



**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 December 12, 2016 at 10:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Vice Chairman Kelly Barger.

Kelly Barger, Board Vice Chairman welcomed everyone to the Board meeting.

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

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

MINUTES-

Minutes for the November 7, 2016 board meetings were submitted for changes and/or approval.

Motion made by Frank Gambuzza and seconded by Bobby Finger to approve the November 7, 2016 minutes. Motion carried unanimously.

NOTICE OF RULE MAKING HEARING-

Anthony Glandorf, Chief Legal Counsel for Regulatory Boards, appeared before the board and conducted the entire notice of rulemaking hearing. The economic impact statement flexibility analysis was read into the record with all three sets of rules. The filings listed below were noticed on the Secretary of States site and email notifications were sent to everyone signed up to receive notice on November 23, 2016.

- Fees – Notice ID 2618-2619 filed on 10-20-16
- Licensing and Curriculum - Notice ID2620-2621 filed on 10/20/16

•Sanitary Requirements – Notice ID 2622-2623 filed on 10/20/16

All three sets of rules were approved unanimously by roll call vote.

APPEAR BEFORE THE BOARD-

Sweetings Cosmetology Braiding Institute, New Specialty School license:

Ms. Danette Sweeting appeared before the board with all the requirements for a new specialty school application. The school is located in Antioch and they have a current cosmetology school license. Ms. Sweetings explained that the building is large and she wants this to be a specialty school for natural hair styling only. This would free the space for a salon. She presented a letter with her business plan. The floor plan, five student contracts, application and required fee were all received.

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

Barber School and Company, School Change in Location:

Mr. Michael Davis, owner of the school appeared before the board for a change in location. This school is moving within Murfreesboro to a location not far away. He presented a floor plan, application and fee to support the relocation.

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

Paul Mitchell the School Memphis – Change in Ownership

The Paul Mitchell campus located in Memphis is changing ownership. The new ownership will be under New Elegance Schools, LLC. The Managing Director, Mr. Enrique Torres and Ms. Caroline Salman appeared before the board to answer questions. Their application, floor plan, student agreement, proof of change in ownership, curriculum and much more were provided.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve change of ownership application pending an inspection by a field inspector. Motion carried unanimously.

TriCity Beauty College, New Ownership:

Ms. Beller appeared before the board to request reconsideration of a new school license. This application was previously presented at the October board meeting. Ms. Beller was told what needed to be done and asked to appear. The application was denied at that time because it was incomplete. She failed to appear at the November board meeting, did not submit the required fee, documents or reach the board office with questions or concerns. The board asked questions and explained their concerns about the administration of the school.

MOTION made by Kelly Barger and seconded by Mona Sappenfield to deny new school license. Motion carried with seven votes to deny, two votes against denial and one member abstained.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Kyndall Edwards, Michael Jackson, Denise Johnson and Nancy Reed. 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. Mr. Michael Jackson is applying to be a master barber. The law states that the board may deny the license only if the charges are in direct concern for the industry. The board approved Agreed Orders for all presented.

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

Application to test as a cosmetologist with hours from Mexico for Laura Sevilla. Ms. Sevilla provided translated diploma and transcript showing 1,580 hours were completed in October 2014.

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

Application to test as a manicurist with hours from Vietnam for Hoa Thi Thuy Tran. Ms. Tran provided a translated letter of confirmation stating she completed 648 hours between December 2015 and September 2016.

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

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Anna Bonilla passed her aesthetician 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. Bonilla submitted a letter requesting waiver of the requirement to retest. Her letter explains that she was missing the verification eligibility but one month later she had a baby. More details were provided regarding her life events.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield 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. Tonya Brewer passed her cosmetologist practical examination in May 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. Schultz missed sending the verification eligibility form until November 2016. She provided a letter explaining that she has been waiting but no other facts are clear.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield 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. Teshundra Johnson passed her cosmetologist practical examination in December 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. Johnson submitted a letter requesting waiver of the requirement to retest because she was the sole provider in her house and could not afford the license fee.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield 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. Ivy Malone passed her cosmetologist practical examination in January 2016. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Malone

emailed requesting waiver of the requirement to retest because she is raising a one year old and just gave birth the first week of December.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve request. Motion carried unanimously.

