



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting October 5, 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, Bobby Finger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Yvette Granger, Patricia Richmond, Judy McAllister and Amy Tanksley. Not in attendance Nina Coppinger, Mona Sappenfield, and Dianne Teffeteller.

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

Introduction of new Board Member:

Mrs. Brenda Lewis Graham, from Clarksville, is the newly appointed public board member. Mrs. Graham said a few words about herself and the board welcomed her.

MINUTES-

Minutes for the August 3, 2015 board meetings were submitted for changes and/or approval.

Motion made by Judy McAllister and seconded by Patricia Richmond to approve the August 3, 2015 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

New Barber School Application, Crown Cutz Academy:

Mr. Craig Charles appeared before the board to present a new barber school application. Crown Cutz Academy is located in Johnson City. The space is 2,928 square feet. The school provided a floor plan, application, enrollment agreement, fee and 1 completed contract. The enrollment agreement says the student must be 17 years of age that needs to be changed to 17 to meet the Law.

MOTION made by Patricia Richmond and seconded by Bobby Fingers to deny new school application until suggested changes to contract are made. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for Anthony Bowles Jr., Joana Brooks, Andres Guirola, Misty Martin, Emily Mefford, Raymond Ramsey, Christopher Whitfield and Thomas Ward. All applicants have felonies within the last three years or are currently incarcerated; 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 Judy McAllister and seconded by Patricia Richmond to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Application to test for master barber license from Mohammed Mohammed. Mr. Mohammed was previously approved to take the master barber exams in 2010 based on hours provided to the board office. He was unable to pass the theory exam therefore had to reapply to continue testing. In that process, the board office identified that he had a revoked cosmetology license with hours from California. Mr. Mohammed denied that he had ever sought the license and agreed to its revocation and agreed that that he did not hold the hours indicated. Subsequently, the Department received additional information indicating that Mr. Mohammed had allegedly fraudulently sought the cosmetology license. Separately, Mr. Mohammad was cited for working unlicensed in a shop he owns. The application presented to the board should be denied based on repeated violation to the Rules and Laws. Complaints have been opened and presented to the board regarding this situation.

Motion made by Kelly Barger and seconded by Patricia Richmond to deny request to take the Tennessee exams. Motion carried unanimously.

Application for licensure as a cosmetologist instructor and request to test for Irma Alarcon from Guatemala. Ms. Alarcon is requesting approval to test. She provided translated documents showing a total of 1,800 hours obtained in November 1994 as well as documents supporting her cosmetology and instructor experience. This request can only be for the cosmetology license. After three years of licensure she may take the instructor exams to obtain a cosmetology instructor license.

Motion made by Amy Tanksley and seconded by Judy McAllister to approve request to take the Tennessee exams. Motion carried unanimously.

Application for licensure as a cosmetologist and request to test for Omaira Maldonado from Venezuela. Ms. Maldonado is requesting approval to test. She provided translated documents showing a total of 2,150 hours completed in December 2002. She has also provided a letter of recommendation from a school owner who has observed her work and wishes to start her on the instructor program.

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

Application for licensure as a manicurist and request to test for Libia Soler Medina from Columbia. Ms. Soler was presented to the board in December 2014 and additional documents. Since then, she has submitted a letter from the school that describes the curriculum and breakdown of the 600 hours she obtained.

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

Application for licensure as a manicurist and request to test for Lam Nguyen from Vietnam. Mr. Nguyen is requesting approval to test. He provided translated documents showing a total of 648 hours completed in April 2014. The Board requested that the applicant send documents showing the break-down of educational hours.

Motion made by Kelly Barger and seconded by Patricia Richmond to deny request to take the Tennessee exams. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers:

Ms. Joanne Pascal appeared before the board to explain her experience and based on that, request waiver of the additional hours required for a cosmetologist to obtain a master barber license. Her letter explains her more than thirty two years of experience in barber shops and almost exclusively working on men and doing shaves. She answered questions and explained why her

experience should be counted as the hours she is missing so she could take the Tennessee Exams and become dually licensed.

MOTION made by Kelly Barger and seconded by Patricia Richmond to deny the request. Motion carried five yes votes, three no votes and two board members abstained.

Request for consideration of a new specialty school license to educate instructors. Ms. Jacqueline Michaels appeared before the board to explain her concept and ask for guidance. The Executive Director explained that the school cannot currently be approved because the rules are not finalized that allow a specialty school to exist. Many other applicants are also ready to open specialty school but this request for an instructor school is different in nature. The school will partner with other schools to work with students. The board asked questions and felt comfortable with the concept for a specialty instructor school and determined that the applicant can move forward once the rules are finalized.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve the request pending the new application, required fee and the inspection by a board member. Motion carried unanimously.

Mr. Kevin Johnson appeared before the board on behalf of Paul Mitchell, the School Murfreesboro and Knoxville campuses. He presented a letter explaining their current contracts with students on 3 days per week/10 hours per day programs. A law passed on July 1, 2015 that affects some of their current contracts. Public Chapter 402 states that in no event shall a student attend school more than eight hours per day or forty hours per week. The request for consideration is for contracts signed prior to the Public Chapter becoming law. Previous requests for this same consideration were heard at the August meeting and approved until those contracts are considered closed.

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

National Barber Academy, located in Nashville, presented a letter in May to the board office regarding a change to the school name. The new name for the school is B. Winfrey School of Hair Design. This letter was misplaced and with the retirement of the person in charge of this task, the request was missed. When Mrs. Winfrey contacted the office in August, and explained the need for a letter to their accrediting agency, the Executive Director proceeded with issuing a letter with the schools new name. This request is mostly administrative and the school did everything they needed to for compliance. The request needs to be approved by the board to make the new license name official.

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

Request from Ms. Sophia Thach to waive the requirement of High School verification. The letter Provided by her daughter explains that Ms. Thach was licensed in Texas but because of the school she attended Tennessee has not been able to license her. She is interested in completing hours but needs a letter from the board to present to the school she will be attending. Ms. Thach left a war torn Country and therefore has no proof of education.

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

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Adams passed her cosmetologist practical examination in December, 2014. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Adams was more than three months passed the required timely and the delay was because she did not include the verification of eligibility form. The board gave the Director authority to extend one month additional month but anything longer needs to be reviewed by the board.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request for waiver of rule 0200-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. In February 2013 Mr. Marcus Pierce signed an Agreed Order for a probationary period approved by the barber board. He then tested and in March 2013 passed the exams. He has provided a letter, hospital and medical records confirming that he had health complications in conjunction with remaining in prison until July 16, 2015. He submitted this information to the board office missing the August board meeting. His situation is unique and it's very likely that most of the delays were outside of his control.

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

Request from instructor Shard Maria Sewell for an extension of her required continuing education hours to 2016. She became an instructor in 2011 and should have attended a continued education seminar by July 2013. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time. However, she has waited more than two years past the renewal cycle for the extension and failed to pay the fees timely in 2015. She is no longer considered timely and should need to retest, if she is interested in the instructor license.

MOTION made by Kelly Barger and seconded by Judy McAllister to deny request. Motion carried unanimously.

Request from instructor Ivey Cooley for waiver of rule 0440-1-.10(2)(b) requiring applicants under the age of 65 to test before paying for a license to be changed from retired to active. She properly and timely had her instructor license changed to inactive status but also retired the entire license. This change was made in September 2012 based on her request. The letter she provided indicates that she was misinformed and she is requesting waiver of the law and practical exam.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve request. Motion carried unanimously.

Request for board certification of student hours from two former Lyles School students. The board allowed the Executive Director approval of certification through July 30, 2015:

Dannielle Erickson is requesting certification of hours. The monthly hours reports from Lyles school state she completed 646 hours. However in communicating with the student, she was able to retrieve a telephone screen shot of the clock hours showing 1,102 hours from August 2014. Other students have provided this same image but in all cases the number of hours matched. The huge discrepancy leaves room for concern. Conversations with the school representative could still not resolve the discrepancy.

