



**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 May 9, 2016 at 10:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

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

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

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

MINUTES-

Minutes for the April 4, 2016 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve the April 4, 2016 minutes. Motion carried unanimously.

2016 Legislative Updates:

The 2016 legislative session is over. The bills that were filed affecting the industry have either not passed or the public chapters waiting to be signed by the Governor, are provided:

- SB2324-HB2315 Required Continued Education
Failed in Senate and taken off notice in House
- SB2374-HB2373 Cleanup Bill
Public Chapter 991: effective 7/1/2016

- SB2594-HB2496 Denial of Licensure for Felony Conviction
Public Chapter 719: effective 4/6/2016
- SB2490-HB2499 Extension of Time for Change of Address
General sub in Senate and was never scheduled in House
- SB1536-HB1582 Extension of Boards Sunset
Public Chapter 561: effective 3/2/2016
- SB2534-HB2569 Department's Omnibus Bill, Flexibility in shop management
Public Chapter 838: effective 7/1/2016
- SB2167-HB2486 Mobile Salons, addition to salon license
Public Chapter 983: effective 4/27/2016; 1/1/2017

The board discussed proposals for legislative changes that could be presented during the 2017 session. The administration's process includes consideration of agency proposals but that doesn't mean everything, or any of it, will get to move forward.

- Crossover hours between cosmetology and barber disciplines should be 300 hours instead of 750.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve proposals listed above. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

New Specialty School Application, The Institute of Beauty:

Ms. Tamika Turner and Ms. Cladette Franklin appeared before the board to present a new specialty school application for a natural hair styling school under the name of The Institute of Beauty, located in Bartlett. The application, payment, floor plan, curriculum and 5 student agreements were provided. The new rules that went into effect December 2015 allow for the waiver of requirements that a full cosmetology school lists so that a specialty school only has to have what the discipline being taught requires. Regarding this school application, the owners are planning to open exclusively to offer apprenticeship. Because of that the floor plan, which is 600 square feet, does not include space for services to be provided to the public.

MOTION made by Bobby Finger and seconded by Nina Coppinger to approve new school application pending an inspection by a field inspector. Motion carried unanimously.

New online curriculum for continued education, ExpertEase Consulting Edu.

Ms. Ciara Gordon appeared before the board to present a new online curriculum for continued education available to instructors. These seminars have been approved by the board since 2014 and have multiple dates per year available in different locations to accommodate more instructors throughout the State. ExpertEase Consulting submitted the online curriculum, sample test and lesson evaluation. Ms. Gordon did a live demonstration of the system the instructor would log into and explained how it would all work. The board asked questions and discussed how attendance would be submitted to the board office so instructors are not delayed on renewals but otherwise only submitted monthly.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve online continued education seminar for instructors. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Application for examination for Teaira Holloway, Kortney Painter, Donald Roan, Taylor Tuggle, Eric Watson and Erica Broadnax. 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.

Motion made by Kelly Barger and seconded by Amy Tanksey to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application to test as a cosmetologist with hours from Senegal for Aby Diouf. Ms. Diouf provided a translated certificate showing a total of 1,668 hours completed between 2003 and 2006.

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

Application to test as a cosmetologist with hours from Iraq for Sahir Mausur. Mr. Mausur provided a translated certificate from 1999 and 2008. He is unable to obtain additional transcript details from his school because it is under ISIS rule. His request was previously presented to the board in 2010 and the board required he take the Tennessee examination.

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

Application to test as a cosmetologist with hours from India for Jagruti Patel. Ms. Patel provided a multiple translated certificates, diplomas and records of attendance. Her application states she has about 800 hours in the cosmetology curriculum.

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

MISCELLANEOUS REQUESTS –

Request for Waivers and Extensions:

Request from Judy Norris for an extension of the time period for completion of coursework. Pursuant to Tenn. Code Ann. § 62-4-123 students have seven (7) years from the original enrollment date to complete the required courses. The board may require the student complete additional hours or for good cause historically they have considered extensions of time. Ms. Norris submitted a detailed letter explaining her health situation as well as medical records regarding surgeries and treatments she has undergone since 2007. She has a total of 357 hours in the aesthetics curriculum and is asking for an extension so she may continue her education this summer.