Request for master barber license for Mr. Ehab Azeez who passed his practical exam on October 3, 2016. Mr. Azeez obtained a master barber license in Tennessee in January 2012 by fraudulent means. That license was revoked in November 2015. Since then, Mr. Azeez has submitted documents that reflect he attended school between November 2015 through August 2016. He passed both his exams and is now requesting his license.

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

Request for cosmetology license for Ms. Maria Guadalupe Quezada who passed his practical exam in October 2016. Ms. Quezada was working unlicensed in a shop in March 2015. That complaint has been paid for and is closed. She passed both her exams and is now requesting her license.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve request. Motion carried unanimously.

Request from shop owner Katie Flerl for waiver of shop items not needed in a shop that will not offer haircuts and traditional services. Ms. Flerl appeared before the board many months ago for a personal license so she could do eyelash extensions and only provide that service. At that time she had certification but the board explained that at a minimum she would need a barber technician license to do the extensions and charge for that service. Since then she went to school and passed her exams to obtain the license recommended by the board. At this point she is ready to open her shop and requested waiver of the shampoo bowl and hair cutting station. The office received her application and fee and an email explaining her business plan and request for exemptions. The board asked questions.

MOTION made by Bobby Finger and seconded by Amy Tanksley to approve request. Motion carried unanimously.

Request from shop owner Tina Gallagher. Ms. Gallaher is asking for an exemption to the rule regarding the location of the restroom for a shop functioning in her home. This shop, Tina's Beauty Salon, located in Lawrenceburg, was first licensed in 1986. The restroom is supposed to be located in the shop and separated from the rest of the house. It is not. To get to the restroom the client has to enter the house and go through the kitchen. At an inspection done in November,

the new field inspector questioned this situation and realized it had to be addressed as an exception.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve request. Motion carried unanimously. (1 Board member voted no made by Nina Coppinger.)

2017 Continued Education Seminar Change:

Tennessee State University was approved at the November 7, 2016 board meeting for a session to be held August 2017. After that point Ms. Paula Roberts decided to make a change to the session and incorporate the presentation from ExpertEase Consulting. The new agenda for TSU includes changes but the date and location are the same. At the same time, this change affects ExpertEase Consulting. Per the email presented by Ms. Ciara Gordon, they will no longer offer the individual in-person sessions and only offer their online session that the board approved. This partnership affects both sessions and if approved by the board the final 2017 listing would reflect these updates.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve changes to both sessions. Motion carried unanimously.

School name change:

Dr. Barbara Winfrey submitted a school name change form and fee for her school located in Nashville. Ms. Winfrey is asking for approval to change the name of the school from B. Winfrey School of Hair Design to B. Winfrey Barber & Style College. The explanation was to make the name of the school shorter.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve the school name change. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:15 AM on Monday, December 12th to review six (6) reciprocity applications and make recommendations to the Board.

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

The applications reviewed consisted of the following:

