



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting August 8, 2016 at 10:25 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.

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

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

MINUTES-

Minutes for the June 6, 2016 board meetings were submitted for changes and/or approval.

Motion made by Bobby Finger and seconded by Patricia Richmond to approve the June 6, 2016 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Shear Perfection Academy of Cosmetology, New Nashville Campus:

Mr. Elvin Mejia and Ms. Helen Tahiri appeared before the board to present a new school application for both a cosmetology and a barber. This will be the schools second campus. The floor plan, student agreement, curriculum, applications and fees have all been received by the board. The school is ready to be inspected. The barber school cannot be licensed until 15

tentative contracts are submitted to the board office. This is part of a new rule and effective since December 2015.

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

Crown School of Trades and Technology, New School:

Mr. Michael Mabe appeared before the board to present a new cosmetology school application for a location in Powell. The section to be used for the cosmetology program is 3,000 square feet. The floor plan, student agreement, curriculum, application and fees have all been received by the board. The school is ready to be inspected.

MOTION made by Patricia Richmond and seconded by Kelly Barger to approve school application pending an inspection by a board member and field inspector. Motion carried unanimously.

BellaDonna's Academy of Cosmetology, Change of Location:

Ms. Donna Byington appeared before the board to present a change in location for a cosmetology school located in Kingsport. The floor plan, application and fees have all been received by the board. The school is ready to be inspected and would like to open this week.

MOTION made by Patricia Richmond and seconded by Kelly Barger to approve school application pending an inspection by a board member and field inspector. Motion carried unanimously.

Pyramid Beauty School, Change of Ownership, New School License:

Mr. Cleophus Bryant appeared before the board to present a new school application for both a cosmetology and barber school license. The floor plan, student agreement, curriculum, applications and fees have all been received by the board. This school is located in Memphis. It was previously licensed to Mrs. Lois Bryant and that license was revoked on October 2/ 2015.

Anthony Glandorf, Chief Legal Counsel for the Regulatory Boards explained the concerns with this application and the continual involvement of Mrs. Bryant with the school. Correspondence with the board repeatedly included Ms. Bryant's email instead of the new owners. Mr. Glandorf read documents to the board and provided an example of a similar situation. He explained that under these circumstances denial is an option.

MOTION made by Nina Coppinger and seconded by Mona Sappenfield to deny the school application. Motion carried unanimously.

Career Beauty College, Nashville Campus:

Mr. and Mrs. Steve McMasters appeared before the board to present a change in ownership application for a cosmetology school located in Lawrenceburg. They are maintaining the school name. The floor plan, student agreement, curriculum, bill of sale, application and fees have all been received by the board. The school is ready to be inspected.

MOTION made by Mona Sappenfield and seconded by Nina Coppinger to approve school application pending an inspection by a board member and field inspector. Motion carried unanimously.

The Institute of Beauty:

Ms. Tamika Turner appeared before the board to present an addition to the school license approved at the May 9, 2016 board meeting. This new natural hair styling school, under the name of The Institute of Beauty, is located in Bartlett. The request is considered a change in location. The school started out as an apprenticeship school and had no floor space to offer practical hours to students. Ms. Turner had requests from future students who wanted to complete all 300 hours at the school. The application, payment and floor plan were provided.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve school application pending an inspection by a board member and field inspector. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Application for examination for Dana Campbell, Jason Maclin (master barber) and Christine Widner. The applicants have felonies within the last three years or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel. Legal counsel read a change in the law that affects the felony interpretation for master barbers only and limits what can be denied to charges that are in direct concern for the industry.

Motion made by Nina Coppinger and seconded by Bobby Finger to approve application for examination with a signed Agreed Order for cosmetology applicants. Motion carried unanimously.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve application for examination with a signed Agreed Order for master barber applicant. Motion carried unanimously.

Application to test as an aesthetician with hours from India for Sreedivya Amballa. Ms. Amballa provided translated diploma and a letter from the principal stating 1,428 beauty therapy hours were completed between 2014 and 2015.

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

Application to test as a manicurist with hours from Vietnam for Linh Nguyen. Mr. Nguyen provided translated certificates and a transcript of hours. The application has manicurist marked however the documents show he completed a total of 2,000 which covers all the cosmetology programs. Based on the documents the consideration should be for the cosmetology exam.

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

Application to test as a manicurist with hours from Vietnam for Thanh Quach. Ms. Quach provided a translated diploma and certificate of completion showing 714 hours received at World Nail School in March 2016. The board office has received documents from this school before and at the June meeting asked the director to find an agency that could evaluate the authenticity of these documents. The concern was that several individuals were coming from the same school; the home address and telephone number were the same and online search did not find the school information. The board office worked diligently with legal counsel and the contract division to start the process. The conclusion is a recommendation from legal to add this requirement for international applicants and be consistent to require the expense and delay from everyone. To do this, we would have to add it to the rules. A search for the school was done once more and this time a few items were pulled up. Whether or not the school is teaching cannot be determined but an online presence was found. At this point there are six applicants waiting on their request to test. Given that we can't ask for verification of their documents we can approve them or deny and they would have to attend school all over again. Changing the rules to incorporate this new evaluation process need to be worked out separately and is a lengthy process.

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

Application to test as a master barber with hours from Puerto Rico for Eduardo Rios. Mr. Rios appeared before the board to answer any questions they had. He provided a translated letter from the school stating 1,000 hours were completed in September 1998. In 2003 it appears he completed an additional 236 hours and possibly another 450 hours at night school.

Motion made by Kelly Barger and seconded by Yvette Granger to approve request to take the Tennessee exams. Motion carried unanimously.

Application to test as an aesthetician with hours from India for Jagruti Patel. Ms. Patel was previously presented to the board in May because her application had cosmetology marked and she did not have enough hours to meet that program and be approved to test. After receiving the board's decision she contacted the office and provided a letter explaining her experience, education and request to test for an aesthetician license.

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

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for reconsideration of reciprocal license from Michigan for Batol Mohammed. Ms. Batol appeared before the board with attorney John Slater representing her. Ms. Mohammed was presented to the board previously for a reciprocal license and denied because she has presented herself as a cosmetologist. The shop she was associated with was revoked for unlicensed activity and the board did not approve her request taking everything into account.

MOTION made by Patricia Richmond and seconded by Bobby Finger 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. Mr. Jeremy Eanes passed his master barber practical examination in November 2015. Under the Barber statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. He took his exams while incarcerated and is still serving time. This is the reason for his delay and request to grant the license and not require him to re-test.

MOTION made by Amy Tanksley and seconded by Patricia Richmond 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. Mr. Carlos Palmer has appeared before the board for an extension to this same rule. At that time and now he has supplied medical records that show he suffers from PTSD after serving in the gulf war between 1994 and 1998. He struggles with following through with details and is asking for reconsideration. He passed his reinstatement exam in March 2015.