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

Request from Tiffany Shelby for waiver of additional late fees on her barber license. Ms. Shelby was originally licensed in 2005. She has renewed late in the past as her payment history reflects. Her license expired on January 31, 2015. An inspection completed in September 2015 prompted her to attempt to renew. The letter she submitted explains that soon after the inspection she mailed a \$75 check. Unfortunately, that was the month the system underwent a huge upgrade. She was paying an incorrect amount, as well as paying on the barber shop and so her payment was not directly assigned to her license. She called sometime in late 2015 and was told the correct amount she still owed, at that moment. That was in fact true but only until January 31, 2016. Because her additional \$85 was not received until April 2016, an additional \$160 was automatically added. Ms. Shelby explained that she lost her mother around the time of all this and had a hard time determining the shops obligations and her own. The complaint on the shop because she was working on an expired license is a completely separate situation and cannot be waived. She is requesting the additional \$160 added after January 2016 be waived.

MOTION made by Bobby Finger and seconded by Judy McAllister to approve request. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:20 AM on Monday, May 9th to review ten (10) reciprocity applications and make recommendations to the Board.

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

The applications reviewed consisted of the following:

Application for reciprocity with hours from Mexico in cosmetology for Angelica Espinoza. Translated documents include a transcript showing 2,000 hours obtained between 2007 and 2008. Ms. Espinoza also provided a diploma and letter from the school attended stating the dates and number of hours obtained.

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 Michigan for Mary Farag. Certification shows initial license in November 2015 by reciprocity. Ms. Farag and her husband appeared before the board to explain their situation. She completed her education in Egypt and therefore those hours were accepted. Michigan allows interpreters during the examination process. At the time of the meeting, the board only had a copy of the practical exam. Ms. Farag explained that the language barrier would prevent her from passing the two exams.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of aesthetician license from Florida for Sarah Hair. Certification shows initial licensure on February 5, 2016 with 260 hours as a facial specialist. Florida does not require exams for the facial specialist license. Ms. Hair submitted a specialty registration of education showing 1,380 hours obtained where the minimum requirement is the 260 hours the State requires. She also provided a transcript from Southern College showing the detailed hours completed. The additional hours are not only comparable to the aesthetics curriculum in Tennessee but they also expand into the medical side to aesthetics.

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 Christina Lam. Certification shows initial licensure in 1987 with 400 hours by examination. Ms. Lam provided tax records for 2013 – 2015 and a letter explaining she had a medical situation and did not work during 2011 and 2012. She did work during the years prior to 2011.

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 master barber license from Florida for Eric Miller. Certification shows initial licensure in July 2012 for a cosmetology license and a restricted barber license since July 2014 with no practical exam for either license. Mr. Miller appeared before the board to answer questions. He completed 200 additional hours in 2014. He requested the board waive the missing 100 hours and explained his work experience.

Recommendation - is that the applicant take the practical exam.

Motion made by Ron Gillihan and seconded by Patricia Richmond to deny recommendation and require both exams. Motion carried unanimously.

Application for reciprocity of manicurist license from Illinois for Kelly Nguyen. Certification shows initial licensure November 2003 by examination and Illinois only requires 350 hours. Ms. Nguyen provided school transcript from Washington State showing 500 hours completed in 2001. Also included are tax records for 2015 showing a Tennessee address, for 2014 showing North Carolina where she states she was a licensed cosmetologist. All other tax records reflect Illinois.

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 Jacqueline Ratliff. Certification shows initial licensure in 2007 with 1,200 hours and no practical exam. Ms. Ratliff is also licensed in Alabama since January 2016. She provided tax records starting with 2008 but the last five years are not all there. Her email explains she has been in Tennessee since 2014 working on transferring her license and not working in the field.

Recommendation - is that the applicant take the practical exam.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation and require both exams. Motion carried unanimously.

Application for reciprocity of cosmetology license from Colorado for Crystal Stanfield. Certification shows initial licensure in 2004 with 550 hours by examination. Ms. Stanfield provided tax records starting with 2004 but the last five years are not all there. Her letter explains that she has not worked the last two 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 of manicurist license from Florida for Van Vu. Certification shows initial licensure as a full specialist in November 2010 with 240 hours toward a nail license and no examination. Ms. Vu provided her transcript but it includes hours toward the facial curriculum. She provided tax records starting with 2011 thru 2015. She explained that her 2015 records reflect a Tennessee address because of the move.