Application for reciprocity of manicurist license from New York for Mikyung Cho. Certification shows initial licensure in 2011 by grand parenting clause. New York only keeps records for a certain amount of time and Ms. Cho states she has been licensed since 1999 with 900 hours by examination. She provided one letter from employer for work experience between 2007 and 2013 and a personal letter explaining that she has no tax records for 2014 or 2015.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Bonnie Cockrill. Certification shows initial licensure in July 1993 with 1,200 hours and no practical exam. Ms. Cockrill provided a letter explaining her extensive experience and requesting the board waive the practical exam. She has been licensed for over 23 years.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology credentials from Canada for Melissa Lewis. Ms. Lewis provided a transcript that shows a curriculum similar to that offered in Tennessee with the exception of sanitation courses. The coursework and apprenticeship appears to have lasted two years.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Jeannette Nealy. Certification shows initial licensure in November 2004 with 1,200 hours and no practical exam. Ms. Nealy provided a letter explaining her extensive experience and requesting the board waive the practical exam. She states that she has been licensed in Florida since 1994 but their records don't confirm that given that the license was not always renewed and kept active. She has been working in the industry for over 23 years.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Illinois for Duong Ngo. Certification shows initial licensure in November 2015 by endorsement from Vietnam with 1,800 hours. Ms. Ngo provided a transcript for the hours completed in 2009.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Evelyn Russell. Certification shows initial licensure in October 1980 with 1,200 hours and at that time both theory and practical exams were administered. Ms. Russell provided proof of work experience from 1991 through 1996 and a statement that she has not been in the industry since then but has kept up with her continued education.

Recommendation - is that the applicant take the practical exam.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to deny recommendation. Applicant must take both exams. 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, December 12th to review the allegations of **37** complaints and make recommendations to the Board.

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

NEW CASES

Barber

1. Case No.: BAR- 2016046551

First License Obtained: 11/27/2013

License Expiration: 11/30/2017

Complaint history: None

2. Case No.: BAR-2016058061

First License Obtained: 10/08/2013

License Expiration: 10/31/2017

Complaint history: None

Pursuant to an inspection on September 23, 2016, the inspector discovered the shop license had expired on November 30, 2015, and issued a NOV to the shop which the owner signed. Three individuals with current licenses were working on clients. The owner is the manager. A response was not provided.

Recommendation: Authorize BAR-2016058041 for formal charges. Authorize settlement for a civil penalty of \$100 to the shop for operating with an expired shop license. Close BAR-2016058061 against the manager/owner to not charge same person for the same infraction.

Decision: Approved

3. Case No.: BAR-2016068701

First License Obtained: 09/27/2006

License Expiration: 09/30/2018

Complaint history: None

Pursuant to an inspection of a cosmetology shop on November 17, 2016, the inspector observed that a master barber's license was posted but expired September 30, 2016. The barber was observed performing services on a client's hair. The barber and the salon owner stated to the inspector that they did not know they needed a barber shop license in addition to the cosmetology shop license.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$100 for operating with an expired license and a letter of warning for working at a shop that is not licensed to offer barber services.

Decision: Approved

Cosmetology

4. Case No.: COS- 2016054431

First License Obtained: 08/21/1997

License Expiration: 07/31/2018

Complaint history: None

5. Case No.: COS- 2016054451

First License Obtained: 04/12/1999

License Expiration: 04/30/2017

Complaint history: None

Pursuant to an inspection on September 14, 2016, the inspector discovered the shop license had expired on July 31, 2016, and issued a NOV. Owner, who is also the manager, was present and providing hair services to a client. He stated he was unaware of the expired shop license and apologized for the oversight. He admitted the violation and signed the violation form willingly. He did not respond to the complaint.

Recommendation: Authorize COS-2016054431 for formal charges. Authorize settlement for a civil penalty of \$100 to the shop for operating with an expired shop license. Close COS- 2016054451 against the manager/owner to not charge same person for the same infraction.

Decision: Approved

6. Case No.: COS- 2016046901

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The Board received a consumer complaint regarding unlicensed activity by the Respondent. The consumer alleged that her hair was destroyed by the Respondent and that the shop was unsanitary. Based on the complaint, an investigation was

conducted. Shortly after the investigation was completed, it was determined that the Respondent passed away.

Recommendation: Closure.

Decision: Approved

7. Case No.: COS-2016054171

First License Obtained: 07/11/2011

License Expiration: 06/30/2017

Complaint history: 201501543, closed by Agreed Citation and payment of \$1,500 civil penalty

Pursuant to an inspection, investigators discovered sanitation violations, including an excessive amount of nail dust, nail tips, etc. on various surfaces, and tools/implements not being properly cleaned, sanitized, and/or stored.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$500, which consists of \$250 for failing to remove nail dust and/or nail tips after each customer and \$250 for failing to ensure tools/implements are being properly cleaned, sanitized, and/or stored.

