person for each complaint received notices of violation on January 7, 2015 pursuant to an annual inspections. At the time of the inspection the shop license was expired as was the owner's personal license. She told the inspector that she had a previous violation for this and was in the process of trying to settle that case and renew her licenses.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$500 for each complaint per the new agreed citation schedule.

Decision: Approved

11. Case No.: L14-COS-RBS-2015001161
First License Obtained: 01/28/1994
License Expiration: 06/30/2016
Complaint history: None

A consumer filed a complaint with the board which was opened on January 27, 2015. The complainant contends that the respondent has intentionally cut him on several occasions and that this has not happened to any other customers. The Complainant alleges that the respondent is HIV + or has Hepatitis C. The complainant believes that the Respondent is intentionally trying to infect them. The respondent has claimed that this is completely untrue that this has been a client for years with no issues. The owners of the salon where the respondent works have also contacted counsel on the respondent's behalf claiming that the respondent has worked with them for 17 years and they have never had a complaint about any of this kind of behavior. The complainant has not provided any additional information to support these allegations.

Recommendation: Letter of instruction on the proper practices of all infectious diseases.

Decision: Approved

12. Case No.: L14-COS-RBS- 2015001351 (shop)
First License Obtained: 12/18/2007
License Expiration: 06/30/2016
Complaint history: 2014002851, closed by Consent Order
and payment of \$250 civil penalty

13. Case No.: L14-COS-RBS- 2015001361 (owner)
First License Obtained: 02/02/2005
License Expiration: 02/28/2017
Complaint history: None

Respondent, who is the same person for each complaint received a notice of violation on 1/9/2015 pursuant to an annual inspection. At the time of inspection the shop license was expired.

Recommendation: Dismiss the case against the owner. Authorize for formal hearing against the shop. Allow authority to settle beforehand with consent order assessing \$100 to the shop.

Decision: Approved

14. Case No.: L14-COS-RBS- 2015001461
First License Obtained: 10/12/2011
License Expiration: 09/30/2015
Complaint history: None

15. Case No.: L14-COS-RBS- 2015001471
First License Obtained: 09/27/1995
License Expiration: 09/30/2015
Complaint history: None

Respondent who is the same person for each complaint received a notice of violation on 1/12/15. At the time of inspection there was one person present in the salon who told

the inspector she was not the manager. The owner has contacted counsel. She works on film and television sites in addition to owning the salon. Each person that works there is told that if they are ~~want~~ to schedule appointments and use the facilities while she away they must agree to be the floor manager at that time. The girl there apparently told her she would accept that responsibility. The owner also indicated that she trains employees before they are given the keys to the salon so that they are competent manager. After the inspection the owner spoke with the girl who apparently did not want to say she was manager since she is an independent contractor. The salon no longer employs this girl since they cannot agree on managerial duties. The salon and the owner have no prior history.

Recommendation: Close with a letter of warning to the shop and the owner per the new agreed citation schedule.

Decision: Approved

16. Case No.: L14-COS-RBS- 2015001511

First License Obtained: 05/30/2008

License Expiration: 05/31/2016

Complaint history: None

17. Case No.: L14-COS-RBS- 2015001521

First License Obtained: 01/12/2005

License Expiration: 01/31/2017

Complaint history: None

Respondent who is the same person received a notice of violation on January 12, 2015. At the time of inspection there was no manager present. The respondent has contacted counsel saying that the shop was closed that day. There was a girl there cleaning her tools from the previous week but the shop was not open to the public. This resulted in an inspection sheet of 86 instead of 96. She has requested and updated inspection sheet. The inspector has stated the shop door was open, the lights were on and while there were no customers at the time of inspection, at no time did anyone tell her that the shop was closed.

Recommendation: Close with a letter of warning about the shop operating without a manager.

Decision: Approved

18. Case No.: L14-COS-RBS- 2015001691

First License Obtained: 02/20/2015

License Expiration: 02/28/2017

Complaint history: None

A complaint was opened February 4, 2015 with the board office pursuant to a consumer complaint. The complainant alleges that the respondent was advertising for services on her Facebook page that she was ready to accept clients for their salon needs. The respondent was licensed on February 20, 2015. The respondent wrote in that after she passed her test her sister made the Facebook post saying how proud she was and that she didn't actually start working until after she received her license. She also had her shop inspected by this board prior to that and was given a shop license. The complainant offers no other information to support these claims.

Recommendation: Dismiss this case

Decision: Approved

19. Case No.: L14-COS-RBS- 2015001781

First License Obtained: 05/13/1993

License Expiration: 08/31/2015

Complaint history: None

20. Case No.: L14-COS-RBS- 2015001791(manager)

First License Obtained: 08/11/1994

License Expiration: 08/31/2016

Complaint history: None

21. Case No.: L14-COS-RBS- 2015001821 (owner)
First License Obtained: 10/25/1976
License Expiration: 10/31/2016
Complaint history: None

Respondents received notice of violation on January 17, 2015. At the time of the inspection there was no manager present at the shop. The owner has contacted counsel saying she sold the shop to another person who has revoked license by this board in 2003 (is the year supposed to be the year Le Pham was revoked or licensed?), even though she continued working at the shop until 2015. However, she was called by that person to show up and sign the notices of violation on the day they were issued. The owner contacted counsel to explain that she had no idea that she owned the shop and that she had sold it in 2003. She was elderly and there is evidence to suggest her identity was being used to renew a license for a person who had been revoked. She surrendered the shop license the next day is working elsewhere. This shop is no longer in business.

Recommendation: Close all of these cases. Flag the shop if someone tries to reopen it to ensure that a new owner is not connected to the unlicensed individual.

Decision: Approved

22. Case No.: L14-COS-RBS- 2015001801
First License Obtained: 07/17/2000
License Expiration: 06/30/2016
Complaint history: None

23. Case No.: L14-COS-RBS- 2015001811
First License Obtained: 06/26/1979
License Expiration: 09/30/2015
Complaint history: None

The respondent who is the same person received notices of violation on January 14, 2015. The owner's personal license was expired. The owner says he had called the

Board months back and had asked if he was in good standing and was told he was, but forgot to ask about his personal license. He renewed later that day. He has no prior history.