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 from China for Liu Yatzing. The board office mailed a letter to Ms. Yatzing on April 12, 2016. We have also left repeated voice messages explaining that the application could not be presented to the board without translated documents and without a transcript or some indication of the course work completed in China. The office has not been successful and recommend denying the current application because she does not meet the requirements pursuant to Tenn. Code Ann. § 62-4-116.

Recommendation - is deny reciprocal license until proper documentation is presented.

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

The committee meeting adjourned at 9:46 AM.

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

MOTION made by Ron Gillihan and seconded by Dianne Teffeteller 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 8:40 AM on Monday, May 9th to review the allegations of 65 complaints and make recommendations to the Board.

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

COSMETOLOGY CASES

NEW CASES

- Case No.: L16-COS-RBS- 2016002131**
First License Obtained: N/A
License Expiration: N/A
Complaint history: None

An anonymous complaint was filed alleging that the respondent was offering lash extensions without a license. An investigation was requested. It appears from the investigation that she owns a boutique where she sells cloths and various beauty products. It does appear that she offers lash extensions to customers from the sign on her front door and the photos on her website.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$250.

Decision: Approved by Board

- Case No.: L16-COS-RBS- 2016004571**
First License Obtained: 09/06/2002
License Expiration: 03/31/2018
Complaint history: None

A student filed a consumer complaint against an instructor at the school. The student alleged that the instructor was rude, "put her hands on" students, and released student transcripts. The complainant was asked to clarify if the instructor had ever physically

hurt any student but the complainant did not cooperate. There is no other evidence to substantiate the other allegations.

Recommendation: Close.

Decision: Approved by Board

3. Case No.: L16-COS-RBS-2016010371

First License Obtained: 02/01/2010

License Expiration: 11/30/2017

Complaint history: None

4. Case No.: L16-COS-RBS- 2016010391

First License Obtained: 03/04/1999

License Expiration: 03/31/2017

Complaint history: None

Respondent was cited on her personal and shop license following an inspection. At the time of inspection the shop was open and had customers. The shop license was expired. Respondent showed the inspector a receipt for renewal but the board office had no payment. The respondent never sent in a response or a receipt showing she had paid any money for a renewal after the board office mailed her the complaint.

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

Decision: Approved by Board

5. Case No.: L16-COS-RBS- 2016010571

First License Obtained: 04/12/2010

License Expiration: 03/31/2018

Complaint history: None

6. Case No.: L16-COS-RBS- 2016010611

First License Obtained: 03/19/1990

License Expiration: 01/31/2017

Complaint history: None

7. Case No.: L16-COS-RBS- 2016010631

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited on her personal and shop license pursuant to an inspection. The third respondent is an unlicensed person. At the time of inspection the respondent had unlicensed person in her shop braiding hair. We have no address for the unlicensed person.

Recommendation: Authorize complaints against shop and owner for formal hearing. Allow authority to settle by consent order assessing \$1000 on payment plan. Close against the unlicensed person.

Decision: Approved by Board

8. Case No.: L16-COS-RBS- 2016011001

First License Obtained: 07/03/2013
License Expiration: 10/31/2016
Complaint history: none

Complaint was opened administratively after an inspector found out that the respondent had moved her once licensed shop to her condo. She did not file a change in location, and has not had her condo inspected. Our inspector called the new location to inquire about appointments to determine if the shop was open and where it was. The Board office has not received a change in location application.

Recommendation: Close with a cease and desist letter to the new location.

Decision: Approved by Board

9. Case No.: L16-COS-RBS- 2016013001

First License Obtained: 12/15/1992
License Expiration: 12/31/2017
Complaint history: None

10. Case No.: L16-COS-RBS- 2016013021

First License Obtained: 09/11/1991
License Expiration: 11/30/2016
Complaint history: None

Respondent was cited on her personal and shop license pursuant to an inspection. At the time of inspection the respondent's shop license was expired. The respondent wrote in asking the Board for understanding. She states that she has been a licensee for 25 years and had a business for 20 years. In all that time she has never been cited. This is true. She stated that she has had issues with mail coming to her shop for years and that she missed her renewal notice but also understands that going forward it's her responsibility to keep up with the expiration date.

Recommendation: Approved by Board Close with letter of warning.

Decision: Approved by Board

11. Case No.: L16-RBS-COS- 2016013441

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

A consumer complaint was filed against the respondent for operating in home service business for hair and makeup. I went to their website and posed as a potential customer and directly asked them if they would come to my house for a hair appointment. They told me as long as I lived in the greater Nashville areas they would come to my house.