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

Phimphaphone Vongsaly is requesting certification of hours. The spreadsheet maintained of all pending hours and the students request of hours match and upon approval, the board will release 421 manicuring hours.

MOTION made by Amy Tanksley and seconded by Patricia Richmond to approve request for certification. Motion carried unanimously

Request for a change in ownership of a shop by the name of Envy Spa Nails. The previous ownership of this shop had complaint history of unlicensed activity. Upon inspecting the shop, in mid-August the new manager's husband was working unlicensed and there were other violations. There was reason to believe that the actual responsible parties in the shop never changed. Given the constant violations to the Rules and Laws, this application should be closed until new ownership can comply with the requirements.

MOTION made by Judy McAllister and seconded by Amy Tanksley to deny request. Motion carried unanimously.

Attorney Adrian asked the Board to approve an agreed order that the department and the respondent entered into, but was only valid upon the Board's approval, for a contested case.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request and have inspector follow up. 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, October 5th to review reciprocity applications and make recommendations to the Board.

Attending were Board members Ron Gillihan, and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant. Not in attendance Nina Coppinger.

The applications reviewed consisted of the following:

Application for reciprocity of aesthetician license from Florida for Yuliya Soboleva. Ms. Soboleva appeared before the board to answer questions and explain her years of experience in the United States. Certification from Florida shows a full service license issued in May 2009. That license includes 240 hours in manicuring and 260 hours in aesthetics and no exam required. Subsequently Ms. Soboleva also obtained a cosmetology license in Florida in August 2015 with 1,200 hours and no practical exam. The Executive Director spoke to Ms. Soboleva to explain that all three licenses require more hours in Tennessee than what she obtained in Florida. Her work experience was almost exclusively in aesthetics. She provided letters and shop information to support work in the industry for the last five consecutive years. Given her experience with aesthetics, the Director was comfortable approving the hours and requiring Ms. Soboleva pass the State exams. At that time the decision and conversations were to close the request for a manicuring and cosmetology license because she would need additional hours and exams. Ms. Soboleva took the theory exam recently and was not able to pass. She explained that the language barrier is a problem. Her request is that the board consider only requiring the practical exam which she believes will better reflect her ability and the language barrier should be less an issue.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of aesthetician license from Indiana for Ruth Colby. Indiana only requires 700 hours. Her certification shows licensure by examination since 1996. She provided information about her work experience and having moved around which is the reason why she does not have the last five consecutive 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.

Previously the board requested Ms. Brianna Adcock complete 110 additional hours in the aesthetics discipline because she lacked the full five years' experience. After much search, Ms. Adcock contacted the board office for guidance and none of the schools were able to assist her with the few hours she needed. Consequently, Ms. Adcock requested the board approve her to take the Tennessee exams so she could get back in the field.

Recommendation - is that the applicant take the Tennessee exam.

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

Application for reciprocity for master barber license from Michigan for Ali Al Abed. Certification shows license was issued in July 2015 with hours from Iraq. Translated document reflects 2,500 hours received between 2007 – 2009.

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 manicurist license from West Virginia for Terri Bailey. Certification shows initial licensure in 2003 by examination and 416 hours received. Ms. Bailey provided a letter stating she worked as well as owned shops between 2004 and 2009. She also provided tax records but she does not have anything from the last five consecutive years.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from Florida for Christie Bieler. Certification shows initial licensure in December 2010 with 1,200 hours and no practical examination. Ms. Bieler provided tax records as well as letters from employers regarding experience in the industry. The experience is right under five years.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from Florida for Jennifer Burges. Certification shows initial licensure in 1999 with 1,200 hours and no practical exam. Ms. Burgess appeared before the board and explained that she also completed and apprentice program with 300 hours. No proof of work history was provided.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from New York for Thomas Callahan. Certification shows both exams were passed in 1993 but initial licensure could not be confirmed prior to 2009. New York shows licensure only for the current years if licensee allowed their license to expire. Ms. Callahan provided a letter explaining that 2011 tax records could not be obtained on time for the meeting and that he needs to get back to work.

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 aesthetician license from Florida for Lynda Duffy. Certifications from Florida shows initial licensure as a full specialist in 1986 and no examination. Ms. Duffy is also licensed in Alabama as a managing aesthetician since 1992 and currently has an active license there. Ms. Duffy provided a letter listing her experience well as an accountant's confirmation of tax records going back to the 1980's. She has been in the industry for twenty five years and is concerned with taking exams at this point in her life.

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

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 Michelle Grigsby. Certification shows initial licensure in November 2005 as a full specialist with 500 hours and no exam. Letter from employer states work experience in aesthetics from 2008 – 2013. In 2014 she had to take care of family and did not work.

Recommendation - is that the applicant 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 instructor license from Wisconsin for Brenda Jasinski. Certification shows initial licensure, which includes instructor, is from May 1980. The instructor requirements are 150 hours and a practical exam only. Ms. Jasinski provided a letter from Milwaukee Technical College confirming she was an instructor from 1993 until 2001.

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 if manicurist license from Michigan for Mark Lawson. Application shows 400 hours obtained in California and Michigan certification shows initial licensure in February 2001 and examination. License was active at the time the application was completed but all tax records could not be confirmed for the August board meeting. Mr. Lawson is missing the 2013 tax records but has 2009 – 2014.

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 instructor license from Ohio for Jamie Manning. Certification shows initial licensure in October 2003 by examination for the cosmetology discipline. Ohio recognizes shop experience and issues a “managing cosmetologist” license. They also grant instructor license based on experience with no hours or exam required. Ms. Manning meets all the requirements for the cosmetology license and her twelve years of experience could substitute the 300 instructor hours.

Recommendation - is that the applicant be approved for a cosmetology license and have to take the Tennessee instructor exams.

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

The Executive Director asked for all future Ohio instructors to be approved in the same nature if they have the minimum five years of experience, they will be sent a letter approving them to take the instructor examination.

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

Application for reciprocity of cosmetology license from Florida for Cynthia Nehls. Certification shows 1,200 hours with initial licensure in August 1994. Ms. Nehls is also licensed in Alabama since 2006 by reciprocity from Florida. She provided letters and tax records to support her work experience.

Recommendation - is that the applicant take the practical exam.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation. The Board approved the applicant for the reciprocal license. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Huong Nguyen. Certification shows initial licensure in December 2003 by examination. Ms. Nguyen was also licensed in Missouri for one year. Ms. Nguyen provided tax records and a letter explaining that the years she was missing. Overall she practiced six years between the two States.

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

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

Application for reciprocity of master barber license from Illinois for Hassan Oujelloul. Certification shows initial licensure in June 2014 by endorsement with hours completed in Morocco. Mr. Oujelloul appeared before the board. His application was previously submitted to at the March 2015 board meeting and the decision was that he take the Tennessee examination. He is now requesting reconsideration because of the language barrier. He would like to have the theory exam waived and only take the practical to prove his skills.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of instructor license from Ohio for Lori Pfeifer. Certification shows initial licensure in October 1993. Ms. Pfeifer appeared before the board to answer questions. Ohio recognizes shop experience and issues a “managing cosmetologist” license. They also grant instructor license based on experience with no hours or exam required. Ms. Pfeifer currently holds a Tennessee cosmetology license and has twenty one years of experience that could substitute the 300 instructor hours.

Recommendation - is that the applicant 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 instructor license from Illinois for Kimberly Rankin. Certification shows initial licensure in May 2008 by exam but Illinois does not require a practical exam. The cosmetology hours are a total of 1,500 and for instructor Illinois requires 500 hours.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from Wisconsin for Cung Mai Tu. Certification shows initial licensure in 2013 by examination. A similar situation was presented at the August 2015 board meeting, office staff received calls and persistent questions about several licenses. Further conversations directly with the Wisconsin State Board determined that this certification was not a true and accurate document.

Recommendation - is that to deny applicant reciprocity.

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

Application for reciprocity with hours from Vietnam for manicurist license for Thanh Mai Truong. Ms. Truong provided a translated document stating she completed 540 hours in the manicuring curriculum in 2014. She is missing 60 hours in order to be considered for testing. The curriculum has no sanitation hours.