MOTION made by Mona Sappenfield and seconded by Yvette Granger 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. Haven Underwood passed her cosmetologist practical examination in September 2015. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Underwood submitted a letter explaining that she had complications with her pregnancy and she submitted many medical documents to support the pregnancy and other issues.

MOTION made by Amy Tanksley and seconded by Bobby Finger 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. Ashley Frey passed her cosmetologist practical examination in August 2015. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Frey submitted a letter from an instructor asking for consideration on her behalf because of medical treatment Ms. Frey had to go through. From the dates of the medical records it is clear that between September 2015 and February of 2016 she dealt with various health issues.

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

Request from Mr. Taiwo Anderson for permission to continue testing as a master barber. Mr. Anderson appeared before the board to answer all their questions. He completed hours at International Barber & Style in 2002 however he failed the Tennessee exam at least 20 times. In 2012 he obtained his master barber license by reciprocity. An audit of those files found that the license was fraudulent. In May 2015 the complaint was finalized and Mr. Anderson's license was revoked. Documents provided for the boards review include the final order for revocation.

Attorney Anthony Glandorf provided the board with additional information on the case since he happened to be the litigating attorney at that time.

MOTION made by Yvette Granger and seconded by Bobby Finger to approve request. Motion carried unanimously.

Request from Mr. Peter Nguyen for permission to continue testing as a manicurist. Mr. Nguyen appeared before the board to answer all their questions. He currently has a complaint against his manicurist license that was obtained by reciprocity from Texas. Many complaints have been opened against licensees that were cited on Consent Orders by Texas schools that had disciplinary cases against them. Final Orders were provided to Tennessee and from those orders, this board has decided to revoke the licenses involved. Mr. Nguyen is one of those cases and he is going to surrender his license and sign to Consent Order today. He has a family to provide for so he went in person to the board office and spoke to the director. Mr. Nguyen completed his hours at Tullahoma Beauty School in 2003. He struggled to pass the exam with PSI failing a total of 19 times between 2007 and 2011. In June 2013 he obtained his Tennessee manicurist license by reciprocity from Texas. The board reviewed the current complaint against Mr. Nguyen. He believes that he can now pass the exam since it is offered in Vietnamese.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve request. Motion carried unanimously.

Request from Mr. Phong Thanh Ngo for permission to continue testing as a cosmetologist. Mr. Ngo appeared before the board to answer all their questions. In September 2011 Mr. Ngo obtained a Tennessee manicurist license through reciprocity. An audit revealed that his license was obtained by fraudulent means and a complaint was opened. In January 2014, Mr. Ngo signed the Order to revoke his license. In December 2014 he completed his 621 hours at Lyle's School of Hair Design. He has been testing with PSI since that time. On June 29, 2016 he passed the practical exam and is now requesting his license. Part of the revocation process included explaining to individuals that if they completed school and passed both exams, that it would be at the board's discretion to approve them for licensure. The board asked that an agreed order be presented for a year probationary period and testing be approved after the order is returned.

MOTION made by Yvette Granger and seconded by Amy Tanksley to approve request and add one year probation. Motion carried unanimously.

Request from Tu Dang Cao for a manicurist instructor license. Mr. Cao took and passed both his exams and is timely requesting his license. He thought he attended Pyramid Beauty School in Memphis back in 2015. When the board office audited his instructor hours, no records were found under the school license that submitted him to test recently. Other parts of his information did not add. He was handed a recent withdrawal document that said he attended between January 2014 and July 2015. The director spoke with him and eventually 306 hours from 2014 were

found on the report for Pyramid. He stated that he went to another school in the Memphis area for their assistance and did not know to come to the board. At this point he has passed his exams and is asking for his license.

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

Request from instructor Pamela Heard for consideration of her missed continued education. Ms. Heard had two separate licenses, one strictly as a cosmetologist and that one goes back to 2006. In 2009 she obtained her instructor license and attended a session in 2010. She continued renewing that license but did not keep up with continued education because she moved out of the State. Something happened in 2014 when she presented her reciprocity application and that included the instructor part. Instead of adding it back to the original license, she was given a different license number which included the instructor part. Because she did not attend a session By April 2016 she needs to re-test. She did not realize she had two different numbers. At this point she is too late for the extension but has a unique case that added to her missing the required hours of continued education.

MOTION made by Kelly Barger and seconded by Amy Tanksley to approve request. Motion carried unanimously.

Request from Mr. Travis Hughes for his master barber hours, Mr. Hughes presented a short letter explaining that he completed 899 hours toward barbering back in 2007. Then while incarcerated, he was able to get all of his hours for cosmetology and has been a licensed cosmetologist since October 2010. Usually the crossover hours are started when a person is already licensed. Because this happened in the opposite order, it is at the discretion of the board whether or not to accept those hours and allow him to test.

MOTION made by Bobby Finger and seconded by Mona Sappenfield to approve request to test. Motion carried unanimously.

School updates or added information:

The Institution School of Cosmetology is requesting approval of night time hours as well as separate curriculum for: instructor, manicurist and natural hair stylist. Because this school is already licensed as a full cosmetology school and has been inspected to include all the necessary floor space, they do not need further approval. I also explained to them that since the renewal cycle for cosmetology schools is open right now, they can add all this information to the online renewal process. They have stated that the floor plan has not changed.

Paul Mitchell, the school Murfreesboro and Knoxville campuses will be adding the Make-Up curriculum as an optional extended program. The additional 95 hours will not be certified by the

board and the students will be given the option to take this path with a focus on Make-Up. An email explanation was presented to the board.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, August 8th to review twenty two reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger and Ron Gillihan. 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 master barber license from Michigan for Alaa Alhashimi. Certification shows initial licensure in December 2015 by reciprocity from Iraq. Mr. Alhashimi provided a translated certified transcript showing 2,600 hours received between June 2011 and July 2012.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity with education obtained in Mexico in cosmetology for Evangelina Arcos. Various documents were provided to the board office including certificates and diplomas. The translated educational form shows she completed 1,600 hours in November 1998.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from Florida for Amy Brewster. Certification shows initial licensure in September 2002 with 240 hours and no examination. Ms. Brewster provided a notarized letter from an employer stating she was employed there between 2003 and 2013. She does not have proof of work experience for the last two years.

Recommendation - is that the applicant take the Tennessee exams.

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 Paige Daniel. Certification shows initial licensure in August 2011 with 1,200 hours and no practical exam. Ms. Daniel provided a notarized letter from an employer stating she was employed there between August 2011 and May 2014. She also provided tax records. She does not have the full five years of work experience.

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 with education obtained in the Republic of Guinea in African Braids for Kadiatou Diallo. Ms. Diallo did not select the license type she is pursuing but the closest would be natural hair styling. She provided a translated diploma showing that between September 2003 and September 2006 she completed 300 hours.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of aesthetics license from Florida for Robin Erb. Certification shows initial licensure in December 1990 with 500 hours for a full specialist license and no proof of examination. Ms. Erb has provided documents proving her work experience in Florida and Massachusetts. She is requesting the board waive her need for the examinations since she has been working in the industry for over twenty five year.