Decision: Approved

8. Case No.: COS-2016063401

First License Obtained: 08/26/2016

License Expiration: 09/01/2017

Complaint history: None

This school has been licensed since August 2016. Upon learning that a student was under its apprenticeship program and learning that the supervising professional did not have at least 10 years of experience as a licensed professional, the school's owner contacted the Board and advised of such. The school took immediate corrective action to reassign the student to a professional with 10 years of experience and submitted proof of the apprenticeship agreement with that professional.

Recommendation: Close with a letter of instruction.

Decision: Approved

9. Case No.: COS-2016054631

First License Obtained: 05/13/2010

License Expiration: 04/30/2018

Complaint history: None

10. Case No.: COS-2016054671

First License Obtained: 10/22/1970

License Expiration: 03/31/2018

Complaint history: None

Pursuant to an inspection on September 14, 2016, it was discovered that the owner's shop license had expired in April 2016 and her personal license had expired in March 2016. The owner was working on a client at the time of the inspection. NOV issued to owner for working on a client with an expired personal license and for an expired shop license. The owner did not respond to the complaint. The shop license was renewed 9/28/16.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$200, which consists of \$100 for operating with an expired personal license and \$100 for operating with an expired shop license.

Decision: Approved

11. Case No.: COS-2016057941

First License Obtained: 06/30/1997

License Expiration: 03/31/2018

Complaint history: 2012001991, closed with a Letter of Warning

12. Case No.: COS-2016057961

First License Obtained: 07/22/1998

License Expiration: 07/31/2018

Complaint history: None

Pursuant to an inspection on September 21, 2016, the inspector observed the owner's individual manicurist license had expired on July 31, 2016. The owner, who was providing services, admitted he was unaware of the expiration and apologized for the oversight. The owner signed the NOV but did not respond to the complaint.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$100 for expired license.

Decision: Approved

13. Case No.: COS-2016058721

First License Obtained: 01/03/2013

License Expiration: 01/31/2017

Complaint history: None

Pursuant to an inspection on September 28, 2016, the inspector observed a female working on a customer who, upon seeing the inspector, got up and went out the back door. The inspector found the employee, asked to see her license, and found she was unlicensed. The manager (who is also the owner) would not cooperate with the inspector's request to identify the employee. The shop license was not posted, but the manager/owner was able to locate it in a drawer. The manager/owner signed the Agreed Citation and paid the penalty against the shop. In its response, Respondent stated the owner is also the manager.

Recommendation: Closure. Owner already paid the \$1,000 civil penalty for the shop violations.

Decision: Approved

14. Case No.: COS-2016059911

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

While inspecting other shops in a shopping mall, the inspector noticed a kiosk offering eye lashes, makeup, hairstyles, and hair threading. The inspector observed one female and one male at the kiosk. The male advised the inspector that he was just there with his girlfriend who performed all the services. The inspector observed the female perform services on a client's eyelashes by applying individual lashes. There was not a business license or shop license displayed within the booth. The female stated she did not have a license.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$2,000; \$1,000 against the shop for unlicensed activity and \$1,000 for the unlicensed employee.

Decision: Approved

15. Case No.: COS-2016063521

First License Obtained: 09/03/2008
License Expiration: 12/31/2017
Complaint history: None

A complaint was filed by a consumer who alleges she went to the shop for a pedicure. She stated that the shop employee picked up tools that had been used on a client before her and dipped them in water. The customer asked the shop employee to get sanitized tools, which the employee did, but with a begrudging attitude. The customer concluded her complaint by stating the shop is unsanitary. In its response, the shop's manager stated that a complaint has never been received against the shop and cleanliness is taken very seriously in the shop. Further, the manager stated that the manager was present during the customer's visit and the customer did not tell the manager about the situation.