Recommendation - is that the applicant take 150 additional hours and the Tennessee exam.

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

The committee meeting adjourned at 9:30 AM.

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

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

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:05 AM on Monday, June 1st to review the allegations of **92** complaints and make recommendations to the Board.

Attending were Board members Frank Gambuzza, Bobby Finger and Amy Tanksley and Ron Gillihan. Not in attendance Dianne Teffeteller.

COSMETOLOGY CASES

NEW CASES

1. Case No.: L15-COS-RBS-20150213501

First License Obtained: 01/25/2011
License Expiration: 08/31/2015
Complaint history: 2011024961, Closed with Letter of Warning

2. Case No.: L15-COS-RBS-20150113911

First License Obtained: 01/25/2011
License Expiration: 08/31/2015
Complaint history: 2011024961, Closed with Letter of Warning

3. Case No.: L15-COS-RBS- 2015011401,

First License Obtained: 02/02/2012
License Expiration: N/A
Complaint history: 2012024331, Closed via Consent Order for the voluntary license revocation

Case 1 alleges that the owner of this shop fraudulently obtained a cosmetology license based on a statement by a former employee who admitted to being involved in such a scheme in violation of **Tenn. Code Ann. § 62-4-127(b)(1)**. Additionally, the second complaint was opened against the owner of this shop pursuant to an inspection on 4/22/15. This owner had previously had his cosmetologist license revoked, although he did not admit that he had obtained the license wrongly, only that he was not entitled to the license and had not requested it, also in violation on **Tenn. Code Ann. § 62-4-127(b)(1)**. On the day of inspection he was found working on a customer in this shop. The owner does not currently have an individual license with the board. This was a violation **Tenn. Code Ann. § 62-4-108**. Respondent does, however, have a pending application for a Barber license.

Recommendation: Authorize each complaint for formal hearing with authority to settle by consent order revoking Respondent's shop license.

Decision: Accepted

4. Case No.: L15-COS-RBS-20150213521-

First License Obtained: 03/30/2011
License Expiration: 03/31/2017
Complaint history: 2010034411, closed with a CEASE and DESIST letter

This complaint alleges that the owner of this shop fraudulently obtained a cosmetology license based on a statement by a former employee who admitted to being involved in such a scheme in violation of **Tenn. Code Ann. § 62-4-127(b)(1)**.

Recommendation: Authorize this complaint for formal hearing with authority to settle by consent order for revocation revoking this shop's license

Decision: Accepted

5. Case No.: L15-COS-RBS- 20150213551-

First License Obtained: 02/11/2005
License Expiration: 02/28/2017
Complaint history: None

6. Case No.: L15-COS-RBS-20150213601

First License Obtained: 12/18/2009
License Expiration: 12/03/2015
Complaint history: None

This complaint alleges that the owner of this shop allowed the spouse of the shop owner to work on a fraudulently obtained license in violation of **Tenn. Code Ann. § 62-4-119 (1)**. The spouse subsequently agreed to the revocation of the fraudulent license and the spouse was further named as a person receiving a fraudulent license in a statement by a former employee who admitted to being involved in a scheme to fraudulently obtain cosmetology licenses in violation of **Tenn. Code Ann. § 62-4-127(b)(1)**. Case 20150213551 is against the owner of the shop, who holds an individual cosmetology license, and case # (case number) is against the shop itself.

Recommendation: Authorize each complaint for formal hearing with authority to settle each case by consent order for revocation of the shop owner's personal cosmetology license and the shop's license, respectively.
Decision: Accepted

7. Case No.: L15-BAR-RBS-2014010911

First License Obtained: 01/20/2012
License Expiration: 01/31/2016
Complaint history: None

Respondent was issued a license in January 2012. It has been confirmed that at the time that he was issued this license, and at present, the respondent did not and does not have the required qualifications to hold a license in this State in violation of **Tenn. Code Ann. § 62-4-127(b)(1)**. Respondent was indicated as having fraudulently obtained a barber license based on a statement by a former employee who admitted to being involved in such a scheme.

Recommendation: Authorize this complaint for formal hearing with authority to settle by consent order for revocation.
Decision: Accepted

8. Case No.: L15-COS-RBS- 20150213571

First License Obtained: 05/19/1983
License Expiration: 03/31/2017
Complaint history: None

This respondent is a former employee of the board and holds a cosmetology license. Respondent admitted to the Department to referring three separate people to buy fraudulent licenses and to receiving payment from one of those persons. Her actions are all in violation of **Tenn. Code Ann. § 62-4-127(b)(2)**.

Recommendation: Authorize for formal hearing. Allow authority to settle beforehand with a consent order assessing revocation of her license \$34,000. (\$1000 per act of unprofessional conduct plus \$1000 per month that the licenses were in effect before she made her statement)
Decision: Accepted

9. Case No.: L15-COS-RBS-2015009371,

First License Obtained: 09/22/2014
License Expiration: 09/30/2016
Complaint history: None

Respondent shop received a notice of violation pursuant to an inspection on 4/6/2015. At the time of inspection there was no manager present. Manager showed up at the shop about 45 minutes into the inspection and claimed to have just stepped out.

Recommendation: Dismiss with a letter of warning.
Decision: Accepted

10. Case No.: L15-COS-RBS- 2015007181

First License Obtained: 09/03/2014

License Expiration: 08/31/2016
Complaint history: None

Consumer complaint was filed against the respondent following a visit to this nail salon that prompted legal counsel to request an investigation. At the time of her pedicure, the complaint says her toenail was accidentally ripped off. The salon attempted to fix the issue with nail glue, but the complaint says days later her toe was swollen. She returned to the salon with her daughter after speaking to a manager on the phone about the issue. The salon offered to fix her foot but the complainant requested her money back. The salon would not refund her. The complainant said she was going to contact the state Board. At this point the stories from the respondent and complainant differ. The salon says that she yelled that she was going call state Board and they attempted to take a picture of her foot but she left too quickly. Two employees of the salon submitted affidavits testifying to these facts. The complainant says that she told them she would contact state board and she tried to leave and instead they forcibly pushed her into a chair and held her down while another employee held her feet and attempted to get a picture. They complainant and her daughter ran next door when she was free and called the police. The mother and the daughter submitted affidavits testifying to these facts. The shop owner next door told our investigator that they did run into her shop visibly upset but that she did not see anything nor did they give her the full story. The police told our investigator that they are not pressing charges since they could never find a witness to the alleged assault except the daughter.

Recommendation: Authorize for formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$250 for unprofessional conduct.

Decision: Accepted

11. Case No.: L15-COS-RBS-2015018621

First License Obtained: 10/10/1986
License Expiration: 06/30/2016
Complaint history: 2014019171, closed via Consent Order and payment of \$250 civil penalty

While attempting to conduct an annual inspection of this shop on 7/3/15 the inspector called the Board office because of complications with finishing the inspection. The Respondent was extremely rude to the inspector and continued to call him derogatory names and use rude language while speaking to the inspector. The inspector left the shop without finishing the inspection. The Respondent has contacted the office to say that this is all a misunderstanding and that he was using those words to his friend who was a client at the time. The Board office now has to send two inspectors to inspect this shop, since the inspector for this region was told he should not return.

Recommendation: Authorize the complaint for a formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$250.

Decision: Accepted

12. Case No.: L15-COS-RBS-2015014741

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

This complaint was opened after Board debate about whether or not a school that taught makeup to lay persons to sue on their selves required a license. The Board determined that the company should be sent a letter explain our laws and our exemptions. A letter was sent to this school. At this time the school does appear to fall outside our jurisdiction.

Recommendation: Close this case as they have already been given notice of the bounds of our jurisdiction.

Decision: Accepted

13. Case No.: L15-COS-RBS 2015013081

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

Respondent shop received a notice of violation on 5/5/15 pursuant to an inspection. On that date the shop was open and there were four unidentifiable persons braiding clients' hair. The shop is unlicensed and so were all four employees/

Recommendation: Authorize for formal hearing. Allow authority to settle the matter before hand with a consent order assessing \$4000.