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

Decision: Approved by Board

12. Case No.: L16-RBS-COS-2016013771

First License Obtained: 07/24/1997
License Expiration: 12/31/2016
Complaint history: 2005029691 & 2005021461, closed by Consent Order and payment of \$2,000 civil penalty; 2006033201, closed by Consent Order and payment of \$250 civil penalty; 2007072271, closed by Consent Order and payment of \$1,000 civil penalty; 2008016111, closed by Consent Order and payment of \$3,000 civil penalty

Decision: Approved by Board

13. Case No.: L16-RBS-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 shop 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. This is the third time this shop is being cited for unlicensed activity.

Recommendation: Authorize both for formal hearing. Allow authority to settle the complaint against the shop by consent order assessing revocation. Allow authority to settle the complaint against the manager by consent order assessing \$1000.

Decision: Approved by Board

14. Case No.: L16-RBS-COS- 2016013901

First License Obtained: 10/03/2007
License Expiration: 02/28/2017
Complaint history: 2009001401, closed by Consent Order and payment of \$1,000 civil penalty; 2012011661, closed by Consent Order and payment of \$500 civil penalty; 2012015701, closed by Consent Order and payment of \$750 civil penalty;

15. Case No.: L16-RBS-COS- 2016013921

First License Obtained: 05/16/2011
License Expiration: 05/31/2017
Complaint history: None

This shop was inspected after a consumer complaint was filed. Respondent was cited on her shop and personal license. At the time of inspection the shop was open for business and the investigator observed customers coming and going. The investigator

then entered the shop. There was only one person there who told the investigator he could give his wife a manicure. The person was unlicensed. This is the third time this shop is being cited for unlicensed activity.

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

Decision: Approved by Board

16. Case No.: L16-RBS-COS- 2016014101

First License Obtained: 05/09/2008

License Expiration: 09/01/2016

Complaint history: None

A consumer complaint was filed against this school by a former employee. The complaint alleged that the school's sanitation practices and policies regarding student floor time were violations. The allegations don't allege actual violations or do not have any substantiating evidence accompanying the complaint.

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

Decision: Approved by Board

17. Case No.: L16-RBS-COS- 2016014351

First License Obtained: 06/04/2009

License Expiration: 05/31/2017

Complaint history: 2011007001, closed with a Letter of Warning; 2013005341, closed with a Letter of Warning; 2015003901, closed by Consent Order and payment of \$500.00 civil penalty.

A past customer filed a consumer complaint following the receipt of a manicure at the respondent's salon. The complaint alleges that the complainant was cut by a utensil that looked either old or dirty, but does not specify if any medical treatment was needed after receiving this cut.

Recommendation: Close and send an inspector to observe sanitation practices.

Decision: Approved by Board

18. Case No.: L16-RBS-COS- 2016014371

First License Obtained: 07/22/2013

License Expiration: 07/31/2017

Complaint history: None

A consumer complaint was filed alleging sanitation violations. The customer said she witnessed the same tools be used on multiple customer without sanitizing in between each use

Recommendation: Close and send an inspector to observe pedicure sanitation practices.

Decision: Approved by Board

19. 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.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$3000.

Decision: Approved by Board

20. Case No.: L16-RBS-COS- 2016015421

First License Obtained: 03/21/1994
License Expiration: 09/01/2016
Complaint history: 9767, dismissed; 1999016781, dismissed; 20030152221, dismissed; 2009011551, closed w/no action; 2009022331, closed; 2009023831, closed with a Letter of Warning; 2010007941, closed w/no action; 2015018911, closed and sent an inspector to look for unlicensed activity.

An anonymous complaint was filed against the school alleging that cosmetologists who do not have instructors' licenses are teaching at the school. The complainant claims to be a student. The complaint does not provide the full names for the unlicensed persons or any other person that can verify these claims.

Recommendation: Close. Send an inspector to look for unlicensed activity.

Decision: Approved by Board

21. Case No.: L16-RBS-COS- 2016016141

First License Obtained: 07/16/1984
License Expiration: 11/30/2017
Complaint history: None

22. Case No.: L16-RBS-COS- 2016016161

First License Obtained: 11/20/1985
License Expiration: 01/31/2018
Complaint history: None

Respondent received a citation on her personal and shop licenses pursuant to an inspection. At the time of inspection the respondent was working on a client's hair in her shop. At the time of inspection the respondent's license was expired.