Recommendation: Close with a letter of instruction and follow up inspection within thirty days.

Decision: Approved

16. Case No.: COS-2016064021

First License Obtained: 01/13/2016

License Expiration: 09/01/2017

Complaint history: 2016048961, Closure. Contract fully discloses overage rates. Records reflect student's low attendance records resulting in the overage hours and multiple attempts by the school to encourage the student to increase attendance, which would have resulted in a smaller overage.

The complaint was filed by a consumer who states the school states the consumer/student of the school owes in excess of \$3,000 in overage fees to have the student's hours released to the State Board.

In its response, the school stated that the student had a record of poor attendance which led to overage charges in keeping with the enrollment contract. The response stated that the student enrolled in the school in March 2014, but was advised in July 2014, September 2014, and December 2014 of poor attendance and the need to make up missed hours. The school stated in January 2015, the student's enrollment was terminated due to habitual poor attendance. The school stated that in September 2015, the student re-enrolled, but the record of poor attendance continued, and as of April 2016, the student was 238.5 hours behind schedule. The school produced the enrollment contract, which the student signed, which states that the student agrees to pay \$10 per hour for each hour exceeding the amount of contracted hours. The school stated that it permitted the student to make up the hours but the student is still 139 hours short, and these remaining missed hours are considered an overage, subject to the terms of the signed contract (\$10/per scheduled hour). The school concluded that because the student still has 139 missed hours, her account has a \$1,390 overage charge and must be in good standing, including financial obligations, to have hours released to the State Board for licensing purposes.

Recommendation: Closure. Contract discloses overage rates.

Decision: Approved

17. Case No.: COS-2016065641

First License Obtained: 09/23/2008

License Expiration: 09/30/2018

Complaint history: None

A complaint was filed by a consumer that alleged the licensed cosmetologist was operating a shop without a shop license out of her home and advertises services online via Facebook.

Pursuant to an inspection on November 1, 2016, it was confirmed that the shop owner was operating a shop without a license.

In the response, the Respondent admits to servicing clients in her home. She states she is taking action to get a shop license and would appreciate reconsideration of the penalty amount.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$1,000 against the shop owner for operating a shop without a shop license.

Decision: Approved

18. Case No.: COS-2016068661

First License Obtained: 08/14/1998

License Expiration: 07/31/2016

Complaint history: None

Pursuant to an inspection on November 17, 2016, the inspector observed that the cosmetology shop license had expired on July 31, 2016. He also noted that a master barber's license was posted but expired September 30, 2016. The barber was observed performing services on a client's hair. The barber and the salon owner stated they did not know they needed a barber license. The owner stated she would get the shop license renewed as soon as possible. In the response, the owner stated that she did not know she needed a barber license and has never had a violation in her 20 years of a salon ownership and would appreciate reconsideration of the penalty.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$600 against the shop owner (\$100 for the expired shop license and \$500 for the shop offering services not authorized by the license).

Decision: Approved

Represent

19. Case No.: COS- 2016042551

First License Obtained: 12/16/2002

License Expiration: 12/31/2016

Complaint history: 2011003401, closed with a Letter of Warning.

During an inspection, unlicensed activity was discovered. The inspector witnessed the manager and another unidentified individual run to the back of the shop upon discovering the inspector was present. The unidentified individual disappeared and never returned. The owner only had two licenses posted, but had three people working in the shop. The manager signed the NOV. The purported manager denies being the manager of the shop and indicates the owner is actually the manager and cites past inspection reports as proof. Shop has settled by agreed citation. As a follow-up to the consent order, the Atty. for this licensee sent a response, which indicated that the manager on file with the board was present at the time of the inspection. After reviewing Board documentation, it was confirmed that the manager was in fact present at the time of the inspection and that this licensee, his wife, was not functioning in a managerial capacity. It appears there may have been a miscommunication at the time of the inspection that resulted in the wrong individual being identified as the manager.

Recommendation: Closure.