Decision: Accepted

14. Case No.: L15-COS-RBS- 2015013101

First License Obtained: 04/21/2011
License Expiration: 04/30/2017
Complaint history: None

15. Case No.: L15-COS-RBS- 2015013121

First License Obtained: 02/20/2004
License Expiration: 02/28/2016
Complaint history: None

Both respondents received notice of violations on 5/15/15 pursuant to an annual inspection. On that date the shop's license was expired and the manager's license was expired. The manager was practicing on a client at the time on inspection.

Recommendation: Authorize for a formal hearing. Allow authority to settle beforehand with a consent order assessing \$200 to each respondent.

Decision: Accepted

16. Case No.: L15-COS-RBS- 2015013141

First License Obtained: 09/30/2017
License Expiration: 10/05/2009
Complaint history: 2011030061, closed with no action;
2012010081, closed with Letter of Warning

A consumer complaint was filed against the respondent shop following the customer getting a blow out and possible straightening treatment, the complaint contend that the products used caused chemical burns in her hair. The shop[p contends that she didn't even get a straightening treatment only a blow out and that at most there is heat damage.

Recommendation: Close this case; this is a contractual matter between the parties best suited for civil court.

Decision: Accepted

17. Case No.: L15-COS-RBS- 2015013151

First License Obtained: 05/23/2012

License Expiration: 05/31/2016

Complaint history: None

Respondent received a notice of violation on 5/18/15 pursuant to an inspection. On that date the owner and manager were not present. There were three unlicensed individuals present and working in the shop. The owner contacted counsel explaining that she had traveled home to Senegal because of her father's passing. The manager had left to pick up her child at school. She has asked that these personal troubles be considered in her fee. She was previously sent an Agreed citation for 3500.

Recommendation: Authorize this complaint for unlicensed activity for formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$2500 given her difficulties. Send a letter of warning for operating without a manager.

Decision: Accepted

18. Case No.: L15-COS-RBS- 2015013221

First License Obtained: 08/02/2007

License Expiration: 08/31/2017

Complaint history: None

Respondent was accused doing hair in her home. The complainant has offered no other information on this accusation. The Respondent has contacted counsel and explained that this is a prior boss who has a history in filing complaints against other cosmetologists for personal reasons. At this movement, it appears the respondent is not even capable of working because of medical conditions. She is prepared to bring medical records to show he has been unable to work in the past 6 months.

Recommendation: Dismiss this case for insufficient evidence.

Decision: Accepted

19. Case No.: L15-COS-RBS- 2015013261

First License Obtained: 02/06/2012

License Expiration: 01/31/2016

**Complaint history: 2013009091, closed via Consent Order and payment of \$750 civil penalty;
2014024961, consent via Consent Order and payment of \$500 civil penalty**

20. Case No.: L15-COS-RBS 2015013281-

First License Obtained: 06/06/2008
License Expiration: 06/30/2016
Complaint history: 201402495, closed with Letter of Warning per the agreed citation schedule

Respondents, who are the same person received, noticed of violation on 5/22/15 pursuant to an inspection. When the inspector walked in there was a woman in apron giving a customer a pedicure. When the inspector walked in she jumped up and left through the back door. The Owner claimed it must have been her lunch break. The customer's pedicure was not finished. The shop has had prior history with unlicensed activity and with employees leaving through the back door when inspectors arrive.

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

Decision: Accepted +

21. Case No.: L15-COS-RBS-2015013381

First License Obtained: 03/21/1994
License Expiration: 09/01/2016
Complaint history: Complaints # 7301, 8302, 9283, 9781, 2000032481, 2001036321, 2001036341, 2001036421, 2001053341, 2002099431, 2002115141, 2003170361: all Dismissed; 2004198561, Letter of Warning; 2005009291, Dismissed; 2005037361, Dismissed; 2006028071, Dismissed; 2008005951, Dismissed, 2008007401, Dismissed; 2008018031, Closed w/no action; 2008023021, Closed w/no action; 2009000071, 2009018081, 2009021641, 2009025971, 2010009271, 2011019391, all closed w/no action; 2014002891, closed for lack of proven disciplinary action; 2015009351, Dismissed as it's a contractual dispute and send an inspector to the school to witness how customers are treated in the school.

A consumer complaint was filed against this school on May 17, 2015. During this time the school was under investigation for claims similar to the allegations in this complaint. This school has been disciplined for these actions, during that period of time.

Recommendation: Close with a letter of warning that states that while these claims will not be pursued for formal hearing because of the time frame, allegations of this nature in the future will be investigated and pursued for discipline to the fullest extent of the law.

Decision: Accepted

22. Case No.: L15-COS-RBS – 2015013391

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

Consumer complaint was filed against respondent claiming that unlicensed activity occurred at this business. The respondent has contacted counsel and said that they are a strictly a beauty supply store and do not offer any services at this store. The complainant is apparently a past employee of the respondents.

Recommendation: Dismiss this case. There is insufficient evidence.

Decision: Accepted

23. Case No.: L15-COS-RBS- 2015013741

First License Obtained: 05/19/2015
License Expiration: 03/31/2017
Complaint history: None

A consumer complaint was filed against the respondent shop. The complainant says the respondent is practicing without a license. She provided internet posts showing the respondents soliciting "clients" to book with her to get their hair done. The respondent is not a licensee but owns and runs the salon, called and provided license numbers for the salon and the stylists who works there. She currently has an order of protection against the complainant and says that all of this is a part of a larger harassment issue between the two of them.

Recommendation: Dismiss this case.

Decision: Accepted

24. Case No.: L15-COS-RBS- 2015013791

First License Obtained: 08/09/2005
License Expiration: 07/31/2017
Complaint history: 2009014081, closed via Consent Order and payment of \$1000 civil penalty

25. Case No.: L15-COS-RBS- 2015013801

First License Obtained: 06/28/2005
License Expiration: 06/30/2017
Complaint history: None

26. Case No.: L15-COS-RBS- 2015013811

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

The respondents all received notices of violation pursuant to an inspection. At the time of inspection one of the respondents was giving a haircut to a client. The employee is not licensed in any capacity by this board.

Recommendation: Authorize for formal hearing against the unlicensed person. Authorize for formal hearing against the owner and shop against the shop license. Allow authority to settle the matter before hand with a consent order to each person assessing \$1000.

Decision: Accepted

27. Case No.: L15-COS-RBS- 2015013841

First License Obtained: 11/26/2013
License Expiration: 11/30/2015
Complaint history: 2014015441, closed via Consent Order and payment of \$1000 civil penalty

28. Case No.: L15-COS-RBS- 2015013851

First License Obtained: 12/04/2007
License Expiration: 12/31/2015
Complaint history: None

29. Case No.: L15-COS-RBS- 2015013861-

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

Respondents received notices of violation pursuant to and inspection. At the time of inspection an unlicensed person was giving a customer a pedicure. The person attempted to leave and another worker moved to the pedicure station. The inspector asked for the identification of the unlicensed person and he was only given a name.

Recommendation: Authorize for formal hearing against the shop and owner against the shop license. Allow authority to settle beforehand with a consent order assessing \$1000. Allow authority to send the unlicensed person a consent order \$1000.

Decision: Accepted

30. Case No.: L15-COS-RBS- 2015014311

First License Obtained: 06/05/2015
License Expiration: 08/31/2017
Complaint history: 201501295, closed via Agreed Citation and payment of \$2,000 civil penalty

A consumer complaint was filed by a customer against this shop following a gel manure. At the time of the manicure the complainant says her nail was cut. She also says a week later all of her cuticles were red and split. She says she later saw dermatologist who instructed her to use antifungal cream. The shop owner says that he attempted to settle the matter with the complainant but that she wanted the Board to make a determination. At this time there is little proof to tie her issues with her nails to the service in question. However, is more probably than not that her condition was related.

Recommendation: Close with a letter of warning and send an inspector to the shop determine if the shop in in compliance with sanitary code sections.