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

Decision: Approved by Board

23. Case No.: L16-RBS-COS- 2016016201

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

An anonymous complaint was filed against the respondent for unlicensed activity. The respondent has claimed that he only braids hair for his sister and mother. The complaint only provided that he advertises online. I was unable to find anything to suggest he was practicing unlicensed online.

Recommendation: Close and send and inspector to the address provided to look for unlicensed activity.

Decision: Approved by Board

24. Case No.: L16-RBS-COS-2016017851

First License Obtained: 12/29/2015
License Expiration: 12/31/2017
Complaint history: None

A consumer complaint was filed against the respondent following a pedicure. The complainant alleges that the nail tech cut her toenails too short. No injury or sanitation violation is alleged.

Recommendation: Close.

Decision: Approved by Board

25. Case No.: L16-RBS-COS- 2016018161

First License Obtained: 10/13/2003
License Expiration: 01/31/2017
Complaint history: 2005038801, closed by Consent Order and payment of \$500 civil penalty;
2007053051, closed by Consent Order and payment of \$1,000 civil penalty;
2013001911, closed by Consent Order and payment of \$1,000 civil penalty;
2015000011, Formal Charges Authorized

26. Case No.: L16-RBS-COS- 2016018181

First License Obtained: 03/27/002
License Expiration: 03/31/2016
Complaint history: 2015000021, Dismissed the complaint against the owner per the new agreed citation schedule.

The respondent was cited on her personal and shop license pursuant to an inspection. At the time of inspection the shop was open and two employees were braiding hair. Both employees were not licensed by the board, and there was no owner or manger present. The inspector also noticed sanitary violations. The shop has been cited for unlicensed activity 3 times previously.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing revocation of the shop license.
Decision: Approved by Board

27. Case No.: L16-RBS-COS- 2016018301

First License Obtained: 10/26/1988
License Expiration: 04/30/2018
Complaint history: None

Shop was cited pursuant to an inspection. At the time of inspection the shop was open and two employees were working. There was no manager present. There were some sanitary violations. The shop owner wrote in saying the main manager had stepped out after putting a customer in the dryer but that another stylist is left in charge when she leaves. After the inspector warned them about the sanitary violations the stylist said she wasn't the manager because she didn't want to take responsibility. Pictures show that the trashcan has a cover but that it had swung open at the time of the picture. There are a few dirty towels in the picture but they look like they had just been used.

Recommendation: Close with a letter of warning.
Decision: Approved by Board

28. Case No.: L16-RBS-COS- 2016019121

First License Obtained: 01/24/1991
License Expiration: 03/31/2018
Complaint history: None

29. Case No.: L16-RBS-COS- 2016019141

First License Obtained: 10/13/1989
License Expiration: 11/30/2016
Complaint history: None

30. Case No.: L16-RBS-COS- 2016019161

First License Obtained: 01/23/2004
License Expiration: 01/31/2018
Complaint history: None

Respondents are the shop, owner and employee of a shop. At the time of inspection the employee's license was expired. The employee was not working on any customers and renewed her license before the inspector left the shop. There were no other violations present.

Recommendation: Close all three with a letter of warning.
Decision: Approved by Board

31. Case No.: L16-RBS-COS- 2016019561

First License Obtained: 07/31/2014
License Expiration: 04/30/2016
Complaint history: None

32. Case No.: L16-RBS-COS- 2016019591

First License Obtained: 02/12/2014
License Expiration: 02/29/2016
Complaint history: None

Respondent was cited pursuant to an inspection on her shop and personal license. At the time of inspection the respondent's personal license was expired. The respondent was working on a customer's hair.

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

Decision: Approved by Board

33. Case No.: L16-RBS-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 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 times before.

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

Decision: Approved by Board

34. Case No.: L16-RBS-COS- 2016021491

First License Obtained: 10/28/2014
License Expiration: 10/31/2016
Complaint history: 2015015191, closed by Consent Order and payment of \$500 civil penalty;

35. Case No.: L16-RBS-COS – 2016021471

First License Obtained: 06/18/2015
License Expiration: 05/31/2017
Complaint history: 2015015181, closed by Consent Order and payment of \$500 civil penalty;

Respondent was cited pursuant to an inspection on their personal and shop license. At the time of inspection the shop was open and three people were giving customer's pedicures. Before the inspector could announce himself, one of the employees said "state board" and two of the employees stood up and left the shop. The remaining employee was licensed. He said he had just started working, that he didn't know who

the two that had left were. He also said he was not the manager. This shop has been cited for unlicensed activity one other time.