Decision: Approved

20. Case No.: COS- 2015018071

First License Obtained: 08/27/2002

License Expiration: 08/31/2018

Complaint history: 2013025301, closed by Consent Order and payment of \$250 civil penalty;

During an inspection, unlicensed activity was discovered. The inspector witnessed four individuals exit the shop upon discovering the inspector was present, including two individuals walk off from a manicure table and a pedicure chair where clients were receiving services. The four individuals were found to be unlicensed and one licensed individual was not wearing a nametag and various sanitary violations. The Shop settled by paying a \$3,000 civil penalty. The manager was also issued a \$1,000 civil penalty. The manager is also a co-owner of the shop. Though she is not on file with the Board as an owner of the shop, the manager submitted documentation (2015 tax return for the shop) with the manager's name as proof of shop ownership.

Recommendation: Closure.

Decision: Approved

21. Case No.: COS- 2016051881

First License Obtained: 06/29/2010

License Expiration: 09/01/2017

Complaint history: 2016026751, 2016026771, 2016027081 & 2016032151, all closed by Consent Orders for voluntary Revocation of Respondent's school license

Complainant alleges that one educator is assigned to teach 47 students. This creates significant problems and long wait times for patrons because the teacher has to evaluate the work performed by students. 47 students are sharing 26 workstations. Complainant alleges that when she signed up for the program, she thought there would be two teachers. The Board authorized this case for a formal hearing and settlement for revocation of the license. The licensee has agreed to revocation in four consent orders, which were authorized by the Board in its October 2016 legal report.

Recommendation: Closure. The license has already been revoked.

Decision: Approved

22. Case No.: COS-201605561

First License Obtained: 02/10/2014

License Expiration: 01/31/2018

Complaint history: None

23. Case No.: COS-201605581

First License Obtained: 01/25/2013

License Expiration: 01/31/2017

Complaint history: None

24. Case No.: COS-2016055611

First License Obtained: 01/07/2004

License Expiration: 01/31/2018

Complaint history: None

These three complaints are pursuant to an annual inspection, whereby the inspector discovered that an employee was performing manicure services with an expired license. Employee renewed license in September 2016.

Recommendation: Authorize all three cases for formal hearing. Authorize settlement by consent order assessing a civil penalty of \$100 against the shop and \$100 civil penalty against the manager who is not the owner. Authorize settlement by consent order assessing a civil penalty of \$100 against the unlicensed individual.

Decision: Approved

25. Case No.: COS-2016056161

First License Obtained: 07/23/2008

License Expiration: 07/31/2018

Complaint history: None

Pursuant to inspection, inspector found one employee with expired license. However, since the inspection the employee has renewed her license.

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

Decision: Approved

26. Case No.: COS-2016058161

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, one employee was found working without a license and the shop owner/manager (who are the same person) was not present.

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

Decision: Approved

27. Case No.: COS-2016058391

First License Obtained: 11/22/2011

License Expiration: 10/31/2013

Complaint history: 2015015421, closed with a Letter of warning

28. Case No.: COS-2016058411

First License Obtained: 09/08/1997
License Expiration: 09/30/2013
Complaint history: 2015015441, closed with a Letter of Warning

Pursuant to inspection, the shop was cited for operating with expired shop and expired personal licenses. Individual and shop license both expired in 2013. Inspection also found other violations including a dog onsite, no current grade sheet, no shop sign, and employee not wearing ID tag. Manager and owner are the same person.

Recommendation: Authorize formal hearing. Authorize settlement by consent of with civil penalty of \$850.00 (\$100 for expired license and \$750.00 for four other violations listed above) for the shop and \$100 for the unlicensed individual.

Decision: Approved

29. Case No.: COS-2016060531

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

This individual was cited for unlicensed activity for performing work without a license providing services out of her home not a licensed shop but instead was simply advertising on Facebook. However, she made application for a license in Tennessee on September 20, 2016 and is awaiting a final determination since she had been licensed in Florida.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with civil penalty of \$1000.00 for unlicensed activity and \$1000 for unlicensed shop.