Decision: Accepted

31. Case Nos.; L15-COS-RBS- 2015014381

First License Obtained: 10/17/2011

License Expiration: 09/30/2017

Complaint history: 201501497, closed via Agreed Citation and payment of \$1,000 civil penalty

An anonymous consumer complaint was filed against the shop alleging that the shop employs persons without licenses to work on the weekends. The shop owner wrote counsel and said that this is not allowed in her shop but she also admitted that sometimes unlicensed activity happens because of her lack of supervision.

Recommendation: Close the complaint with a letter of warning.

Decision: Accepted

32. Case No.: L15-COS-RBS- 2015014751

First License Obtained: 09/18/2014

License Expiration: 08/31/2016

Complaint history: None

33. Case No.: L15-COS-RBS- 2015014781

First License Obtained: 03/30/2000

License Expiration: 03/31/2016

Complaint history: 2014009761, closed via Consent Order and payment of \$500 civil penalty

Respondents received notices of violation pursuant to an inspection, the inspector only offer a picture of wax machine present in a manicuring shop. The manager claims she was not working at the shop at the time of the violation. I have no information to rebut this.

Recommendation: Dismiss for lack of sufficient evidence.

Decision: Accepted

34. Case No.: L15-COS-RBS- 2015014831

First License Obtained: 03/31/2009

License Expiration: 03/31/2017

Complaint history: None

Respondent received a notice of violation pursuant to an inspection on 6/5/15. At the time of inspection, the respondent was giving a customer a haircut. Her licensed was confirmed as expired.

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

Decision: Accepted

35. Case No.: L15-COS-RBS-2015014841

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

Respondent shop received a notice of violation on 6/5/15 pursuant to an inspection. On that date two employees were braiding hair. The shop is not licensed and neither are any of the employees.

Recommendation: Authorize for formal hearing. Allow authority to settle the matter before hand with a consent order for \$2000.

Decision: Accepted

36. Case No.: L15-COS-RBS- 2015014941

First License Obtained: 12/11/1997
License Expiration: 12/31/2015
Complaint history: None

Respondent had a complaint opened against her after it was determined that she had forged the expiration date on her license to look as though she had renewed her license when she had not. She was not working or present at the time that this was seen by our inspector.

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

Decision: Accepted

37. Case No.: L15-COS-RBS- 2015014951

First License Obtained: 02/10/1992
License Expiration: 01/31/2017
Complaint history: None

Respondent works in the same shop as the respondent in the above case. She had attached a money order to expired license to show it had been renewed. The date on the money order looked off to the Inspector. Unfortunately there is not a good picture of this to show the date in question. She was also not working at the time this was seen by our inspector.

Recommendation: Dismiss this complaint with a letter of warning on unprofessional conduct.

Decision: Accepted

38. Case No.: L15-COS-RBS- 2015015031

First License Obtained: 04/21/2011
License Expiration: 04/30/2015
Complaint history: None

A complaint has been opened administratively against this shop since they have not made themselves available for their annual inspections. Inspectors have been sent to this shop on several occasions and the shop was closed. The executive Director contacted the shop via mail requesting immediate response so that a time for inspection could be set up and no response was given.

Recommendation: Authorize for formal hearing. Allowing authority to settle beforehand with a consent order suspending the shop's license until such a time when the shop can be inspected.

Decision: Accepted

39. Case No.: L15-COS-RBS- 2015015091

First License Obtained: 03/22/2007

License Expiration: 03/31/2017

Complaint history: None

The respondent received a notice of violation as the manager of shop pursuant to an inspection on 6/9/15. At the time of inspection, the shop was licensed as a manicuring shop. There was room set up with all the equipment necessary to perform a wax. Additionally, in a hidden drawer there was a wax machine with the hot wax turned on.

Recommendation: Authorize for formal hearing. Allow authority to settle the matter before hand with a consent order assessing \$500.

Decision: Accepted

40. Case No.: L15-COS-RBS- 2015015121

First License Obtained: 11/24/1999

License Expiration: 11/30/2017

Complaint history: None

Respondent was the manager and owner of a shop and received a notice of violation pursuant to an inspection on 6/10/15. On that date the shop allowed person licensed in Florida, but not Tennessee work in the shop. The manager was next door when the inspection began.

Recommendation: The owner has already paid a fine pursuant to this event on an agreed citation sent to the shop. Close this with a letter of warning about not having a manager present.

Decision: Accepted

41. Case No.: L15-COS-RBS- 2015015141

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This shop received a notice of violation pursuant to an inspection on 6/10/15. On that date the respondent shop was open for business and one employee was braiding a customer's hair. There is no shop license in our records. There were no individual licenses posted on the walls.

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

Decision: Accepted

42. Case No.: L15-COS-RBS- 2015010741

First License Obtained: 12/18/2008

License Expiration: 12/31/2016

Complaint history: 2008027391, dismissed w/no action;
2012002001, closed with Letter of
Warning; 2014026391, closed via
Amended Consent Order payment plan to
pay \$1000 civil penalty

43. Case No.: L15-COS-RBS- 2015010751

First License Obtained: 01/03/2003
License Expiration: 01/31/2017
Complaint history: 2014026381, closed via Amended
Consent Order payment plan to pay
\$1000 civil penalty

44. Case No.: L15-COS-RBS- 2015010761

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

Respondents all received notices of violation pursuant to an inspection on 4/21/14. At the time of inspection there was a women working who is licensed in Georgia but not Tennessee. In Response to her agreed citation she requested that her unemployed single mother status be considered.

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

Decision: Accepted

45. Case No.: L15-COS-RBS- 2015010991

First License Obtained: 07/15/1994
License Expiration: 07/31/2016
Complaint history: None

Respondent received a notice of violation pursuant to an inspection on 4/24/15. At the time of inspection the Respondent was working on a client's hair with an expired license.

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

Decision: Accepted

46. Case No.: L15-COS-RBS- 2015011061

First License Obtained: 09/02/2014
License Expiration: 09/30/2016
Complaint history: None

Consumer complaint was filed against respondent for practicing in her home. The Respondent wrote in admitted to seeing two clients in her home and apologized. Said she was transitioning between jobs.

Recommendation: Dismiss this case with a letter of warning. Have an inspector go by her home to see if clients continue to visit her home.

Decision: Accepted

47. Case No.: L15-COS-RBS- 2015011071

First License Obtained: 10/03/2013

License Expiration: 09/30/2015

Complaint history: None

Consumer complaint was filed against the respondent by a past customer. The complainant says she is owed a refund because her hair did not come out properly.

Recommendation: Dismiss this complaint for lack of jurisdiction.

Decision: Accepted

48. Case No.: L15-COS-RBS-2015011411

First License Obtained: 09/04/2009

License Expiration: 08/31/2017

Complaint history: None

49. Case No.: L15-COS-RBS-2015011421

First License Obtained: 11/12/1998

License Expiration: 11/30/2016

Complaint history: None

Respondents received notices of violation pursuant to an inspection on 4/27/15. At the time of the inspection there was no manager or owner present. The only employee there was practicing on customer and her license was expired.

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

Decision: Accepted

50. Case No.: L15-COS-RBS- 2015011511

First License Obtained: 10/07/1996

License Expiration: 03/31/2017

Complaint history: None

A consumer filed a complaint after receiving a pedicure at this shop. She states that this pedicure caused her to have an ingrown toenail and develop staph infection that has been treated by a podiatrist. She has never had this problem before and believes the salon must have been using unsanitary tools.

Recommendation: There is proof to establish this was a result of the pedicure. Dismiss this case and send an inspector to ensure sanitary conditions are proper

Decision: Accepted

51. Case No.: L15-COS-RBS – 2015011671

First License Obtained: 08/18/1995

License Expiration: 01/31/2016

Complaint history: 2007069091, closed via Consent Order and payment of \$500 civil penalty

52. Case No.: L15-COS-RBS- 2015011691

First License Obtained: 11/07/1996

License Expiration: 11/30/2016

Complaint history: None

Respondents who are the same person received notices of violation pursuant to an inspection. On the day of inspection the shop had various sanitary violations, which the inspector provided pictures of in evidence. In addition, none of the employees were wearing nametags.