Recommendation: Dismiss the case against the shoOp. Authorize for formal hearing against the owner with authority to settle the matter beforehand with a consent order assessing \$100.

Decision: Approved

24. Case No.: L14-COS-RBS- 2015001831
First License Obtained: 10/17/2012
License Expiration: 09/30/2016
Complaint history: None

25. Case No.: L14-COS-RBS- 2015001841
First License Obtained: 11/25/2003
License Expiration: 11/30/2015
Complaint history: None

Respondent who is the same person received notices of violation on January 14, 2015. At the time of inspection the shop license was expired. There were also uncovered soiled towels. The Respondent contacted counsel explaining this was the first time they needed to renew and that they didn't realize because they didn't receive a notice. He also stated that there was a pipe leak in the back room and he had put down towels to soak up water, but the leak was repaired shortly after the inspection.

Recommendation: Dismiss the complaint against the owner. Authorize for formal hearing against the shop for operating on an expired license. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: Approved

26. Case No.: L14-COS-RBS- 2015001851
First License Obtained: 07/11/1990

License Expiration: 08/31/2016
Complaint history: 2012024811, closed by Consent Order and payment of \$500 civil penalty

27. Case No.: L14-COS-RBS- 2015001861 (owner)
First License Obtained: 05/05/1999

License Expiration: 05/31/2017

Complaint history: None

28. Case No.: L14-COS-RBS- 2015001871 (manager)
First License Obtained: 04/01/2010

License Expiration: 04/30/2016

Complaint history: None

Shop and manager received notice of violations pursuant to an inspection on January 14, 2015. AT the time of inspection the shop license was expired. The shop also did not have adequate wet sterilizer as required by law.

Recommendation: Dismiss complaint against the owner. Authorize for formal hearing for both complaints. Allow authority to settle beforehand with a consent order assessing \$100 for each complaint. Include a letter of warning regarding sanitation practices.

Decision: Approved

29. Case No.: L14-COS-RBS- 2015001881
First License Obtained: 11/26/2002

License Expiration: 08/31/2016

Complaint history: None

30. Case No.: L14-COS-RBS- 2015001911 (expired)
First License Obtained: 04/09/2002

License Expiration: 04/30/2016

Complaint history: None

31. Case No.: L14-COS-RBS- 2015001901 (Owner/manager)

First License Obtained: 09/27/1994

License Expiration: 09/30/2016

Complaint history: None

**32. Case No.: L14-COS-RBS- 2015001891 (suspended)
(owner/manager)**

First License Obtained: 05/10/2002

License Expiration: 05/31/2016

Complaint history: None

Respondent's received notice of violations on January, 14, 2015 pursuant to an inspection. One of the owner/managers was working on a customer's hair on a suspended license. There was an employee practicing on a customer's hair on an expired license.

Recommendation: Dismiss the case against the owner whose personal license was current. Authorize for formal hearing against the shop, the suspended licensee and the expired licensee. Allow authority to settle beforehand with a consent order assessing \$1100 to the shop, \$1000 to the suspended licensee, and \$100 to the expired licensee.

Decision: Approved

33. Case No.: L14-COS-RBS- 2015001981

First License Obtained: 12/02/2008

License Expiration: 11/30/2016

Complaint history: None

34. Case No.: L14-COS-RBS- 2015001991
First License Obtained: 07/13/1988

License Expiration: 08/31/2015

Complaint history: None

Respondent who is the same person for both complaints received notice of violations on January 1, 2015 pursuant to an inspection. On the day of inspection the shop license was expired. She renewed that day and has no prior history.

Recommendation: Dismiss the case against the owner. Authorize for formal hearing against the shop. Allow authority to settle the matter beforehand with a consent order assessing \$100.

Decision: Approved

35. Case No.: L14-COS-RBS- 2015002051
First License Obtained: 10/26/2012

License Expiration: 10/31/2016

Complaint history: None

Respondent who is the same person received notice of violations on January 16, 2015 pursuant to an inspection. The shop was open for business on an expired license. Additionally there was no manager present. The complaint against the shop was sent an agreed citation for \$1000. The owner signed and paid the citation after this case had been referred to legal. Neither the owner nor the shop has previous history.

Recommendation: Dismiss these cases as the owner has been sufficiently punished.

Decision: Approved

37. Case No.: L14-COS-RBS- 2015002151-

First License Obtained: 01/29/2009

License Expiration: 01/31/2017

Complaint history: None

A consumer complaint was filed against the respondent and was opened on January 22, 2015. The complainant took her daughter for a haircut. After the haircut the girl was crying and told her mother that the stylist was overly rough and threatened to cut off all of the girl's hair. She says her daughter needed ice packs and painkillers following the service. The respondent contacted counsel and said during the haircut she saw that while there were no tangles on the outer layer of hair at the nape of the neck there were so many tangles that the hair was matted. The stylist said she used detangling product and tried to be gentle and that it took almost 15 minutes to brush her out. She also says the girl told her she had not brushed her hair in a while. She told the girl she should brush her long hair at least a few times a day so that tangles wouldn't get so bad, and that sometimes when they get out of hand they have to be cut off. She extended her apologies and says she regrets not communicating better with the mother. The complainant also filed a police report against the respondent but the police have not taken action.

Recommendation: Dismiss this case for insufficient evidence that a regulation has been violated.

Decision: Approved

38. Case No.: L14-COS-RBS – 2015002161 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Complaint was filed with the board office by a consumer on January 15, 2015. The consumer alleges that salon allows unlicensed persons to provide services, which no one wears nametags, and that estheticians charge clients for products that are not used. No other information is provided. The Salon has hired counsel to respond to these allegations. The Salon had terminated an employee the same day the complaint was filed. They have attempted to contact the names consumer and have not been able to confirm that it is the terminated employee but the nature of the allegations lead them to believe it is this employee. The complainant does not leave a phone number.