Recommendation - is that the applicant be approved for reciprocity.

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 Marcie Ginsberg. Certification shows initial licensure in October 1996 with 1,200 hours and no practical exam. Ms. Ginsberg has provided a notarized statement that she has work experience in Florida since 1996 through 2015. Her tax records for 2014 and 2015 show a shop with an address in Tennessee but her information confirms that the shops physical address is in Florida. She is requesting the

board waive her need for the examinations since she has been working in the industry for twenty years.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Michigan for Nahla Gunber. Certification shows initial licensure in July 2013 by reciprocity from Iraq. Ms. did not provide any additional education documents but Michigan would have reviewed those prior to approving her reciprocity.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity with education obtained in Mexico in cosmetology for Cruz Huerta. Various documents were provided to the board office including certificates and diplomas. The translated educational certificate shows she completed 2,000 hours in 2010.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from Florida for Linda Johnson. Certification shows initial licensure in August 1991 with 240 hours and no examination. Ms. Johnson has provided documents proving her work experience in Florida. She is requesting the board waive her need for the examinations since she has been working in the industry for twenty five year.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of manicurist license from Georgia for Ngan Thi Mai. Certification shows initial licensure in November 2013 with 1,050 apprentice hours which in Georgia is recognized as 525 credit hours. Ms. Mai provided a document supporting her work experience but she has not been licensed long enough to have five years and is only 75 hours short.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of aesthetics license from Florida for Angela Marran. Certification shows initial licensure in March 2002 with 500 hours for a full specialist license and no examination. Ms. Marran completed her hours in 1995 and the transcript provided shows 602 hours obtained in aesthetics. She also provided a signed letter from a plastic surgery office stating she worked there for the last five years. Ms. Marran appeared before the board after her application had been reviewed and the board asked additional questions.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from Georgia for Loc Huu Nguyen. Certification shows initial licensure in November 2013 with 525 hours by examination. Mr. Nguyen provided most of his tax returns but has only been licensed for three years. He has profit and loss statements on the shop he owed that also proves work in the industry. He is only 75 hours short.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from Pennsylvania for Tina Nguyen. Certification shows initial licensure in May 2008 by examination with 200 hours. Ms. Nguyen is also licensed in Ohio since 2008 and there she has a managing manicurist license. She provided several letters from employers showing proof of work experience, it is not the full last five years and it also shows she was on an apprenticeship program in Maryland but never got licensed there because she moved to Tennessee.

Recommendation - is that the applicant be approved for reciprocity.

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 Nena Callahan-Patton. Certification shows initial licensure in April 1992 with 1,200 hours and no practical examination. Ms. Callahan-Patton provided educational documents and a letter from her employer stating she worked since 1999 through 2015. She is requesting the board waive her need for practical examinations since she has been working in the industry for over twenty years.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity with education obtained in Mexico in cosmetology for Maria Isabel Pena. Various documents were provided to the board office including certificates and diplomas. The translated educational form shows she completed 1,520 hours in June 2000. Ms. Pena will need to provide additional documents to clarify the name differences but otherwise her educational hours show cosmetology curriculum.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from California for Ellise Pham. Certification shows initial licensure in April 2003 by examination with 400 hours. Ms. Pham was asked to provide work history for the last five years and she submitted 2010 through 2015. Her records were missing 2011 and 2012. The follow up requests generated an email from a shop in San Diego. The board office looked into the address and phone number and the information is not accurate.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to deny reciprocity and request 200 additional hours. Motion carried unanimously.

Application for reciprocity of aesthetician license from New York for Suzanne Price. Certification shows initial licensure in February 2013 by examination with 600 hours. Ms. Price submitted copy of her Bachelors program and two additional certificates showing additional education in the aesthetics industry, including the medical side.

Recommendation - is that the applicant be approved for reciprocity.

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 Rebecca Spennato. Certification shows initial licensure in April 1997 with 1,200 hours and no practical examination. Ms. Spennato provided sufficient documents regarding her work experience but she is missing the practical exam. She emailed a letter for the board explaining why her twenty years of experience should be considered and that exam be waived.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Maryland for Brian Truong. Certification shows initial licensure in February 2016 with 1,500 hours through reciprocity and that they required he take both exams. The reciprocity from North Carolina was further questioned and no certifications could be obtained. The director spoke with Maryland and that State board will be opening a complaint and possible revocation of the license because the North Carolina certification was false. This information means the Maryland certification is not accurate and he does not meet minimum requirements. Mr. Truong currently has a manicurist

Recommendation - is that the applicant be denied a cosmetology 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 Kentucky for Kimberly Vanover. Certification shows initial licensure in June 2016 by examination with 1,529 hours. Kentucky has a probationary period where the individual completes six months of working under a probationary license and then they can obtain an active license.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity with education obtained in Mexico in cosmetology for Patricia Vargas. Various documents were provided to the board office including certificates and diplomas. The translated educational form shows she completed 1,170 hours in 2008 and 2009. Ms. Vargas

completed 520 hours at Shear Perfection Academy to give her the necessary hours and prepare her for the exams.

Recommendation - is that the applicant take the Tennessee exams.

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

The committee meeting adjourned at 9:55 AM.

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

MOTION made by Mona Sappenfield and seconded by Patricia Richmond 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 8:30 AM on Monday, August 8th to review the allegations of **82** complaints and make recommendations to the Board.

Attending were Board members Bobby Finger and Amy Tanksley. Not in attendance Frank Gambuzza.

NEW CASES

COSMETOLOGY CASES

- Case No.: COS-2016018491**
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

A complaint was filed by past customer who had a bad experience with a dye job. The respondent was referred to her by a friend. The respondent operates a shop out of her home. The complainant was able to send in a picture of the home shop.

The respondent is listed at an address that we don't have in board records. However, we do have a licensee with the same name who is listed at a separate address. It may be possible that the respondent is licensed, but the home she is working out of is not licensed as a shop.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

2. Case No.: COS-2016018901
First License Obtained: 05/24/2013
License Expiration: 05/31/2015
Complaint history: 2015017641, closed by Consent Order and payment of \$100 civil penalty

3. Case No.: COS-2016018931
First License Obtained: 07/10/1991
License Expiration: 12/31/2015
Complaint history: 2015017651, closed by Consent Order and payment of \$100 civil penalty regarding the shop above

Respondent was cited on both their personal and shop license pursuant to an inspection. At the time of inspection the respondent's personal and shop licenses was expired. The shop was open at the time of inspection and the shop was serving three customers.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$200.