Recommendation: Dismiss the complaint against the manger with a letter of warning since there is no prior history. Authorize the complaint against the shop for formal hearing. Allow authority to settle the matter beforehand with a consent order assessing \$500.

Decision: Accepted

53. Case No.: L15-COS-RBS -2015011701

First License Obtained: 04/02/1997

License Expiration: 03/31/2017

Complaint history: None

54. Case No.: L15-COS-RBS- 2015011711

First License Obtained: 02/06/1989

License Expiration: 06/30/2016

Complaint history: None

Respondent, who is the same person in both complaints, received a notice of violation for practicing on an expired license. It was later determined that she had renewed her license but her renewal was held up by the board office because of a continuing education issue, that was not within the respondents control.

Recommendation: Dismiss both complaints.

Decision: Accepted

55. Case No.: L15-COS-RBS- 2015011801

First License Obtained: 03/17/2015

License Expiration: 03/31/2017

Complaint history: None

After receiving a pedicure at the respondents shop, a consumer filed this complaint. The Complainant says they used hot wax on her feet that was so hot that it burned her legs. She pulled back several times but he man who gave her pedicure kept insisting she try the wax again. By the end of the pedicure she says her feet were blue. She has provided pictures.

Recommendation: Close this case with a letter of warning for professional conduct.

Decision: Accepted

56. Case No.: L15-COS-RBS- 2015012171

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A licensee has filed a complaint against a student for practicing cosmetology on customer's hair. She spoke with this student and her mother and they are under the impression that she is allowed to do this under supervision under the new apprenticeship laws.

Recommendation: Dismiss this complaint with a letter of warning/instruction that explains how the apprenticeship laws are going to work.

Decision: Accepted

57. Case No.: L15-COS-RBS – 2015012181

First License Obtained: 02/14/2006

License Expiration: 07/31/2017

Complaint history: 2008011991, closed via Consent Order and payment of \$2,000 civil penalty

A consumer complaint was filed using the name and address of the respondent. The respondents lawyer contacted counsel and suspects that this complaint is part of scheme or harassment from person who has filed complaints against this shop and its owner in the past. The complaint alleges unlicensed activity and unsanitary conditions. Its gives no specific times this has happened and it offers no proof or details to support this claim.

Recommendation: Dismiss this complaint.

Decision: Accepted

58. Case No.: L15-COS-RBS- 2015012191

First License Obtained: 10/29/2008

License Expiration: 08/31/2016

Complaint history: None

59. Case No.: L15-COS-RBS- 2015012201

First License Obtained: 11/25/2002

License Expiration: 11/30/2016

Complaint history: None

Respondents who are the same person received notices of violation pursuant to an inspection, on that date; there was an employee who was blow drying hair who was not licensed. Additionally the shop was not licensed. The shop had attempted to obtain a license but the license did not go through because of a bad check. The owner had contacted counsel and stated that the woman at her shop is her personal assistant who is a student at a local cosmetology school. She does not practice on clients but keeps dates, answers phones, and helps with the cleaning. The person in the chair at the time

of inspection was her niece, so she allowed her assistant to blow dry her hair after the owner had cut her hair. Additionally, she was under the impression her license had been renewed and was not aware that the check had bounced.

Recommendation: Authorize for formal hearing. Allow authority to settle the matter with a consent order assessing \$100. Send a letter of warning on what constitutes cosmetology and requires a license.

Decision: Accepted

60. Case No.: L15-COS-RBS- 2015012301

First License Obtained: 12/08/2009
License Expiration: 11/30/2015
Complaint history: 2010025011, closed via Consent Order and payment of \$1000 civil penalty; 2011008831, closed via Consent Order and payment of \$2000 civil penalty; 2014011901, closed via Amended Consent Order payment plan to pay \$1500 civil penalty

61. Case No.: L15-COS-RBS- 2015012311

First License Obtained: 04/10/2014
License Expiration: 04/30/2016
Complaint history: None

Shop and manager both received notices of violation pursuant to an inspection. When the inspector arrived one of the three employees who was working immediately left through the back door. Several sanitary violations were also observed.

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

Decision: Accepted

62. Case No.: L15-COS-RBS- 2015012381

First License Obtained: 04/15/2009
License Expiration: 03/31/2017
Complaint history: 2012015681, closed with Letter of Warning

63. Case No.: L15-COS-RBS- 2015012391

First License Obtained: 07/13/2001
License Expiration: 07/31/2017
Complaint history: None

Respondent who is the same person received notices of violation pursuant to an inspection. On the day of inspection the shop license was expired while the shop was open for business.

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

Decision: Accepted

64. Case No.: L15-COS-RBS – 2015012411

First License Obtained: 05/29/1986

License Expiration: 09/30/2015

Complaint history: None

65. Case No.: L15-COS-RBS – 2015012401

First License Obtained: 08/30/2000

License Expiration: 08/31/2016

Complaint history: 2009002171, closed via Consent Order and payment of \$650 civil penalty; 2013001841, closed with a CEASE and DESIST letter with a request to an inspector to follow up in thirty days

Respondent who is the same person received notices of violation pursuant to an inspection. On the day of inspection the respondent was open for business with an expired license.

Recommendation: Since this shop has history authorize for formal hearing with authority to settle the matter beforehand with a consent order for \$250 against the shop license.

Decision: Accepted

New Barber Cases

66. Case No.: L15-BAR-RBS - 2015008641,

First License Obtained: 01/08/1990

License Expiration: 08/31/2016

Complaint history: None

The respondent received a notice of violation pursuant to an inspection. At the time of inspection both her master barber license was expired, as was her shop license. She has already settles her case against the shop with an agreed citation.

Recommendation: Dismiss this case, as she has already been punished for this violation.

Decision: Accepted

67. Case No.: L15-BAR-RBS-2015008491

First License Obtained: 02/25/1994

License Expiration: 09/18/2015

Complaint history: 9551, dismissed; 2005005241 & 2005005811, closed and flagged file;

2005012441, closed with Letter of Warning; 2007082761, closed and flagged file; 2009008911, closed and flagged; 2011029321, closed via Consent Order and payment of \$500 civil penalty

This school was inspected after a complaint was filed. The inspector saw that the school was open at 11 am. Students were working on the floor supervised by an instructor. The inspector noticed that the hot water was not working. The lead instructor told the inspector that there was a roof leak thus the hot water had not been working for the last two weeks.

Recommendation: Authorize for formal hearing. Allow authority to settle the matter beforehand with a consent order for \$2000.

Decision: Accepted

68. Case No.: L15-BAR-RBS- 2015011611

First License Obtained: 06/20/1972

License Expiration: 04/30/2014

Complaint history: None

Shop received a notice of violation pursuant to an inspection, at the time of the inspection the shop had one employee working giving a customer haircut. The shop did not have manager present and the shop license was expired. The shop was cited for this at their last annual inspection.

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

Decision: Accepted

69. Case No.: L15-BAR-RBS- 2015011951

First License Obtained: 08/06/2004

License Expiration: 08/31/2016

Complaint history: None

Respondent received a notice of violation pursuant to an inspection as the owner of the shop. At the time of inspection the shop's license had been expired for two years. A complaint was opened against the shop but has been settled with an agreed citation.

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

Decision: Accepted

70. Case No.: L15-BAR-RBS 2015006781,

First License Obtained: 10/16/2002

License Expiration: 10/15/2016

Complaint history: 2010026381, closed w/Letter of Warning; 2010032831, Dismissed; 2011029311, closed by Consent Order and payment of \$500 civil penalty; 2013016351, Formal Charges authorized;

2014018451, closed via Consent Order for the voluntary license suspension; 2014030891, Formal Charges Authorized; 2015012111, Consent Order Proposed for license revocation (pending)

Respondent filed a complaint because he was having dispute with this school owner and couldn't get her to submit his hours so he could test and a get a barber license. Since that time the school owner has signed a consent order that revoked her license. This respondent has subsequently been able to test and receive his license.

Recommendation: Close and flag for further active.