They have admitted to new employees sometimes forgetting nametags. The unlicensed person mentioned is a cosmetology student who the salon hires hourly. They say at times she has practiced blow-drying hair on salon employees but never for customers and never for a fee. Lastly, they outright refuse that the esthetics licensees have charges for products that aren't actually used and could cite no time when this may have caused a confusing situation. At this point the shop is no longer open for business. They went out of business within the last 30 days.

Recommendation: Close this case. The shop is no longer in operation. There is insufficient evidence from the complainant to go forward. Since the shop's name could not be found in the Board records, flag this name and this location for the future.

Decision: Approved

39. Case No.: L14-COS-RBS- 2015002181

First License Obtained: 04/01/2015

License Expiration: 01/31/2017

Complaint history: None

40. Case No.: L14-COS-RBS – 2015002191 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondents received notices of violation on January 16, 2015 pursuant to an inspection. At the time of inspection the shop license was not posted and there was an unlicensed person practicing on a customer's eye lashes.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle beforehand with a consent order assessing \$1000 to each respondent. Include a letter of warning to the shop for not posting their license.

Decision: Approved

**41. Case No.: L14-COS-RBS- 201500221-
First License Obtained:**

License Expiration:

**Complaint history: 2007087431, closed by Consent Order
and payment of \$150 civil penalty;
2008016121, closed w/Letter of
Warning; 201000111, closed w/Letter of
Warning**

The respondent received a notice of violation for not having a cosmetology manager present pursuant to an inspection on January 16, 2015. The shop has both a barber and cosmetology shop license. There is currently no cosmetologist working in the shop. The cosmetology shop license is expired. The barber manager has advised that the owner will renew that license when he finds a cosmetologist to work in the shop.

Recommendation: Dismiss this case.

Decision: Approved

**42. Case No.: L14-COS-RBS- 2015002241 (shop)
First License Obtained: 04/30/2007**

License Expiration: 04/20/2017

Complaint history: None

**43. Case No.: L14-COS-RBS – 2015002271
First License Obtained: 10/20/2000**

License Expiration: 10/31/2016

Complaint history: None

**44. Case No.: L14-COS-RBS- 2015002261 (manager)
First License Obtained: 09/04/1991**

License Expiration: 01/31/2016

Complaint history: None

45. Case No.: L14-BAR-RBS- 2015002251 (Owner)

First License Obtained: 08/27/1985

License Expiration: 07/31/2016

Complaint history: None

Respondents received notices of violation pursuant to an inspection on January 20, 2015. At the time of inspection an employee was working on an expired license. None of the respondents has prior history.

Recommendation: Dismiss the case against the owner. Authorize for formal charges against the Shop, the Expired licensee, and the manager. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: Approved

46. Case No.: L14-COS-RBS- 2015002311

First License Obtained: 08/31/1992

License Expiration: 09/30/2014

Complaint history: None

47. Case No.: L14-COS-RBS – 2015002321

First License Obtained: 07/09/1990

License Expiration: 06/30/2014

Complaint history: None

Respondent, who is the same person for each complaint received notices of violation on January 21, 2015. The shop's license was expired, there was no owner or manager present, and there were various sanitation violations.

Recommendation: Dismiss the case against the owner. Authorize for formal hearing against the shop. Allow authority to settle beforehand with a consent order assessing \$500.

Decision: Approved

48. Case No.: L14-COS-RBS-2015002501-
First License Obtained: 12/02/2010

License Expiration: 10/31/2016

**Complaint history: 2012012091, closed w/Letter of
Warning; 2013024001, Formal Charges
Authorized**

49. Case No.: L14-COS-RBS-2015002521
First License Obtained: 09/23/2005

License Expiration: 09/30/2015

Complaint history: None

Respondents received notices of violation on January 1, 2015. At the time of inspection there were some sanitation violations and there was not a valid license. This shop has had previous violations for unlicensed employees that have not been settled with the state. A follow up inspection was conducted that confirmed that the new owner of the shop had been working at the shop previously when the shop was under old ownership. The manager said that while the new owner did know the previous owner, since he took over he has only allowed licensed workers in the shop.

Recommendation: This shop has previous history for similar violations. Combine these two cases with 2013024001. Authorize for formal charges and allow authority to settle before and with a consent order assessing \$1000.

Decision: Approved

50. Case No.: L14-COS-RBS -2015002601
First License Obtained: 04/28/2014

License Expiration: 04/30/2016

Complaint history: None

51. Case No.: L14-COS-RBS- 2015002611 (owner)
First License Obtained: 11/15/2013
License Expiration: 11/30/2013
Complaint history: None

52. Case No.: L14-COS-RBS- 2015002621 (owner)
First License Obtained: 10/31/2013
License Expiration: 10/31/2015
Complaint history: None

53. Case No.: L14-COS-RBS- 2015002631 (unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

Respondents received notice of violations on January 23, 2015 pursuant to an inspection. At the time of inspection the salon had an unlicensed person giving pedicure to a customer. There were various sanitation violations. The other workers all had their name tags at their station but were not technically wearing the name tags.

Recommendation: Dismiss the complaints against the two owners. Authorize for formal hearing against the unlicensed person and against the shop. Allow authority to settle beforehand with a consent order assessing \$1000 to both the unlicensed person and the shop. Include a warning to the shop concerning the sanitation and the name tags.

Decision: Approved

54. Case No.: L14-COS-RBS- 2015002821
First License Obtained: 07/25/1988
License Expiration: 11/30/2016
Complaint history: None

A consumer complaint was filed on January 24, 2015 with the Board office. The complainant alleges that the shop allows their unlicensed receptionist to practice on clients, that shop is dirty, and that the shop has dogs in the salon. The respondent contacted counsel and says the person who filed the complaint was part of cleaning staff that had been fired because the owner was not satisfied with their work. The receptionist was helping a stylist with her own hair during downtime, and a man who cleans late night brought his dog to the salon after hours while he was cleaning. Additionally, he said that an older woman frequents the salon has brought her very small dog with her before and since the dog was so small they didn't want to turn her away. They will from now on.

Recommendation: Dismiss this complaint for lack of evidence that a violation has occurred.