Decision: Approved

4. Case No.: COS-2016019201
First License Obtained: 05/20/2014
License Expiration: 04/30/2018
Complaint history: None

Complaint was filed against this respondent following an eyelash service. The complainant received an eyelash extension at the respondent shop. The following morning she had swollen eyes. The shop removed her lashes. She then went to see a physician at an emergency walk in clinic who prescribed her with a steroid shot and antibiotic cream. The physician allegedly told her that the infection was most likely from the eyelash service.

Recommendation: Close with a letter of warning. Send an inspector to the shop to observe sanitation practices.

Decision: Approved

5. Case No.: COS-2016022161
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

A complaint was filed against the respondent alleging she was practicing aesthetics without a license. She maintains an Instagram account where she describes herself as a self-taught makeup artist. She also has a link to an email address after the phrase "book me". She did not respond to the complaint in writing but she did call the complaint coordinator where she admitted to the activity saying she didn't need a license to be a makeup artist.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

6. Case No.: COS-2016022621
First License Obtained: 06/29/1995
License Expiration: 08/31/2017
Complaint history: 2012019701, closed by Consent Order and payment of \$250 civil penalty

7 Case No.: COS-2016022641
First License Obtained: 06/29/1981
License Expiration: 05/31/2018
Complaint history: None

Respondent was cited pursuant to an inspection on both her personal and shop licenses. At the time on inspection the shop license was expired. The shop was open and the respondent was serving a customer.

Recommendation: Authorize formal hearing. Allow authority to settle by consent order assessing \$100.

Decision: Approved

8 Case No.: COS-2016022901 unlicensed
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

A complaint was filed alleging that the respondent was engaged in unlicensed activity. The complaint did not have any further information.

Recommendation: Close with a letter of warning. Send an inspector to the address given by the complainant to follow up.

Decision: Approved

9 Case No.: COS-2016023031
First License Obtained: 12/02/2010
License Expiration: 10/31/2016
Complaint history: 2012012091, closed with a Letter and Warning and flagged; 2013024001 & 2015002501, closed by Initial Order and assessment of \$750 civil penalty and \$425.00 investigatory costs.

A complaint was filed by a consumer after receiving a pedicure. The day following the pedicure the complainant had swollen feet. She went to an emergency walk-in clinic where she was diagnosed with an infected cuticle.

Recommendation: Send and inspector to review sanitation practices related to pedicure.

Decision: Approved

10 Case No.: COS-2016023201

First License Obtained: 07/19/2012
License Expiration: 06/30/2016
Complaint history: None

11 Case No.: COS-2016023221

First License Obtained: 07/16/1996
License Expiration: 07/31/2016
Complaint history: 2014011981, closed by Consent Order and payment of \$100 civil penalty

12 Case No.: COS-2016023241

First License Obtained: 01/03/2014
License Expiration: 01/31/2018
Complaint history: None

Shop was cited pursuant to an inspection. At the time of inspection the shop, the manager and an employee were all cited because the employee was serving a customer on an expired license. The employee renewed their license at the time of inspection. The employee has settled the case against their personal license.

Recommendation: Close with a letter of warning to all three.

Decision: Approved

13 Case No.: COS-2016023941 (unlicensed)

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

This shop was cited pursuant to an inspection. At the time of inspection the shop was open and three persons were serving customers. Neither the shop nor any of the three employees had licenses.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$4000.

Decision: Approved

14 Case No.: COS-2016023961 (unlicensed)

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

An anonymous complaint was filed alleging unlicensed activity of the respondent. The complaint alleged that advertising for these services could be found on Instagram or Facebook. Neither account was accessible.

Recommendation: Close, send an inspector to the address given by the complainant.

Decision: Approved

- 15 Case No.: COS-2016024221 (unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

A complaint was filed by a consumer alleging that the shop that the above respondent worked at was unsanitary. An inspector visited this shop and found the respondent giving a customer a pedicure. The respondent is not licensed by this Board.

Recommendation: Authorize formal charges. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

- 16 Case No.: COS-2016024701
First License Obtained: 08/30/2006
License Expiration: 08/31/2018
Complaint history: None

This shop was cited pursuant to an inspection. At the time of inspection the shop was opening and serving customers and the shop license was expired. They were sent an agreed citation. The shop sent in payment for the agreed citation but never signed the citation.

Recommendation: Close. Flag the shop license to document this history.

Decision: Approved

- 17 Case No.: COS-2016025221 (unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

A complaint was filed against the respondent for unlicensed activity. The respondent is a company that advertises online to throw "pamper the princess" birthday parties for little girls. The parties include hair and makeup being done on little girls, a dress up component, a photo booth and runway following the "pampering" and crafting that is unrelated to cosmetology. The company also has a physical location where they sell clothing for children. The respondent is not licensed.

Recommendation: Discuss.

Decision: Close with a letter of warning

- 18 Case No.: COS-2016025341
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

- 19 Case No.: L16-COS-RBS-2016025361
First License Obtained: 06/24/1994
License Expiration: 06/30/2018

Complaint history: None

The shop and the manager were cited pursuant to an inspection. At the time of inspection the shop was unlicensed. The manager told the inspector that she thought that the shop was allowed to operate on the old owner's license until they got on their feet. It had been 6 months since she said the new owner bought the shop. She said she really was unaware that the new owner hadn't handled the shop application.

Recommendation: Authorize formal charges against the shop. Allow authority to settle by consent order assessing \$500. Close with a letter of warning against the manager.

Decision: Approved

20 Case No.: COS-2016025381

First License Obtained: 04/25/2013

License Expiration: 04/30/2017

Complaint history: None

This shop was cited pursuant to an inspection. At the time of inspection the shop had no manager or owner present, only three employees. Once the inspector announced himself two of the employees immediately left through the back of the shop. The remaining employee said that she didn't have a license to practice. The shop also had various sanitation issues, dirty storage areas, uncovered trash cans etc.

Recommendation: Authorize formal charges. Allow authority to settle by consent order assessing \$4000.

Decision: Approved

21 Case No.: COS-201602571

First License Obtained: 12/02/2010

License Expiration: 08/31/2017

Complaint history: 2012003001, closed by an Amended Consent Order and payment of \$250 civil penalty under a prior shop owner

A complaint was filed by a licensee and a client. She stated that she went back to the shop for a pedicure that had once given her fungus. When they began to fill up the bowl she saw that the water was dirty. She asked them to drain the water clean the bowl and start over. The owner asked her leave.

Recommendation: Close. Send an inspector to observe sanitation practices.

Decision: Approved

22 Case No.: COS-2016026501

First License Obtained: 08/16/2011

License Expiration: 07/31/2017

Complaint history: 2012001241, closed by a Letter of Warning

This shop was cited pursuant to an inspection. At the time of inspection there were five employees. One was working with a client but only threading her eyebrows. There was no manager present at the time. This is a licenses cosmetology shop.

Recommendation: Close with a letter of warning.