Decision: Accepted

Represented Cases

71. Case No.: L13-COS-RBS 201402443

First License Obtained: 10/30/2013

License Expiration: 10/31/2015

Complaint history: None

A complaint was opened against respondent by the Board September 25, 2014 because the respondent was arrested for stealing and using credit card information. In circuit court she pled guilty to property and identity theft and is currently on probation for 4 years for those charges. She served 9 month in jail. The Board authorized revocation of her license. The Respondent's counsel as has contacted legal counsel and asked for the Board reconsider her case. She is currently serving probation which requires to maintain a full time job, she says she will have the most success in maintaining her probation if she can work in her field.

I have spoken with her probation officer. Her probation officer ("PO") reports that after several months of probation she is doing extremely well. She spends most of her time caring for her elderly grandfather. The Respondent has given notarized consent for her PO to contact the Board Office if her probation is broken in any way.

Her probation has the basic conditions, which includes among other things; that she be employed, that she obey all laws, that she report any arrests to her PO, that she does not own or even hold for anyone a weapon, she must inform her PO if she changes her residence or if she changes jobs, she is drug tested randomly throughout her probation, she cannot indulge in any illegal substance and alcohol may not be used in excess, she must pay restitution to all her victims, and she may not engage in any threatening of abusive behavior. Additionally, her PO has her enrolled in a victim impact class which she attends weekly. The Respondent's PO told me she checks in with her weekly.

Recommendation: Allow the Respondent to continue working on an agreed order that creates our own probationary period. Require the licensure probationary period to coincide her with court ordered probation. If she breaks her probation per her PO, her license can be immediately suspended, and revoked.

Decision: Accepted

72. Case No.: L13-BAR-RBS 2015000161

First License Obtained: 08/28/2012
License Expiration: Unknown
Complaint history: 2013021291, Closed via Final Order by formal hearing for the revocation of Respondent's license and assessment of \$3000 plus hearing costs

Respondent was cited and sent a consent order for working on an expired license. The Respondent's license has since been revoked because of a separate complaint.

Recommendation: Dismiss.

Decision: Accepted

73. Case No.: L15-COS-RBS- 2014018951

First License Obtained: 03/21/1994
License Expiration: 09/01/2016
Complaint history: Complaints # 7301, 8302, 9283, 9781, 2000032481, 2001036321, 2001036341, 2001036421, 2001053341, 2002099431, 2002115141, 2003170361: all Dismissed; 2004198561, Letter of Warning; 2005009291, Dismissed; 2005037361, Dismissed; 2006028071, Dismissed; 2008005951, Dismissed, 2008007401, Dismissed; 2008018031, Closed w/no action; 2008023021, Closed w/no action; 2009000071, 2009018081, 2009021641, 2009025971, 2010009271, 2011019391, all closed w/no action; 2014002891, closed for lack of proven disciplinary action; 2015009351, Dismissed as it's a contractual dispute and send an inspector to the school to witness how customers are treated in the school.

This was consumer complaint which was filed by a past student. The complaint prompted further inspection which then led to a separate complaint. The second complaint which was opened in part because of this original complaint has been settled with the school. To take this complaint to hearing would in effect punish the school twice for the same offense.

Recommendation: Dismiss.

Decision: Accepted

74. Case No.: L14-COS-RBS- 2014019401

First License Obtained: 6/28/2012
License Expiration: 6/30/2014
Complaint history: None

75. Case No.: L14- COS-RBS 2014019411

First License Obtained: 10/28/2014
License Expiration: 10/31/2016
Complaint history: None

Consent order was sent to the owner and the shop, who are the same person for practicing on an expired license. To date, the shop is closed and the person in question has renewed her license. Attempts to contact this person have failed.

Recommendation: Close and flag this shop and this person's license.

Decision

76. Case No.: L13-BAR-RBS 2013001761

First License Obtained:
License Expiration:
Complaint history:

This complaint is from 2013 for operating on an expired license. The CO was for \$500. A search of the consumer-facing TDCI website shows that the license is in closed status and expired on 9/30/13. An internet search turned up a phone number (731-584-0309) which has been disconnected or is no longer in service. The internet yellow pages also confirm that the business is closed.

Recommendation: Close and Flag this case.

Decision: Accepted

77. Case No.: L14-COS-RBS- 2014029251

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

This is an unlicensed barber matter. The NOV used the shop address and this was the address used for the Consent Order, however, all mail is being returned to the Department. There was an e-mail address on the NOV, but no there has been response from the e-mail address. Internet searches in general and those utilizing the resources of the department have been unable to locate the respondent.

Recommendation: Close and flag.

Decision: Accepted

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

First License Obtained: 09/26/2013
License Expiration: 09/30/2017
Complaint history: None

Case No.: L14-COS-RBS-2015000511

First License Obtained: 07/17/2013
License Expiration: Revoked

Complaint history: 2014001301, Closed by Consent Order for the voluntary Revocation of License

79. Case No.: L14-COS-RBS-2015000501

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

80. Case No.: L14-COS-RBS-2015000491

First License Obtained: 12/02/1992
License Expiration: 02/28/2017
Complaint history: None

Consent orders were sent to each respondent per Board authorization. The owner was working on a revoked license. There was an unlicensed person found shampooing hair. The shop was validly licensed but it was not posted. The manager was cited for the unlicensed activity (\$1000), the shop was cited for the unlicensed activity, the owner was cited for their own unlicensed activity (\$3000 combined), and the unlicensed person was cited (\$1000). Counsel has been contacted by all respondents through legal counsel or on their own. The unlicensed person has submitted statement from her uncle who says he was having his hair washed by his niece, free of charge on the day in question. They are family friends with the owner. The owner has submitted a copy of the valid shop license and says it is now posted. The manager called to say she was not working at the time of the inspection, but our inspector refutes this. The owner of the shop confirms that the manager did work for the shop, but only on a limited basis. Her actual role as manager over her boss, the owner, especially considering she worked on a limited basis is questionable. All respondents have asked the Board to reconsider their penalties.

Recommendation: Dismiss the complaint against the manager with a letter of warning. Authorize the complaints against the owner the shop for formal hearing allow authority to settle the matter beforehand with a consent order assessing \$2000 against the shop license. Authorize a formal hearing against the unlicensed person; allow authority to settle the matter before hand with a consent order assessing \$250.

Decision: Accepted

81. Case No.: L15-COS-RBS- 2015007281

First License Obtained: 08/05/2011
License Expiration: 07/31/2017
Complaint history: None

82. Case No.: L15-COS-RBS- 2015007282

First License Obtained: 12/26/2007
License Expiration: 12/31/2015
Complaint history: None

Respondents, who are the same person received notices of violation on March 13, 2015 pursuant to an inspection. At the time of inspection the shop license was expired and there was not a manager or owner present. The inspector also observed one employee work on a customer's hair that had an expired license. The respondent has contacted counsel with this email- "After opening my shop I shortly realized that I was expecting a baby. I had my first child by C-section which is a major surgery which lead to me not working for around 3 or 4 months. Shortly after recovering I became pregnant again which lead to my second C-section. So within my first 2 years of having my shop both year's it was closed for periods of time while I recovered. In the mist of returning it clearly slipped my mind that while I was renewing my cosmetology license, I also need to be renewing my shop license. I was clueless and had forgotten all about them. Being that I opened the shop had 2 children within a matter or 2 years. I just became very overwhelming which in turn lead to me forgetting necessary obligations as this. I sincerely apologize for not being prepared or as focused as I needed to be at the time. However, once this was brought to my attention I instantly got on line and renewed them the same day. It expired a few months later and again I renewed a month before the expiration date

Recommendation: Close the cases with a letter of warning.

Decision: Accepted

83. Case No.: L14-COS-RBS- 2014011961

First License Obtained: 03/05/2009

License Expiration: 03/31/2013

Complaint history: None

Respondent was cited as a co- owner on a shop that had multiple violations and was sent a Consent order per the Board's authorization. The other owner contacted counsel, this respondent is the ex-wife of more than 2 years at the time of the violation. She did not work at the shop, nor had she retained any interest in the shop. The actual owner had not removed her from the license. This has been corrected.