Decision: Approved

55. Case No.: L14-COS-RBS – 2015002961

First License Obtained: 02/05/2013

License Expiration: 01/31/2017

Complaint history: None

56. Case No.: L14-COS-RBS – 2015002971

First License Obtained: 02/19/2002

License Expiration: 02/28/2016

Complaint history: None

Respondent who is the same person received notices of violation on January 26, 2015. At the time of inspection there was a license posted in the shop for an esthetician. The shop is only licensed as a manicuring shop. The esthetician licensee was not present on the day of the inspection. The Respondent contacted counsel to explain that he did not know he needed a separate license for a skin care shop but that he would acquire one immediately.

Recommendation: Close these complaints with a letter of warning. There was no one practicing skin care at the time of the inspection, but they should

be warned any further indication of unlicensed activity will result in a civil penalty.

Decision: Approved

57. Case No.: L14-COS-RBS – 2015003021

First License Obtained: 06/20/2006

License Expiration: 06/30/2016

Complaint history: None

A consumer complaint was filed with the board on January 26, 2015. The complaint alleges that the shop has both a barber and a cosmetology shop license but the shop only employs barbers at this time. The respondent contacted counsel and said they recently lost their only cosmetologist but they wanted to maintain their license so they had the option of hiring another in the near future.

Recommendation: Dismiss this case, there is no violation.

Decision: Approved

58. Case No.: L14-COS-RBS 2015003051

First License Obtained: 02/05/2013

License Expiration: 12/31/2016

Complaint history: 2014018561, closed w/Letter of Warning

59. Case No.: L14-COS-RBS- 2015003081 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

60. Case No.: L14-COS-RBS – 2015003061 (manager)

First License Obtained: 08/05/2011

License Expiration: 08/31/2015

Complaint history: 2014019621, closed w/Letter of Warning

Respondents received notices of violation on January 27, 2015. At the time of inspection there was an unlicensed employee giving a haircut to a customer. Both the manager and the unlicensed person verified that she was not licensed by the board.

Recommendation: Authorize all cases for formal hearing. Allow authority to settle beforehand with a consent order assessing \$1000 to each respondent.

Decision: Approved

61. Case No.: L14-COS-RBS – 2015003111

First License Obtained: 12/10/2012

License Expiration: 10/31/2016

Complaint history: None

62. Case No.: L14-COS-RBS – 2015003121

First License Obtained: 09/13/1999

License Expiration: 09/30/2015

Complaint history: None

Respondent who is the same person received a notice of violation on January 28, 2015. At the time of inspection the shop license was not posted and there was no manager present. The owner contacted counsel to explain that the shop was not open on Wednesdays, and the women working there was cleaning tools and working a friend for free. The owner also states the license is posted. The inspector has a photo of the employee working. Neither respondent has prior history.

Recommendation: Close with a letter of warning concerning the manager being present and the license posting.

Decision: Approved

63. Case No.: L14-COS-RBS – 2015003611

First License Obtained: 02/13/1998

License Expiration: 02/28/2016

Complaint history: None

Respondent received a notice of violation on January 29, 2015 pursuant to an inspection. At the time of the inspection the respondent was operating the shop and the shop license was expired.

Recommendation: Dismiss the complaint against the owner. Authorize for formal hearing against the shop. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: Approved

64. Case No.: L14-COS-RBS- 2015003631

First License Obtained: 06/29/2010

License Expiration: 06/30/2014

Complaint history: None

65. Case No.: L14-COS-RBS – 2015003641

First License Obtained: 03/10/2006

License Expiration: 03/31/2014

Complaint history: None

Respondent who is the same person received a notice of violation on January 30, 2015 pursuant to an inspection. At the time of the inspection the respondent's personal license and shop license was expired. Neither license has prior complaints.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle beforehand with a consent order to assessing \$100 for each complaint.

Decision: Approved

66. Case No.: L14-COS-RBS – 2015003901

First License Obtained: 06/04/2009

License Expiration: 05/31/2017
Complaint history: 2011007001, closed w/Letter of Warning; 2013005341, closed w/Letter of Warning

Respondent received a notice of violation on February 3, 2015 pursuant to an inspection. The inspector found wet sponges in the footbaths and nail clippings at work stations. They have a prior sanitation complaint.

Recommendation: Authorize for formal hearing. Allow authority to settle beforehand with a consent order assessing \$500.

Decision: Approved

67. Case No.: L14-COS-RBS- 2015004001
First License Obtained: 08/16/2011
License Expiration: 07/31/2015
Complaint history: None

A Consumer filed an anonymous complaint on February 4, 2015. Complaint alleges that the shop has booth renters that operate without county or business licenses, they serve alcohol shots; they accept prescription medicine as payment, and marijuana is smoked on premise. The complaint also alleges various sanitation violation allegations. The complainant offers no other support for these allegations. This shop has no prior complaints.

Recommendation: Dismiss the case for lack of evidence. Send an inspector to the shop to see if they are in compliance.

Decision: Approved

68. Case No.: L14-COS-RBS – 2015004101
First License Obtained: 05/22/2009
License Expiration: 02/28/2015
Complaint history: 2013002301, closed w/Letter of Warning; 2013025121, closed by Consent Order and payment of \$750 civil penalty

69. Case No.: L14-COS-RBS – 2015004111

First License Obtained: 03/13/2002

License Expiration: 03/31/2016

Complaint history: None

Respondent, who is the same person, received notices of violation on February 6, 2015 pursuant to an inspection. The salon has filed for a change in location and had not yet been inspected. The owner told the inspector she was not open for business but she did have client at her shop. She told the inspector she had to make a living and would have to continue working.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$100 on each complaint.

Decision: Approved

70. Case No.: L14-COS-RBS – 2015004421 Unlicensed

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

71. Case No.: L14-COS-RBS – 2015004431 Unlicensed

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

72. Case No.: L14-COS-RBS – 2015004441 Unlicensed

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondents received notices of violations on February 10, 2015 pursuant to an inspection. At the time of inspection the three individuals were giving clients manicures without licenses.

Recommendation: Authorize all complaints for formal hearing. Allow authority to settle beforehand with a consent order assessing \$1000 to each unlicensed person.