Decision: Approved

23 Case No.: COS-2016027501

First License Obtained: 05/19/2014

License Expiration: 04/30/2016

Complaint history: None

Shop was cited pursuant to an inspection. At the time of inspection the shop was open and offering services. The shop license was expired. The employee present said she was only the manager of products but not of the shop.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$200.

Decision: Approved

24 Case No.: COS-2016028121

First License Obtained: 09/26/2013

License Expiration: 09/30/2017

Complaint history 2015000481, closed by Consent Order and payment of \$2000 civil penalty; 2016029021, Consent Order Authorized

A complaint was filed by a consumer who alleged that the respondent shop hired unlicensed individuals and did not maintain their shop in a sanitary condition. No details were offered, names or even the date that the complainant had occasion to witness these offenses. This complaint led to an inspection and a notice of violation. The Board assessed a \$2000 civil penalty in that prior complaint arising from the same matter.

Recommendation: Close.

Decision: Approved

25 Case No.: COS-2016028381 (unlicensed)

26 Case No.: COS-2016032281 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A complaint was filed alleging that the respondent is braiding hair in her home unlicensed. The respondent wrote in saying that she braids family member's hair and sometimes friends as a favor while she is in school trying to get her natural hair license. The complainant apparently had contacted her and asked her to do her hair. She said no since it wasn't a family member and she knew she could get in trouble. The complaint was filed shortly after that incident.

A follow up complaint was filed. This was anonymous but claimed to be the same person who had filed the first complaint. The complaint alleged that the respondent had sent her a harassing message saying that there wasn't anything the state could do to stop her.

Recommendation: Close with a letter of warning. Send an inspector to the residence.

Decision: Approved

27 Case No.: COS-2016028471

First License Obtained: 07/15/2014

License Expiration: 05/31/2018

Complaint history: None

A complaint was filed by a past customer who alleged that the shop uses the same nail buffers on each customer without properly sanitizing instruments in between. No additional information was provided.

Recommendation: Close and send an inspector to observe this shop.

Decision: Approved

28 Case No.: COS-2016029101

First License Obtained: 12/19/2011

License Expiration: 12/31/2017

Complaint history: None

A complaint was filed anonymously by another licensee alleging that the respondent is working out of her home without a license. The Respondent did have Facebook posts where she was advertising herself as a hair stylist and the page did have her home address. She has a separate shop that is licensed by this board.

Recommendation: Close with a letter of warning.

Decision: Approved

29 Case No.: COS-2016029671

First License Obtained: 03/01/2013

License Expiration: 02/28/2017

Complaint history: None

30 Case No.: COS-201602971

First License Obtained: 03/31/2008

License Expiration: 03/31/2018

Complaint history: None

The shop and its employee were both cited pursuant to an inspection. At the time of inspection the employee was serving customer while his license was expired. He told the inspector he knew his license expired but had not had the time to renew it.

Decision: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100 to the shop and \$100 to the employee.

31 Case No.: COS-2016030011

First License Obtained: 04/22/2008

License Expiration: 04/30/2018

Complaint history: None

Complaint was filed against the respondent claiming that she is advertising on Facebook offering pedicures in her home. There was no link or copy of these advertisements in the complaint. I could not find this person on Facebook by any variations of her name.

Recommendation: Close.

Decision: Approved

32 Case No.: COS-2016030041

First License Obtained: 02/10/2004

License Expiration: 01/31/2018

Complaint history: Closed and sent an inspector to observe sanitation practices

33 Case No.: COS-2016030111 (unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Shop and employee were both cited pursuant to an inspection. At the time of inspection there was no manager or owner present, the shop's license wasn't posted, and there were various sanitation issues. The one employee present was not licensed and after speaking with the owner on the phone, she told the inspector that the owner had told her to lie about being licensed.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000 to the individual and \$3000 to the shop.

Decision: Approved

34 Case No.: COS-2016030891

First License Obtained: 01/23/2013

License Expiration: 01/31/2017

Complaint history: None

35 Case No.: COS-2016030911

First License Obtained: 01/18/2013

License Expiration: 01/31/2015

Complaint history: None

36 Case No.: COS-2016030931

First License Obtained: 01/29/2013

License Expiration: 01/31/2017

Complaint history: None

37 Case No.: COS-20160309521

First License Obtained: 06/20/2013

License Expiration: 06/30/2017

Complaint history: None

38 Case No.: COS-2016030971

First License Obtained: 01/04/2013

License Expiration: 01/31/2017

Complaint history: None

39 Case No.: COS-2016030991

First License Obtained: 08/21/2013

License Expiration: 08/31/2017

Complaint history: None

40 Case No.: COS-2016031011

First License Obtained: 08/27/2013

License Expiration: 08/31/2017

Complaint history: None

41 Case No.: COS-2016031031

First License Obtained: 03/04/2013

License Expiration: 03/31/2017

Complaint history: None

42 Case No.: COS-2016031271

First License Obtained: 02/19/2013

License Expiration: 02/28/2017

Complaint history: None

Respondents were named in order signed by the school in Texas that they all allegedly attended. By signing the order the school confessed to having had awarded hours to the respondents despite not ever living in the state of Texas. None of the respondents have responded to the complaint.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing revocation.

Decision: Approved

43 Case No.: COS-2016031051

First License Obtained: 08/31/2011

License Expiration: 08/31/2017

Complaint history: 2012024541, closed by signing an Agreed Order and Revocation of License

Respondent was named in order signed by the school in Texas that she allegedly attended. By signing the order the school confessed to having had awarded hours to the respondent despite her not actually attending school. In response the respondent wrote in that she lives permanently in TN but that she moved to Texas temporarily so she could attend school in her language and test in her language. She offered no proof in her response.

Recommendation: Discuss.

Decision: Authorize formal charges. Allow authority to settle by consent order assessing Revocation.

44 Case No.: COS-2016031291

First License Obtained: 07/12/2013
License Expiration: 07/31/2017
Complaint history: None

Respondent was named in order signed by the school in Texas that she allegedly attended. By signing the order the school confessed to having had awarded hours to the respondent despite her not actually attending school. In response the respondent wrote in that she did attend school. She did not offer any proof but claims she had proof of having attended school.

Recommendation: Discuss.

Decision: Authorize formal charges. Allow authority to settle by consent order assessing Revocation.

45 Case No.: COS-2016031661

First License Obtained: 04/18/2002
License Expiration: 04/30/2018
Complaint history: None

A complaint was filed against the respondent claiming she is working from home after leaving the shop owned by the complainant. There was no proof offered. The complaint alleges that the respondent is advertising on line but no posts on Facebook or through a google search can be found.

Recommendation: close. Send an inspector to the address in the complaint.