Recommendation: Dismiss this case.

Decision: Accepted

84. Case No.: L15-COS-RBS- 2015006641

First License Obtained: 06/10/2004

License Expiration: 05/31/2017

Complaint history: 2009007261, closed and flagged

This shop was sent a consent order per the Boards authorization for offering waxing services. They responded with a copy of check they wrote for this violation attached to a signed agreed citation. The agreed citation was intended for the manager. The manager cannot be found to be held responsible and the shop has already paid for this fine at least once.

Recommendation: Dismiss this case against the shop.

Decision: Accepted

85. Case No.: L14-COS-RBS – 2014027861

First License Obtained: 03/01/1996
License Expiration: 08/31/2016
Complaint history: None

Respondent received a notice of violation on October 24, 2014 alleging that as manager she was operating the shop without a shop license. The respondent sent in payment but did not sign the consent order. The respondent has been unable to reach since that time.

Recommendation: Accept payment. Close this case and flag this as prior history.

Decision: Accepted

86. Case No.: L14-COS-RBS- 2015002631

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

Respondent received a notice of violation on January 23, 2015 pursuant to an inspection. The name and social security number that the respondent provided to us belong to a man who lives in New Jersey. His lawyer has contacted me to discuss this issue and seems that this is a mistaken identity.

Recommendation: Dismiss the complaint.

Decision: Accepted

87. Case No.: L14-COS-RBS- 2013011361

First License Obtained: 11/29/2012
License Expiration: 10/31/2016
Complaint history: None

Shop was sent a consent order for \$250 based on a citation of insufficient lighting. There are no photos from the day of the violation, and it appears there was an issue with the landlord that has now been resolved.

Recommendation: Close this case.

Decision: Accepted

88. Case No.: L14-COS-RBS-2013013181

First License Obtained: 12/02/2010
License Expiration: 09/30/2014
Complaint history: 2013003991, closed with a CEASE and DESIST advisory notice with a request for an inspector to follow up within 30 days

This shop was cited on 2013 for operating on an expired license. Since that time the shop has closed and licenses is no longer active.

Recommendation: Close and flag.

Decision: Accepted

89. Case No.: L14-COS-RBS- 2014001861

First License Obtained: 10/20/2009

License Expiration: 09/30/2013

Complaint history: None

This shop was cited on 2013 for operating on an expired license and allowing an employee to work on an expired license. Since that time the shop has closed and licenses is no longer active.

Recommendation: Close and flag this case.

Decision: Accepted

90. Case No.: L15-COS-RBS- 2015004441,

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

91. Case No.: L15-COS-RBS- 2015004421

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondents were both cited for unlicensed activity pursuant to an inspection. The shop has settled their case. It appears we were not given correct information on these individuals. We have used all of the department's resources to locate these individuals and have not been able to find them

Recommendation: Close these cases and flag for further activity.

Decision: Accepted

92. Case No.: L15-COS-RBS-2015009761

First License Obtained: 09/27/1994

License Expiration: 09/30/2016

Complaint history: None

Respondent received a notice of violation on April 10, 2015. The respondent was the owner of a shop and had an expired license. She has paid an agreed citation on a complaint against her shop license that was opened pursuant to this complaint.

Recommendation: Dismiss this case and flag for history. The amount she paid on her agreed citation is equal to the amount that would have been recommended here.

Decision: Accepted

The meeting adjourned at 8:30 AM.

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

As a whole, the board discussed the recommendations, legal counsel addressed complaints that needed special explanations and Chair Gillihan explained the decisions.

MOTION made by Ron Gillihan and seconded by Bobby Finger to approve all decisions made by the legal committee as amended. Motion carried unanimously.

Cosmetology Consent Orders – August and September - Totaling \$68,025.00

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

Agreed Citations – Paid in August \$11,700.00

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

Agreed Citations – Letters of warning

The following 7 case numbers were sent letters of warnings as part of the agreed citation process:

2015020916

2015020918

2015020920

2015020922

2015020924

2015020929

2015021303

MOTION made by Patricia Richmond and seconded by Kelly Barger for approval of the letters and to close the complaints Motion carried unanimously.

NEW BUSINESS

2016 Board Meeting Dates:

The 2016 dates were previously emailed to all board members for consideration. The dates are consistent with approved dates in 2015. The board has elected to hold meetings nine months out of the year skipping: January, July and September. The consensus is that this process is worth continuing in 2016. Also, meetings are held the first Monday of the month with the exception of February and December.

MOTION made by Judy McAllister and seconded by Patricia Richmond to approve 2016 dates as presented. Motion carried unanimously.

Proposed Rules:

Attorney for the board, Laura Martin presented a paper version of the current proposed rules at the August board meeting for the board to take home and review. Most of the items on this next round are a result of rules needed to implement the 2015 law changes, items the rule making committee has been working on and suggestions from legal counsel or the Executive Director. Further conversation of items to add and changes to make were proposed. The agreement was to present the rules again in November with the hope that they can be finalized at that meeting and ready to proceed for review and submission on to the next step in December.

CORE – new Regulatory Board System:

On September 9th the State Board of Cosmetology and barber Examiners, along with all the other regulatory boards, converted over to the new computer system used for licensure and complaints. This project has been in the works for about three years. The conversion was a true success. Anyone that has ever rolled out technology knows that success does not mean flawless or immediate, but by all standards, we are working in the new system, licenses - both new and old renewed ones - are being mailed daily and we are getting more efficient by the day. The new online link for renewals will be launched soon but it is already taking payments. The online system is more secure, there is no longer a fee to pay online, you are able to use your bank account information as a new option for payments and, if you have more than one license with Commerce and Insurance, they can be viewed and managed at the same time. The office team has been amazing through the transition and we continue to learn how to get the most out of the system. If you need information, a new license or a renewal, know that we are all working hard to get current but can definitely see the light.

Report with possible new renewal fees:

As presented previously by the Deputy Commissioner to the board, we have been entrusted with consideration of raising fees for the licensees of this board. A report was emailed and handed to every board member so they could look at the numbers and consider three different options presented. The board discussed the options and the board decided to go with the middle increase which takes the fees to \$60. All other fee changes will be presented to the board at the November meeting.


MOTION to accept the middle increase was made by Judy McAllister and seconded by Frank Gambuzza. Motion carried unanimously.

Additional Questions:

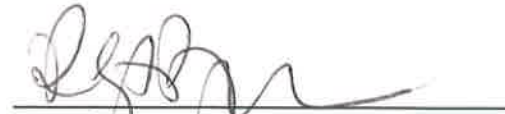
Motion to adjourn

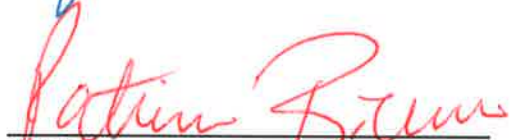
MOTION to adjourn made by Judy McAllister and seconded by Patricia Richmond. Motion carried unanimously.


Dianne Teffeteller


Nina Coppinger

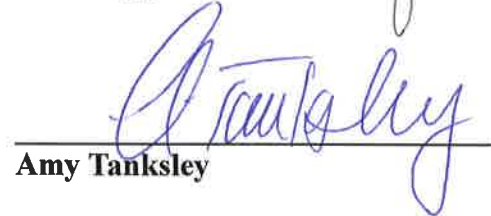

Judy McAllister


Kelly Barger


Patricia J. Richmond



Mona Sappenfield

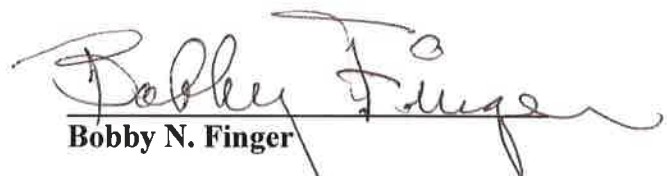

Frank Gambuzza


Amy Tanksley

Anita Allen

Yvette Granger


Ron R. Gillihan


Bobby N. Finger


Brenda Graham