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

Decision: Approved by Board

36. Case No.: L16-RBS-COS- 2016021811

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

37. Case No.: L16-RBS-COS – 2016021831

First License Obtained: 08/15/2012
License Expiration: 08/31/2016
Complaint history: 2015008251, closed by Consent Order and payment \$250 civil penalty

Respondent was cited on his shop and personal license pursuant to an inspection. At the time of inspection it appeared that the license had been closed. The owner stated that he had sent in an application for a shop license over a month ago. This was true, but the board office had sent him a letter the week after receiving his application saying they needed his tax receipts. The inspector told the owner and left the shop saying he would come back. The inspector followed up 30 days later, the owner had not turned in the necessary papers to the office to finish his application and the shop was still open.

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

Decision: Approved by Board

38. Case No.: L16-RBS-COS- 2016022661

First License Obtained: 01/28/2000
License Expiration: 01/31/2018
Complaint history: None

39. Case No.: L16-RBS-COS- 2016022701

First License Obtained: 01/06/2010
License Expiration: 01/31/2018
Complaint history: None

Respondent was cited on their personal and shop license pursuant to an inspection. At the time of inspection the inspector observed that several employees who were giving pedicures were using the same tools on multiple customers without any sanitizing in between each customer. When the inspector announced himself two employees stood from their stations where they were working and immediately left through the back of the shop.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$3000.

Decision: Approved by Board

40. Case No.: L16-RBS-COS- 2016013981

First License Obtained:

License Expiration:

Complaint history:

An anonymous complaint was filed against this school alleging that the school is giving hours to students who don't actually attend class. This school is already in litigation for these same allegations from the same time period that have been made by identifiable sources.

Recommendation: Close.

Decision: Approved by Board

Barber Cases

41. Case No.: L16-RBS-BAR – 2016010211

First License Obtained: 12/26/2012

License Expiration: 11/30/2017

Complaint history: None

42. Case No.: L16-RBS-BAR – 2016010231

First License Obtained: 01/06/1995

License Expiration: 01/31/2017

Complaint history: None

Respondent was cited on his personal and shop license pursuant to an inspection. At the time of inspection the shop's license was expired and the shop was open and offering services. There was also no manager present.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$250

Decision: Approved by Board

43. Case No.: L16-RBS-BAR- 2016011511

First License Obtained: 01/06/1995

License Expiration: 01/31/2017

Complaint history: None

44. Case No.: L16-RBS-BAR – 2016011531

First License Obtained: 11/29/2000

License Expiration: 11/30/2016

Complaint history: None

Respondent received a notice of violation on his personal and shop license pursuant to an inspection. At the time of inspection the shop was open and offering services. At the time of inspection the shop license was expired.

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

Decision: Approved by Board

45. Case No.: L16-RBS-BAR – 2016011621

First License Obtained: 11/30/2010

License Expiration: 09/30/2015

Complaint history: None

46. Case No.: L16-RBS-BAR- 2016011641

First License Obtained: 07/27/2010

License Expiration: 07/31/2016

Complaint history: None

The shop and manager were both cited pursuant to an inspection. At the time of inspection the shop was open and offering services and the shop's license was expired. The manager's license was suspended because of child support.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle each by consent order assessing \$100 to the shop and \$250 to the manager.

Decision: Approved by Board

47. Case No.: L16-RBS-BAR-2016013531

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited after an inspector went to and unlicensed barber shop. The respondent was practicing barbering at the time of inspection. Neither the respondent nor the shop was licensed.

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

Decision: Approved by Board

48. Case No.: L16-RBS-BAR- 2016016911

First License Obtained: 07/13/2006

License Expiration: 06/30/2014

Complaint history: None

49. Case No.: L16-RBS-BAR- 2016017081

First License Obtained: 01/13/2000

License Expiration: 01/31/2018

Complaint history: None

Respondent received a notice of violation on his personal and shop license pursuant to an inspection. At the time of inspection the shop was opening and had customers. The shop license was expired. The shop owner's personal license was expired by Board records but he had posted his money order from when he had attempted to renew his

license. Apparently there was a fee associated with his renewal that had not been paid so his personal license was never renewed.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$100 for his expired shop license.