Decision: Approved

46 Case No.: COS-2016032121

First License Obtained: 10/29/2007
License Expiration: 10/31/2017
Complaint history: 2013005131, closed by Consent Order and payment of \$1000 civil penalty

This shop was cited pursuant to an inspection. At the time of inspection the shop had no manager present, there were various sanitary violations and the shops license was not posted. The respondent sent in a \$150 check in response to an Agreed citation.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$500.

Decision: Approved

47 Case No.: COS-2016032211

First License Obtained: 12/08/2009
License Expiration: 11/30/2015
Complaint history: 2010025011, closed by Consent Order and payment of \$1,000 civil penalty;

2011008831, closed by Consent Order and payment of \$2,000 civil penalty; 2014011901, closed by Amended Consent Order and payment of \$1,500 civil penalty; 2015012301, Formal Charges Authorized

A consumer complaint was filed against this shop which led to an inspection. The inspector walked in and immediately saw three men exit the rear of the shop. The shop license was expired. The manager told the inspector that they had already been inspected and that he should get out of the shop. The shop had various sanitary violations that the inspector observed before he was told to leave. This shop has been cited three other times for unlicensed activity.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

48 Case No.: COS-2016032761

First License Obtained: 03/20/2008

License Expiration: 03/31/2016

Complaint history: None

49 Case No.: COS-2016032781

First License Obtained: 12/11/1989

License Expiration: 02/28/2016

Complaint history: None

Respondent was cited on her personal and shop licenses. At the time of inspection the shop was open for business and both the owner's personal license and the shop license was more than 3 months expired.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100.

Decision: Authorize for formal hearing. Allow authority to settle by consent order assessing \$200.

50 Case No.: COS-2016033861

First License Obtained: 07/09/1997

License Expiration: 05/31/2018

Complaint history: 2005020271, closed with a Letter of Instruction

51 Case No.: COS-2016033891

First License Obtained: 04/17/1991

License Expiration: 12/31/2017

Complaint history: None

Respondent was cited on her personal and shop licenses. At the time of inspection the shop was open for business and both the owner's personal license and the shop license was more than 6 months expired.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100.

Decision: Authorize for formal hearing. Allow authority to settle by consent order assessing \$200.

52 Case No.: COS-2016035761
First License Obtained: 10/09/2015
License Expiration: 10/31/2017
Complaint history: None

53 Case No.: COS-2016035781
First License Obtained: 06/02/2016
License Expiration: 06/30/2018
Complaint history: None

54 Case No.: COS-2016035581
First License Obtained: 10/09/2015
License Expiration: 10/31/2017
Complaint history: None

55 Case No.: COS-2016035561
First License Obtained: 08/15/2003
License Expiration: 08/31/2017
Complaint history: None

56 Case No.: COS-2016035541
First License Obtained: 05/08/1995
License Expiration: 09/30/2016
Complaint history: None

The first three complaints are against shops that are all owned by the same person, they are licensed with this board as well as the massage therapy board. The 4th complaint is the manager of two of the shops, and the fifth is an employee of the shop. This department was notified by a municipal police department that the three shops had been under investigation for prostitution and solicitation. Undercover cops report that they were offered sexual acts in exchange for money when they were receiving massages. During the conclusion of the investigation it was determined that prostitution was occurring in the three shops and that the two licensed individuals in complaints 4 and 5 were accused of prostitution.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing revocation of all the licenses.

Decision: Approved

57 Case No.: COS-2016036541
First License Obtained: 10/21/2015
License Expiration: 10/31/2017
Complaint history: None

An anonymous complaint was filed alleging that the respondent shop has unlicensed and underage employees. The complaint contained only one statement and two pictures of youngish looking teenagers posing with little girls in costumes. The respondent wrote in that he shop also offers princess birthday parties where cosmetologists will do nails the teenagers who work for her are 15 and legally able to work in TN. they help with watching children, playing dress up and taking pictures. She sent in her advertisements for these parties which verify her response. She claims the parties of for entertainment purposes only.

Recommendation: Discuss

Decision: Close with a letter of instruction.

58 Case No.: COS-2016037871
First License Obtained: 03/23/2001
License Expiration: 06/30/2017
Complaint history: 2014012171, closed by Amended Consent Order and payment of \$1,750 civil penalty

59 Case No.: COS-201603791
First License Obtained: 03/24/2008
License Expiration: 03/31/2018
Complaint history: 2014012181, closed by Amended Consent Order and payment of \$1,250 civil penalty

Respondent was cited on her personal and shop license pursuant to an inspection. At the time of inspection the shop was opening serving clients and had four employees present. When asked to show IDs that matched the licenses for each employee, two of the employees said they didn't have IDs and couldn't remember their addresses. One the employees gave a birthdate that did not match what was in our Board records.

Recommendation: Letter of caution.

Decision: Approved

Barber Cases

60 BAR-2016025751
First License Obtained: 05/09/1997
License Expiration: 05/31/2017
Complaint history: None

A complaint was filed against the respondent by another licensee for living in in his shop. This shop had been inspected several times and there has never been any

indication that anyone lives in the hop. The respondent wrote in that there is a personal issue between the complainant the responder which resulted in this complaint.

Recommendation: Close.

Decision: Approved

61 **BAR-2016026211**
First License Obtained: **08/12/2004**
License Expiration: **08/31/2016**
Complaint history: **None**

62 **BAR -2016026231**
First License Obtained: **07/06/2000**
License Expiration: **04/30/2018**
Complaint history: **None**

63 **BAR - 2016026251**
First License Obtained: **11/09/2001**
License Expiration: **11/30/2017**
Complaint history: **None**

Respondent are the owner of a shop on both his personal and shop license and the employee of the shop. At the time of inspection the shop was open and offering services. The license of the employee was expired at the time of inspection for 150 days.

Recommendation: Authorize for formal charges. Allow authority to settle by a consent order assessing \$100 to the employee and \$100 to the shop owner.

Decision: Approved

64 **BAR- 2016026541**
First License Obtained: **02/11/2011**
License Expiration: **02/28/2017**
Complaint history: **None**

65 **BAR – 2016026561**
First License Obtained: **07/18/2007**
License Expiration: **07/31/2017**
Complaint history: **None**

Respondent was cited on his personal and shop license. At the time of inspection the shop was allowing an unlicensed individual to give a haircut. The respondent contacted the office and said he was trying to help a friend and guide him to going to barber school. He served in the military in Iraq as a linguist and used his license at that time to give free haircuts to service members in his unit. He had triplets at age 4 and 2 year old. He was originally sent an agreed citation for \$2000 and has asked that this be reconsidered since he is the sole provider for his family. He has no prior history and says he will not mistake the seriousness of this violation gain.

A complaint was also opened against the unlicensed individual. He has paid a \$1000 penalty already and settled his case.

Recommendation: Close with a letter of warning.