Decision: Approved

73. Case No.: L14-COS-RBS- 2015004541 (manager)
First License Obtained: 11/26/2002
License Expiration: 11/30/2016
Complaint history: None

74. Case No.: L14-COS-RBS- 2015004531 (owner)
First License Obtained: 02/04/2003
License Expiration: 02/28/2017
Complaint history: None

75. Case No.: L14-COS-RBS- 2015004521
First License Obtained: 04/14/2014
License Expiration: 03/31/2016
Complaint history: None

Respondents all received notices of violation pursuant to an inspection on February 10, 2015. At the time of inspection an unlicensed person was giving service to a client. The unlicensed person escaped through the back door but the owner admitted the person was unlicensed. The shop, owner, and manager were all sent Agreed citations for \$1000 each. All three sent in payment but did not sign the consent order. The board office has attempted to contact the respondents to sign the papers but has been unsuccessful.

Recommendation: Close the case with a note in the board records that payment was made for these violations. Flag these licenses to watch for further activity.

Decision: Approved

76. Case No.: L14-COS-RBS – 201500451
First License Obtained: 08/09/2012
License Expiration: 08/31/2016
Complaint history: None

Respondent received a notice of violation on February 10, 2015 pursuant to an inspection. At the time of inspection the respondent was practicing on a client with an expired license. The respondent has no prior history.

Recommendation: Authorize for a formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$100.

Decision: Approved

77. Case No.: L14-COS-RBS – 2015004571
First License Obtained: 09/26/2013
License Expiration: 09/30/2015
Complaint history: None

Consumer filed a complaint with board on February 12, 2015. Complainant alleges that the person who waxed her eyebrow was incompetent in many ways and asked if this woman was licensed. Complainant says she usually has her eyebrows done by the owner of the shop. The owner of the shop contacted counsel to day that he fired the employee since the shop does not have a license to wax eyebrows and that his shop never waxes eyebrows.

Recommendation: Close with a letter of warning and send an inspector see if they are still waxing eyebrows.

Decision: Approved

78. Case No.: L14-COS-RBS – 2015004591
First License Obtained: 04/13/2012
License Expiration: 03/31/2016
Complaint history: 2013008321, closed by Consent Order and payment of \$500 civil penalty; 2014007161, closed by Consent Order and payment of \$250 civil penalty

79. Case No.: L14-COS-RBS – 2015004601 (unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

Respondents received notices of violation on February 11, 2015 pursuant to an inspection. At the time of inspection the shop had one unlicensed employee who said he cuts hair for the shop. The shop had no owner or manager present. This shop does have prior history with unlicensed individuals and manager violations.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle beforehand with a consent order assessing \$1000 to the unlicensed person and \$1500 to the shop.

Decision: Approved

80. Case No.: L14-COS-RBS – 2015004721
First License Obtained: 12/07/2005
License Expiration: 05/17/2017
Complaint history: 2006036751, closed and flagged

81. Case No.: L14-COS-RBS – 2015004731
First License Obtained: 07/21/1999
License Expiration: 07/31/2015
Complaint history: None

Respondent who is the same person received notices of violation on February 12, 2015 pursuant to an inspection. The inspector walked in and saw a person giving a pedicure. When they saw the inspector they ran to the tanning bed portion of the salon. The owner stated that she does not know who the person was or their name.

Recommendation: Dismiss the case against the owner. Authorize formal charges against the shop. Allow authority to settle beforehand with a consent order assessing \$1000.

Decision: Approved

82. Case No.: L14-COS-RBS – 2015005301

First License Obtained: 06/02/1992

License Expiration: 06/30/2016

Complaint history: None

Complainant filed complaint on February 9, 2015. The complaint alleges that salon was ordering product an account with her name. The respondent has disputed this. Both parties have contacted lawyers. The complainant has asked us to close this complaint as she is proceeding with legal action elsewhere.

Recommendation: Close this complaint.

Decision: Approved

83. Case No.: L13-COS-RBS- 2013018011

First License Obtained: 10/24/2013

License Expiration: 09/30/2015

Complaint history: 2014024981, closed by Consent Order and payment of \$100 civil penalty

This complaint was opened 9/16/2013 but due to administrative error was never referred to legal. Subsequently, complaint 201402498 was opened against the same Respondent for a similar violation and was closed by the Board with \$100 civil penalty.

Recommendation: close this complaint with no action, because of the age of this case before the Board office was able to take action.

Decision: Approved

84. Case No.: L14-COS-RBS- 2014004111

First License Obtained: 02/03/2010

License Expiration: 03/31/2014

Complaint history: None

This complaint was opened 3/7/2014 but due to administrative error was never referred to legal. A Board complaint file could not be located. In addition, the inspector who opened the complaint is no longer an employee with the Department.

Recommendation: Close the complaint and request a follow up inspection to check for potential unlicensed activity because the shop license is currently expired.

Decision: Approved

85. Case No.: L14-COS-RBS- 2015006713 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was sent an agreed citation pursuant to an inspection. The respondent paid the agreed citation after the complaint was referred to legal.

Recommendation: Close this case.

Decision: Approved

86. Case No.: L14-COS-RBS - 2014032441-

First License Obtained: 01/07/1993

License Expiration: 11/30/2016

Complaint history none

Respondent was sent an agreed citation pursuant to an inspection. The respondent paid the agreed citation after the complaint was referred to legal.

Recommendation: Close this case.

Decision: Approved

87. Case No.: L14-COS-RBS - 2015005641 –

First License Obtained: 10/19/2007

License Expiration: 12/31/2016

Complaint history: None

88. Case No.: L14-COS-RBS - 2015005642 – (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent who is the person for each complaint was sent agreed citations pursuant to an inspection where were the owner was found practicing cosmetology unlicensed. The shop was assessed \$2500 and the owner was assessed \$1000. The respondent signed the agreed citation and has paid \$700.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order for both complaints that assesses \$1000.