Decision: Approved

30. Case No.: COS-2016062881

First License Obtained: 05/20/2013

License Expiration: 09/01/2017

Complaint history: 2013017801, closed for lack of disciplinary grounds

The matter was opened administratively due to school operating with expired license. Said license expired Sept. 1, 2016 but the school has since renewed their license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000 civil penalty.

Decision: Approved

31. Case No.: COS-2016063541

First License Obtained: 03/23/2016

License Expiration: 03/31/2018

Complaint history: None

This is a consumer complaint against the salon for improper sanitation and alleged improper procedure used when consumer was receiving a pedicure. Specifically, consumer alleges that while receiving a pedicure she was cut three times across the length of her big toe. In addition, the consumer alleges that the utensils that were used were not a "fresh set" but instead a set that was in a basket. Consumer complained to the shop and was issued a refund of \$35.00.

Recommendation: Authorize formal hearing. Authority settlement by consent order of \$500 civil penalty for unprofessional conduct causing injury to customer.

Decision: Approved

32. Case No.: COS-2016065301

First License Obtained: 08/05/1988

License Expiration: 04/30/2017

Complaint history: 2012016631, closed with no action; 2014008641, closed by

**Consent Order and payment of
\$500 civil penalty**

This is a consumer complaint and pursuant to follow up inspection for failure to maintain sanitary conditions. There were several violations for unsanitary conditions including, no clean shampoo bowls, and tools not properly cleaned, floors and countertops dirty, no covered container for clean and dirty towels.

Recommendation: This is the second offense for the same violation of unsanitary conditions. Authorize case for formal hearing. Authorize settlement by consent order to total civil penalty of \$1000.00.

Decision: Approved

33. Case No.: COS-201603481

First License Obtained: 04/13/2012

License Expiration: 03/31/2018

Complaint history: 201302272-closed with letter of warning.

34. Case No.: COS-201603501

First License Obtained: 04/13/2012

License Expiration: 03/31/2016

Complaint history: None

Pursuant to inspection, the shop was open for business but did not have a current license. Since the date of inspection the license has been renewed. The shop owner is also the manager.

Recommendation: Authorize formal charges. Authorize settlement by consent order with civil penalty of \$100.

Decision: Approved

35. Case No.: COS-2016062481

First License Obtained: 06/07/1995
License Expiration: 01/31/2016
Complaint history: 2008019771, closed by
Consent Order and payment of
\$500.00 civil penalty

Pursuant to inspection, the inspector found the shop license was expired and no shop manager present.

Recommendation: Authorize formal charges. Authorize settlement by consent order with civil penalty of \$100.00 for shop license being expired and \$500 for no shop manager present. Manager and shop owner are not the same person.

Decision: Approved

36. Case No.: COS-2016066121

First License Obtained: 04/18/1995
License Expiration: 09/01/2017
Complaint history: 2008018591, closed w/no action;
2009018041, closed w/\$1,000 civil
penalty paid via Consent
Order; 2012002711, closed
w/Letter of Warning; 2014007051,
closed for lack of evidence for
discipline; 2014007611,
2014008201, 2014008741 &
2014009221, closed with a letter of
caution to maintain clear
communication with students to
avoid any conflict and
misunderstandings

Administrative complaint for failure to renew a school license.

Recommendation: Authorize formal charges. Authorize settlement by consent order with civil penalty in the amount of \$1000.00.

Decision: Approved

BARBER

37. Case No.: BAR-2016058291

First License Obtained: 07/23/1998

License Expiration: 07/31/2016

Complaint history: None

Pursuant to inspection, the shop manager's license was expired as of July 31, 2016. The shop owner and manager are not the same person.

Recommendation: Authorize case for formal hearing. Authorize settlement by consent order of \$100 civil penalty.