Decision: Approved

66 BAR – 2016026731

First License Obtained: 03/21/1997
License Expiration: 08/31/2016
Complaint history: 2010026351, closed w/no action;
2010031361, closed by Initial Order and assessment of \$400 civil penalty plus costs; 2012006861, closed by Amended Consent Order and payment of \$500 civil penalty

A complaint was filed against this shop alleging that a person is unlicensed works at this shop. In response the shop owner wrote in saying he has never hired this person to work in his shop. The complaint alleges that there is proof of the unlicensed activity on the unlicensed person's Facebook. There was no content on his Facebook profile that would suggest he practices barbering at all much less at the respondent's shop.

Recommendation: Close.

Decision: Approved

67 BAR – 2016027841

First License Obtained: 02/07/2005
License Expiration: 05/31/2017
Complaint history: 2007054701, Referred to outside agency;
2008007671, closed by Consent Order and payment of \$500 civil penalty

68 BAR – 2016027921 (unlicensed)

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2016017501, closed and sent and inspector to the named barber shop.

Shop and employee were both cited pursuant to an inspection. At the time of inspection there were two unlicensed persons cutting hair and one immediately left through the back door. The remaining person is the respondent in the second case. In addition to having two unlicensed persons working the shop also had an expired license, no manager present, several sanitation violations, and a licensed person who was working had an expired license.

The employee had written in claiming he was a barber student and has passed the theory exam is still waiting to take the practical exam. He has been struggling financially and was told he could cut his friends hair only at the shop until he was licensed. He asked for us to reconsider a \$1000 penalty since he says he cannot pay it at this time.

Recommendation: Authorize formal charges against the shop. Allow authority to settle by consent order assessing \$2,500. Authorize formal charges against the employee. Allow authority to settle by consent order assessing \$500.

Decision: Approved

69 BAR – 2016028181-(unlicensed)
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

Respondent was cited pursuant to an inspection. At the time of inspection the shop was open offering services but no customers were present. The Respondents individual license was expired. The shop is unlicensed and he told the inspector he didn't know he needed a shop license.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

70 BAR – 2016031681- (#9164)

First License Obtained: 05/03/2006
License Expiration: 04/30/2018
Complaint history: None

Respondent was cited pursuant to an inspection. At the time of inspection the shop was open offering services and the owner was serving a customer. At the time of inspection both her personal and shop license was expired.

Recommendation: Authorize for formal charges. Allow authority to settle by consent order assessing \$200.

Decision: Approved

Represented Cases

71. Case No.: L15-COS-RBS- 2015003631 –
First License Obtained: 06/29/2010
License Expiration: 06/30/2014
Complaint history: None

72. Case No.: L15-COS-RBS 2015003641 –
First License Obtained: 03/10/2006
License Expiration: 03/31/

An inspection of this shop on 01/30/2015 revealed that it was being operated without a valid shop license. The Board authorized a civil penalty of \$100 against the shop and \$100 against its owner. It appears in Board records that the shop was marked "closed" and "out of business" on 11/09/2015. An inspector drove by the shop on July 27th, 2016 and confirmed the shop is no longer in operation.

I recommend closure of these two complaints because the shop has been confirmed as out of business.

Decision: Approved

73 Case No.: L14-COS-RBS-2014006721

First License Obtained: 10/30/2013

License Expiration: 10/31/2015

Complaint history: None

Respondent was cited as the manager of the shop for unlicensed activity. A notice of hearing and charges was filed and Respondent has notice of the hearing. Respondent has stated that while she did work there, she was never the manager. Apparently, the manager had her sign for a number of things while she worked there since she had a valid individual license. The shop has paid its civil penalty. If a formal hearing is held, the Respondent will likely maintain she was not the manager. It is not clear from the inspector's NOV how she was identified as the manager. She may have signed it out of pressure from the owner. Additionally, our records did not list her as the manager.

Recommendation: Close,

Decision: Approved

74. Case No. L15-COS-RBS-2015002191

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited while servicing a client's eye lashes during an inspection. The Respondent informed the state inspector that she didn't have a license. The Respondent also had no other form of identification. A notice of hearing and charges was filed; however, service of process by certified mail could not be perfected. An investigator delivered a copy of the A notice of hearing and charges to a new address for the Respondent, but only obtained the signature of an older adult who stated the Respondent did live there. Service of process will likely not be deemed sufficient.

Recommendation: Close.

Decision: Approved

75. Case No.: L14-COS-RBS- 2014014271

First License Obtained: 01/05/2011

License Expiration: 01/31/2017

Complaint history: None

Respondent was cited in 2014 along with her shop license for employees not wearing nametags, sanitation violations and one employee working on an expired license. The owner settled her case against the shop. She was also personally cited and a \$750 civil penalty was assed against her. She has already paid the same amount on the case against her shop.

Recommendation: Authorize for formal hearing. Allow authority to settle with lower penalty of \$100.

Decision: Approved

76 COS- 2016013871

First License Obtained: 02/03/2003

License Expiration: 01/31/2017

Complaint history: None

This shop was inspected following a consumer complaint. The respondent was cited as was the manager. At the time of inspection the shop was open for business and three unlicensed individuals were practicing manicuring and pedicuring on customers. The owner was present on the day of inspection. The owner has also contacted counsel to say that this was not her manager. She didn't realize she didn't need a manager if she was present so she asked the respondent to sign as manager. She would not have been issued a citation had the owner told the inspector that she was the manager.

Recommendation: Close with a letter of warning.

Decision: Approved

77 BAR- 2016011641

First License Obtained: 07/27/2010

License Expiration: 07/31/2016

Complaint history: None

Respondent was cited as a manager pursuant to an inspection. At the time of inspection the shop was open and offering services and the shop's license was expired. The owner's license was suspended and the owner was present. This was originally presented as the manager having a suspended license but that was incorrect.

Recommendation: Close with a letter of warning.

Decision: Approved

78 Case No.: L14-COS-RBS-2014007661

First License Obtained: 04/22/2013

License Expiration: 03/31/2017

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all employees were wearing the required name tag in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop]. The area inspector observed tools which were improperly cleaned and/or sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector observed towels which were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and also found a wax machine that was hidden in the pedicure area in potential violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop]. A civil penalty of \$750 was originally assessed.

Update: Legal review for litigation shows that there is no evidence that wax machine was ever utilized by Respondent shop. Based on current protocol requiring indicia of use, Legal recommends that the charge of providing unauthorized services be dropped.

Respondent shop owner has taken full responsibility for remaining violations and the disciplinary history is clear since 2014.

New recommendation: Reduce CP to \$375.00 with LOW.

Decision: Approved

77 COS -2014007671

First License Obtained 02/03/1995

License Expiration: 02/28/2017

Complaint history None

A Notice of Violation issued on April 23rd, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicurist manager of a shop, failed to ensure the shop's tools and towels were properly stored, and that all employees were wearing name tags, and also found that there was a wax machine hidden in the pedicure area all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. A civil penalty of \$500 was originally assessed.