Decision: Approved

New Barber Cases

89. Case No.: L14-COS-RBS- 2015000911

First License Obtained: 02/12/2013

License Expiration: 01/31/2017

Complaint history: None

90. Case No.: L14-COS-RBS- 2015000941 (owner)

First License Obtained: 12/30/1996

License Expiration: 12/31/2016

Complaint history: None

91. Case No.: L14-COS-RBS- 2015000931

First License Obtained: 11/26/2008

License Expiration: 11/30/2014

Complaint history: None

Respondents received notice of violations pursuant to an inspection on January 7, 2015. At the time of inspection there was no manager and one the barber that's was practicing on a client had an expired license.

Recommendation: Dismiss the complaint against the owner. Authorize the other complaints for formal hearing. Allow authority to settle beforehand with a consent assessing \$100. Include a letter of warning to the shop concerning the manager not being present.

Decision: Approved

92. Case No.: L14-BAR-RBS- 2015001941

First License Obtained: 11/20/2008

License Expiration: 11/30/2014

Complaint history: None

93. Case No.: L14-BAR-RBS- 2015001951

First License Obtained: 05/01/1996

License Expiration: 04/30/2016

Complaint history: None

94. Case No.: L14-COS-RBS- 2015001961 (owner)

First License Obtained: 04/13/1983

License Expiration: 10/31/2015

Complaint history: None

Respondents received notice of violations on January 15, 2015. At the time of inspection the barber shop license was suspended. Additionally there was a barber working in the shop who did not have a license on him. It was confirmed through board records that at the time of inspection the barber's license was suspended. The owner has contacted counsel and explains that she thought she had renewed her barber shop license but I think she renewed her cosmetology shop license and thought that she had renewed both. Additionally she was not aware that the barber's license had been temporarily suspended and has said that he no longer works for her after since he didn't inform her that his license was temporarily suspended.

Recommendation: Dismiss the case against the owner. Authorize for formal charges against the shop for having an expired license, allow authority to settle beforehand with a consent order assessing \$100. The owner is not notified of temporary license suspensions of employees. Authorize for formal hearing against the barber for practicing on a suspended license. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: Approved

95. Case No.: L14-BAR-RBS- 2015001231

First License Obtained: 09/10/2010

License Expiration: 08/31/2016

Complaint history: None

96. Case No.: L14-BAR-RBS - 2015001241

First License Obtained: 06/11/2004

License Expiration: 11/30/2016

Complaint history: None

97. Case No.: L14-BAR-RBS – 2015001241
First License Obtained: 10/27/2010

License Expiration: 10/31/2016

Complaint history: None

98. Case No.: L14-BAR-RBS – 2015001261
First License Obtained: 08/31/1994

License Expiration: 08/31/2016

Complaint history: None

Respondent's received notice of violations pursuant to an inspection on January 8, 2015. At the time of inspection, a barber was working on customer whose license was expired. There was a third barber who was set up to work who had an expired license, however, the inspector notes he was not working at the time of inspection and he left while the inspector was there once he had been told to renew.

Recommendation: Dismiss the case against the owner. Send the employee who wasn't working a letter of warning. Authorize complaints against the expired licensee and the shop for formal hearing. Allow authority to settle the matter before hand with a consent order assessing \$100 on each complaint.

Decision: Approved

99. Case No.: L14-BAR-RBS – 2015001621
First License Obtained: 01/16/2002

License Expiration: 03/31/2017

Complaint history: None

100. Case No.: L14-BAR-RBS – 2015001631 (unlicensed)(owner)
First License Obtained: 11/18/1998

License Expiration: 11/30/2004

Complaint history: None

101. Case No.: L14-BAR-RBS- 2015001641 (manager)

First License Obtained: 03/10/1999

License Expiration: 03/31/2017

Complaint history: None

Respondents received notice of violations pursuant to an inspection on January 13, 2015. At the time of inspection the owner's personal license had been expired since 2004, meaning it is unrenowable at this time. The manager's license was expired.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order. Assess \$100 to the owner, \$1100 to the shop, and \$100 to the manager.

Decision: Approved

102. Case No.: L14-BAR-RBS- 2015001661 unlicensed

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

103. Case No.: L14-BAR-RBS – 2015001671

First License Obtained: 12/08/1994

License Expiration: 12/31/2016

Complaint history: None

Respondent received a notice of violation pursuant to an inspection on January 14, 2015. At the time of inspection the shop was not licensed by this board. The owner's license was expired.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matter before hand with a consent order assessing \$1000 to the shop and \$100 to the individual.

Decision: Approved

104. Case No.: L14-BAR-RBS 2015002001-

First License Obtained: 05/13/2010

License Expiration: 01/31/2016

Complaint history: 2011029441, closed w/no action

105. Case No.: L14-BAR-RBS – 2015002021

First License Obtained: 03/16/2012

License Expiration: 03/31/2016

Complaint history: None

106. Case No.: L14-BAR-RBS- 2015002011

First License Obtained: 11/30/2010

License Expiration: 11/30/2016

Complaint history: None

Respondents received a notice of violation pursuant to an inspection on January 15, 2015. At the time of inspection there was barber practicing on a customer on an expired license.

Recommendation: Dismiss the case against the manager. Authorize the other complaints for formal hearing. Allow authority to settle beforehand with a consent order assessing \$100 to the expired employee and the shop.

Decision: Approved

107. Case No.: L14-BAR-RBS- 2015002131

First License Obtained: 02/10/1998

License Expiration: 06/30/2016

Complaint history: None

108. Case No.: L14-BAR-RBS- 2015002141

First License Obtained: 06/05/1995

License Expiration: 06/30/2017

Complaint history: None

Respondent, who is the same person for each complaint, received notices of violation on January 16, 2015 pursuant to an inspection. At the time of inspection the shop was open for business with an expired shop license.

Recommendation: Dismiss the case against the owner. Authorize for formal hearing against the shop. Allow authority to settle beforehand with a consent order assessing \$100.

Decision: Approved

109. Case No.: L14-BAR-RBS – 2015004021 (unlicensed shop)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

110. Case No.: L14-BAR-RBS – 2015004031- (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent, who is the same for each complaint, received notices of violation pursuant to an inspection on February 4, 2015. The shop was open for business. Neither the owner nor the shop is licensed in this state.