Decision: Approved

38. Case No.: BAR-2016067211

First License Obtained: 03/27/1996

License Expiration: 03/31/2018

Complaint history: 2011029231, closed with a Letter of warning; 2013009131, closed by Consent Order and payment of \$1,000 civil penalty; 2014004571, closed with a Letter of Warning

Pursuant to inspection, the inspector found one unlicensed employee performing services on a client and the manager/owner was not present and are not the same person. Further, there were sanitation violations for inadequate sterilizer and tools not properly cleaned and stored.

Recommendation: Authorize formal charges. Authorize settlement by consent order with civil penalty of \$500 for sanitation issues and \$500.00 civil penalty for shop

manager not present and \$1000 for unlicensed employee who was a student at the time of the inspection.

Decision: Approved

Represent

39. Case No.: COS- 2016025381

First License Obtained: 04/25/2013

License Expiration: 04/30/2017

Complaint history: None

40. Case No: COS- 2016064501

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The board previously authorized formal proceedings and settlement by consent order in the amount of \$4,000 based on multiple violations after an inspection revealed three individuals practicing manicuring without a license in the shop. On that date, there was no manager present and multiple sanitary violations. In response to the consent order, documentation was submitted to the board showing that the account with the Tennessee Department of Revenue was closed a couple of months before the violations were discovered. In addition, Respondent submitted an agreement showing the sale of the business to an individual that currently has a pending cosmetology license application. It appears Respondent was not the owner of this business at the time of the violations. The prior case is now being represented for closure due to the fact that the Respondent was not the owner at the time of the violations. The new owner failed to take any action after receiving the NOV, which was in the name of the prior owner. Also, the new owner failed to submit a change of ownership, so in addition to the above violations, it is an unlicensed shop. Based on this conduct the Board approved, at its November 2016 board meeting, an additional **\$1,000 for unlicensed activity, and \$100 for unprofessional conduct related to failure to contact the board upon receipt of NOV in the name of prior owner, resulting in a total civil penalty in the amount of \$5,100.** Owner is now requesting a reduction in the civil penalty amount based on financial hardship and an attempt to become compliant with Tenn. laws and rules by becoming licensed. Owner has licensure applications for a personal license and a shop license that have not yet been approved due to this pending case.

Recommendation: Discussion

Decision: Amend prior authorization of \$4,000 for multiple violations + \$1,000 for unlicensed activity and \$100 for unprofessional conduct to reduce the total civil penalty to \$4,000.

The meeting adjourned at 8:50 AM.

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

Cosmetology Consent Orders – November - Totaling \$11,200

MOTION made by Nina Coppinger and seconded by Patricia Richmond for approval of all consent orders. Motion carried unanimously.

Agreed Citations – November - Totaling \$4,100

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

Letters of warning

During the month of November there were three (3) letters of warning issued.

201606566
201606569
201606572

MOTION made by Judy McAllister and seconded by Bobby Finger for approval of all letters of warning. Motion carried unanimously.

NEW BUSINESS

The 2016 continued education evaluations were presented to the board electronically for review and comments.

The board approved a new specialty school in the Memphis area, Aseret Academy for Natural Hair, as long as the corrected information was received. Everything was received and the school was inspected on November 29 with great comments from the field inspector. The school has not been inspected by a board member. The statute no longer requires a board member inspect prior to opening. Given that the school was delayed from one meeting to the next, the board

needed to clarify if a member also needed to complete the inspection. Their answer was no, the field inspection is all that was expected.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Nina Coppinger and seconded by Judy McAllister. Motion carried unanimously.

Brenda Graham

Nina Coppinger

Nina Coppinger

Judy McAllister

Judy McAllister

Kelly Barger

Patricia J. Richmond

Patricia J. Richmond

Mona Sappenfield

Mona Sappenfield

Frank Gambuzza

Frank Gambuzza

Amy Tanksley

Amy Tanksley

Anita Charlton

Anita Charlton

Yvette Granger

Yvette Granger

Ron R. Gillihan

Ron R. Gillihan

Bobby N. Finger

Bobby N. Finger