Update: Legal review for litigation shows that there is no evidence that wax machine was ever utilized in Respondent shop under control of Respondent manager. Based on current protocol requiring indicia of use for wax machines, Legal recommends that the charge of providing unauthorized services be dropped. Respondent shop owner and manager have both taken full responsibility for remaining violations and the disciplinary history for Respondent shop is clear since 2014.

New recommendation: Reduce CP to \$125.00 with LOW.

Decision: Approved

78 COS- 2016012011

First License Obtained: 10/24/2013

License Expiration: 10/31/2017

Complaint history: None

Respondent was student at a Texas school that admitted to fraudulently giving hours to students who never lived in the state of Texas. The Board assessed revocation. The respondent was able to send many documents show that she lived in Texas. Our evidence only places here in TN more than a year after she allegedly attended school. She was able to show an immigration a letter addressed to her at a Texas address, a letter from the Social security Administration addressed to her at a Texas address, a temporary drivers permit from Texas, letter from the Texas Department of Licensing and regulation addressed to her at a Texas address.

The Texas state aboard was unable to provide any additional evidence proving she never lived in Texas.

Recommendation: Close and Flag.

Decision: Approved

79 BAR- 2016008991

First License Obtained: 10/06/1975

License Expiration: 07/31/2017

Complaint history: None

Shop manager was cited following an inspection. An anonymous complaint was filed against the shop from a past customer who claimed his son got ring worm after being in the shop. And inspector went to this shop and found that the shop was allowing an unlicensed person to work with a customer at the time of inspection.

The respondent as manager was assessed a civil penalty of \$500. The owner of the shop has contacted counsel saying that he was present during the inspection and that he was the one who allowed an unlicensed person to work in the shop.

Recommendation: Close with a letter of warning.

Decision: Approved

80 COS- 2016021151

First License Obtained: 12/01/2010

License Expiration: 10/31/2016

Complaint history: 2013001881, closed by Consent Order and payment of \$750 civil penalty for unlicensed activity and a sanitation violation; 2013026071, closed by Consent Order and payment of \$1,250 civil penalty for unlicensed activity

Respondent shop was cited pursuant to an inspection. At the time of inspection the shop was open and two employees were working on clients. After the inspector announced himself one employee got up and walked out the back of the shop and never returned. The shop had some unsanitary conditions plus the ceiling was missing one or more ceiling tiles. The respondent has been cited for unlicensed activity twice before. The Board assessed revocation.

The shop has retained counsel and they have asked for this complaint to be reconsidered with an alternate settlement. She says that on each of her previous complaints she allowed individuals who were seeking reciprocity to work in her shop before they had finished reciprocity with the state of TN. She signed the Consent orders in those situations because she took full responsibility.

In the current situation she says the girl who left her shop was hired as a receptionist and was to begin work once she finished school. While the owner was away she worked on customers and ran out of the back door because she knew she would be in trouble. She says going forward she plans to establish clear guidelines with her managers and will conduct daily check-ins to ensure that her employees and her shop in the right condition. She had been a licensed nail tech for 25 years and was finally able to buy her own shop in 2010. Given another chance she will not overlook the seriousness of these violations.

Recommendation: Possible alternate settlement- Authorize for formal hearing. Allow authority to settle by consent order assessing \$2000.

Decision: Approved

81 Case No.: L16-RBS-COS- 2016014881

First License Obtained: N/A

License Expiration: N/A
Complaint history: None

Respondent was cited pursuant to an inspection. At the time of inspection the shop was open and three individuals were braiding hair. The shop is unlicensed, all the employees are unlicensed and the owner was unlicensed. The Board assessed a \$3000 penalty. Respondent has contacted counsel and requested his case be reconsidered. He said he had obtained a business license and that he was unaware that he needed additional licensure. He has applied for a shop license and paid for himself and his "top braider" to attend school. He says the tuition is over \$1500. He said he cannot pay his tuition and pay for this fine.

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

Decision: Approved

82. COS-20140197411

First License Obtained: 10/03/2013
License Expiration: 09/30/2015
Complaint history: None

This complaint arises out of an inspection conducted by a retired inspector on 8/13/2014 in which Respondent (manicure shop) was found to be offering services not authorized by the shop license (waxing). Board records indicate that this license is now "Closed". The owner has allegedly moved to California, but attempts to serve her with certified mail have been unsuccessful.

Recommendation: I recommend this complaint be closed due to the facts that (1) the shop is closed, (2) the owner is on the west coast, and (3) the inspector is no longer available.

Decision:

The meeting adjourned at 9:10 AM.

MOTION made by _____ and seconded by _____ for approval of the Legal Report as amended. Motion carried unanimously.

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

Rules

Laura Martin, legal counsel for the board, presented emergency rules for the board to consider. An explanation was provided regarding why some rules are treated as emergency and the importance of moving them timely. The board reviewed the two set of rules. The board had no questions. The Statement of Necessity was read and the board voted.

MOTION made by Patricia Richmond and seconded by Nina Coppinger for approval of both sets of emergency rules and the Statement of Necessity. Motion carried by roll call.

Cosmetology Consent Orders – June and July- Totaling \$42,300

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

Agreed Citations – June and July- - Totaling \$18,700

MOTION made by Patricia Richmond and seconded by Amy Tanksley for approval of all agreed citations. Motion carried unanimously.

Letters of warning

During the month of June and July there were no letters of warning issued.

NEW BUSINESS

The board was sent possible meeting dates for 2017. The following dates are suggested and final determination made as noted:

Proposed 2017 Meeting Dates:	
Month	Date
January	1/30
February	None
March	6-Mar
April	3-Apr
May	8-May
June	5-Jun
July	None
August	7-Aug
September	None
October	2-Oct
November	6-Nov
December	11-Dec

The final financial review will be presented at the October board meeting. At that time all expenses with cost back will be final. 2016 fiscal year had major changes to technology, new customer service focus, and some other unique circumstances that caused the board to be in the red.


Mr. Ron Gillihan, Chairman for the Board, shared a program change his school is implementing regarding online curriculum students will be able to take to enhance and supplement their barber

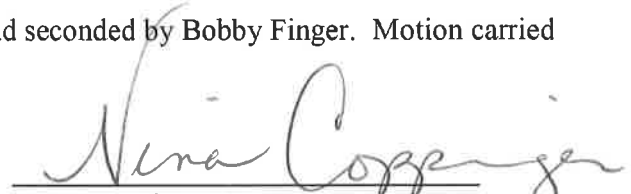
education. At this time, the changes are information only and do not need to be approved by the board.

Additional Questions:

Motion to adjourn


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


Brenda Graham


Nina Coppinger


Judy McAllister


Kelly Barger


Patricia J. Richmond


Mona Sappenfield


Frank Gambuzza


Amy Tanksley

Anita Charlton

Yvette Granger


Ron R. Gillihan


Bobby N. Finger