Recommendation: Authorize for formal complaint against both licenses. Allow authority to settle beforehand with a consent order assessing \$1000.

Decision: Approved

111. Case No.: L14-BAR-RBS – 2015004211
First License Obtained: 03/23/2012
License Expiration: 02/28/2016
Complaint history: None

112. Case No.: L14-BAR-RBS – 2015004221
First License Obtained: 03/22/2004
License Expiration: 03/31/2016
Complaint history: 2014004361, Dismissal w/no action

Respondents received notices of violation pursuant to an inspection on February 9, 2015. At the time of inspection the manager's personal license was expired.

Recommendation: Authorize each complaint for formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$100.

Decision: Approved

113. Case No.: L14-BAR-RBS – 2015004951
First License Obtained: 03/19/2007
License Expiration: 03/31/2017
Complaint history: 2013011241, closed w/Letter of Warning

114. Case No.: L14-BAR-RBS – 2015004952
First License Obtained: 10/10/2002
License Expiration: 10/31/2016
Complaint history: None

Respondents received notice of violations pursuant to an inspection on February 20, 2015. On the date on inspection the shop had two individuals practicing on suspended licenses. One individual has settled their case before it was referred to legal.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$100 to the individual and \$200 to the shop.

Decision: Approved

115. Case No.: L14-COS-RBS –2014032091

First License Obtained: 03/21/1994

License Expiration: 09/01/2015

Complaint history: 7265, dismissed; 1999013771, dismissed; 2009008501, 2010002401, 2010015001, closed w/no action; 2011025891, closed w/Letter of Warning; 2012023111, closed w/no action; 2013003011, closed w/Letter of Warning; 2014018091 & 2014023051, closed w/Letter of Warning

A complaint was opened against this school of Cosmetology administratively by the board on December 18, 2014. The school lost its accreditation with the National Accrediting Commission of Career Arts and Sciences ("NACCAS") in 2014. The school continued to advertise that they were accredited by this Commission. In November of 2014 NACCAS sent the school a cease and desist letter. When the school did not comply they opened a complaint with this board. The complaint was sent to the school citing unprofessional conduct. The school has not responded to these allegations, however, the false advertisement is no longer on their website.

Recommendation: Authorize for a formal hearing. Allow authority to settle beforehand with a consent order for \$1000.

Decision: Approved

Represented Cases

116. Case No.: L14-BAR-RBS-2014029811

First License Obtained: 12/16/14

License Expiration: 12/16/16

Complaint history: None

All respondents received a notice of violation on November 20, 2014. Inspector alleges that the respondent was cutting hair for customers and did not have a license. Respondent has contacted counsel and asked to for his \$1000 to be reconsidered. At the time of violation he had finished barbering school and was waiting on results of his test. He passed his test and is now validly licensed. He says that he pays child support and this fee will make it hard for him to pay that and his own expenses at the same time since he is so new to the industry.

Recommendation: Authorize for formal charges. Allow authority to settle beforehand with a consent order assessing \$250, since he had finished school and had even tested at the time of the violation.

Recommendation:

Decision: Approved

**117. Case No.: L14-COS-RBS- 201402347
First License Obtained: N/A**

License Expiration: N/A

Complaint history: None

Respondent received a consent order assessing a civil penalty of \$1000 pursuant to an inspection on September 12, 2014 where the shop was cited for not having a license. The respondent has contacted counsel. His shop only provides eyebrow threading services, which are not regulated by this board.

Recommendation: Dismiss this case.

Decision: Approved

**118. Case No.: L14-COS-RBS-2014014451
(Manicure Shop License)**

First License Obtained: 05/25/2010

License Expiration: 10/31/2015

Complaint history: 2011008841, closed by consent order and payment of \$500 civil penalty; 2012021461, closed with Letter of Warning

**119. Case No.: L14-COS-RBS-2014014461
(Shop Manager)**

First License Obtained: 04/17/2012

License Expiration: 04/30/2016

Complaint history: None

Respondent received three notices of violations on June, 13, 2014 for sanitation and name tag violations. The respondents have both paid their penalties but did not sign their consent orders. Legal had attempted to contact the respondents to have papers signed. However, the shop has been sold, and that shop license is no longer active.

Recommendation: Dismiss these cases and put a note in RBS that the penalties were paid.

Decision: Approved

120. Case No.: L14-COS-RBS- 2014012541

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

121. Case No.: L14-COS-RBS-2014012521

First License Obtained: N/A

License Expiration: N/A

Complaint history: NONE

Both respondents received consent orders after they were cited for unlicensed activity. All mail sent to these individuals has been sent back. All phone numbers that were given to us have been either disconnected or were wrong numbers. Investigations have

been done on both individuals to attempting recover any contacts, but have failed. It is believed that the names/ and addresses that were given to the inspector on the day they were cited were fake to avoid any prosecution.

Recommendation: Dismiss these cases as we have run out of options to identify and find these individuals.

Decision: Approved

122. Case No.: L14-COS-RBS-2014017571

First License Obtained: 08/10/2007

License Expiration: 08/31/2015

Complaint history: None

Respondent received a citation pursuant to an inspection on July, 23 2014. At the time of inspection she did not have her license posted where she working on a customer's hair. She was given a \$500 penalty. She has contacted counsel and explained that she works at chain salon and that she had been called in to work at different location that day because someone was out sick. Her license and her id were at the other salon. She has a duplicate license in her wallet but she couldn't find it while the inspector was there. She said she was flustered and was in the middle of a color treatment and that time was an issue as to not ruin that treatment. She is a single mother that receives no financial aid from her child's father and says \$500 is more than half her rent. She was currently licensed at this time. She has requested her fees be reconsidered; she has even offered to do community service in place of the fee. She had no prior history.

Recommendation: Close this case with a letter of warning.

Decision: Approved

123. Case No.: L13-COS-RBS-2013011361

First License Obtained: 11/29/2012

License Expiration: 10/31/2016

Complaint history: None

Respondent received a Notice of violation on May 22, 2013. The complaint alleged that the shop had sanitary violations, and the board assessed \$1250 in civil penalties.

Further research has showed that this shop was under construction at the time of the inspection. The owners were still partly operating the shop during the period of construction. Following the construction the shop is in compliance.

Recommendation: Reauthorize formal charges. Lower the penalty to \$250 for not closing the shop fully while it was under construction.

Decision: Approved

124. Case No.: L14-COS-RBS-2014019161
First License Obtained: 10/03/1986

License Expiration: 04/30/2015

Complaint history: None

125. Case No.: L14-COS-RBS-2014019161
First License Obtained: 10/10/1986

License Expiration: 06/30/2016

Complaint history: None

Two notices of violation were presented to the respondents, who are the manager and owner of the shop on August, 6, 2014. The notices allege that both the shop license and the owner's individual license were expired at the time of the inspection. Inspector states that both were practicing services at the time of the inspection. The respondents were not wearing nametags and there were some sanitary violations. The board originally assessed \$1000 against each respondent. The Respondent immediately requested a hearing and this case was sent to litigation. The respondents have again contacted the counsel and they now wish to settle their complaints if the board will reconsider their fines.

Recommendation: Authorize for a formal hearing for each respondent Allow authority to settle the matter before hand with a consent order to each respondent assessing a civil penalty of \$250 in light of the new agreed citation schedule and because of the work that was invested in the hearing they requested.

Decision: Approved

The following was presented verbally to the board and can be found in the June 1, 2015 minutes.

126. Case No.: L15-COS-RBS-2015012671
First License Obtained: 12/17/2013
License Expiration: 11/30/2015
Complaint history: None

A complaint was opened administratively by the board pursuant to a conversation between the Director and a police officer on May 24, 2015. A women called the police to report that she had been sexually assaulted at the respondent's shop while having her eyebrows waxed. When police arrived the accused was present at the shop with one other man. Neither were licensed. The accused has been arrested. The department sought summary suspension of the owner's shop license. I lieu of the summary suspension the respondent surrendered her shop license and signed an order of revocation.

Recommendation: Accept the revocation of this license by the department.

Decision: Approved

Legal Counsel, Shilina Brown, appeared before the board to present a shop license from the Knoxville area. Respondent signed an order consenting to the voluntary revocation of her shop license. This followed an incident of alleged sexual assault in the shop by unlicensed individuals that the respondent allowed to work in and manage the shop.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller for approval of the license surrendered and the shop closed. Motion carried unanimously.

The meeting adjourned at 8:30 AM.

MOTION made by Amy Tanksley and seconded by Judy McAllister for approval of the Legal Report as amended. Motion carried unanimously.

Cosmetology Consent Orders - May- Totaling \$30,430.00

MOTION made by Judy McAllister and seconded by Amy Tanksley for approval of all consent orders. Motion carried unanimously.

Agreed Citations – Paid in May \$8,900.00

MOTION made by Patricia Richmond and seconded by Judy McAllister for approval Agreed Citations paid and close the complaints. Motion carried unanimously.

Agreed Citations – Letters of warning

The following 4 case numbers were sent letters of warnings as part of the agreed citation process:

201501091

201501234

201501235

201501260

MOTION made by Dianne Teffeteller and seconded by Judy McAllister for approval of the letters and to close the complaints Motion carried unanimously.

NEW BUSINESS

Remington College:

The cosmetology program will no longer be offered at Remington College Memphis campus. All students graduated 5/15/15.

Student to Teacher Ratios:

The Tennessee College of Applied Technology programs are very successful and currently many of them have a waiting list. Ms. Hastings from the Newbern campus sent an email posing the question of how to accommodate High School students. She requested the board consider a rule or change of some sort to accommodate students that are on campus no more than three hours a day to be considered part-time. The board requested a plan for tracking and measuring attendance to be provided and that staggering the full time students with the High School students is not a problem as long as the teaching ratio is always 20:1.

MOTION made by Patricia Richmond and seconded by Judy McAllister for approval of the request. Motion carried unanimously.

New Cosmetology Schools:

Question was raised regarding the number of students a cosmetology school starts with. For the new school application, the school is asked to provide 20 tentative contracts or agreements showing interest in attending the school. The question is if the school only has two students that decide to actually attend, is this a concern and does the board want to know this information. The board will consider whether the number needs to be dropped but definitely the new school applications should be presented a month in advance so the board office can verify the contracts.

Students Cleaning Schools:

Every now and then a situation comes up where students are asked, or told, to clean parts of the school. Does the board need to consider this in the new rules and add something about cleaning strictly for sanitation purposes as it pertains to the practice being performed. Students call with complaints but don't always file in writing. The board discussed possibly adding something to the rules.

2015 Continued Education Seminars:

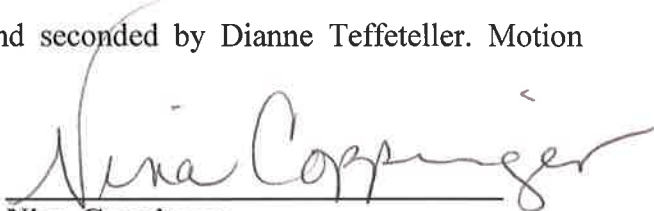
Starting in June the 2015 seminar sessions are held almost every month. Board members attending need to remember to attend both days and if something comes up, contact the seminar representative directly. The groups that provide more than one session don't always have the Executive Director or the PSI representative. It's a matter of cost and time commitments. This needs to be taken into account for approvals in 2016. Ideas and recommendations were made.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Judy McAllister and seconded by Dianne Teffeteller. Motion carried unanimously.

Dianne Teffeteller



Nina Coppinger



Judy McAllister

Kelly Barger

Patricia J. Richmond

Patricia J. Richmond

Frank Gambuzza

Frank Gambuzza

Anita Allen

Anita Allen

Ron R. Gillihan

Mona Sappenfield

Mona Sappenfield

Amy Tanksley

Amy Tanksley

Yvette Granger

Yvette Granger

Bobby N. Finger

Bobby N. Finger