Decision: Approved by Board

50. Case No.: L16-RBS-BAR-2016017501

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

A consumer complaint was filed against the respondent for practicing unlicensed at a barber shop. The respondent wrote in saying they plan to work at this shop after taking the barbering test this spring and that in the mean time they have been sweeping hair and answering phones etc. The respondent also said the complaint was filed by an ex-spouse who is currently in a custody battle with the respondent.

Recommendation: Close and send and inspector to the named barber shop.

Decision: Approved by Board

Represented Cases

51. Case No.: L15-COS-RBS-2013022801

First License Obtained: 02/14/2013
License Expiration: 12/31/2014
Complaint history: None

This was a complaint opened against the shop. At the time the complaint was opened, a separate complaint was opened against the manager and owner, who paid the \$250.00 civil penalty as the owner/manager, but the complaint against the shop was not resolved and is still open. The shop has since changed ownership and is under a new shop license# as well. The previous shop license# is now listed in CORE as "closed."

Recommendation: Close.

Decision: Approved by Board

52. Case No.: L15-COS-RBS- 2015018791

First License Obtained: 12/12/2012
License Expiration: 12/31/2016
Complaint history: None

Respondents who are the owner and manager and an employee of the shop received notices of violation following an inspection. At the time of inspection the employee's license had expired. None of the respondents have any prior history and the employee renewed her license online during the inspection. Respondent did respond in writing following inspection. Respondent's sister had been murdered 5 years prior and at the time of the renewal period, the family had finally resolved a trial date for February after 5-6 previous court dates. Respondent states Respondent was consumed by the events

and dealing with the murder throughout this period. Once the expired license was brought to Respondent's attention during the inspection, Respondent immediately renewed and did so while the inspector was still on the premises.

New Recommendation: Letter of Warning.

Decision: Approved by Board

53. Case No.: L14-COS-RBS 2014029221

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

54. Case No.: L14-COS-RBS 2014029211

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

Respondent who is the same person for each complaint received two notices of violation on October 21, 2014. Complaint alleges that the respondent was braiding hair with no shop license and no personal license. All mail to every address we could find has been returned. A drive by on April 26 to the address of the shop revealed that the building had been demolished. Investigating further showed that a former business had moved to another location, but that business was a licensed shop, not the original business in this matter. All mail to the respondent doing the activity has also been returned.

Recommendation: Close as the shop is no longer in existence and the owner/respondent cannot be found for service.

Decision: Approved by Board

55. Case No.: L15-BAR-RBS- 2015005081

First License Obtained: 04/06/2010
License Expiration: 03/31/2016
Complaint history: 2013023381, closed by an Agreed Order and payment of 250 civil penalty and \$200 costs; 2014022841, Closed with a Letter of Warning

Respondent received notice of violations on September, 18, 2014 pursuant to an inspection. Inspector alleges that shop license was expired and two individuals were practicing barbering without a license. The shop and owner were issued a Notice of Violation for expired license, unlicensed activity and sanitary violations. This matter was transferred to litigation. The Respondent Shop Owner contacted the Board office and stated that the business is closed. Additionally, an inspection was conducted on April 19, 2016 confirming the business was closed and out of business.

Recommendation: In light of new information concerning the shop, it recommended that this matter be CLOSED.

Decision: Closed

56. Case No.: L15-COS-RBS- 2014005341

First License Obtained: 05/26/1992
License Expiration: 07/31/2013
Complaint history: None

An inspection on 3/20/2014 found the shop was operating on an expired license. A consent order of \$250 was offered. According to our inspector, as of 4/10/2015, this shop is closed. The former owner is deceased, and the new owner is not a licensee.

Recommendation: Close.

Decision: Approved by Board

57. Case No.: L15-COS-RBS- 2011025871

First License Obtained: 05/05/2008
License Expiration: 09/30/2016
Complaint history: 2010023771, closed and combined with case 2011025871

This complaint alleged that the shop was operating unlicensed at a new location. A subsequent inspection on 10/14/2015 revealed this shop is closed, and the inspector is no longer available.

Recommendation: Close.

Decision: Approved by Board

58. Case No.: L15-COS-RBS-2013022151

First License Obtained: 01/08/1997
License Expiration: 06/30/2014
Complaint history: 200502251, closed by Consent Order and payment of \$300 civil penalty;
2009020821, closed by Consent Order and payment of \$2,000 civil penalty

This complaint alleged this shop was operating without a license at a new location. However, OUR inspector has confirmed that the shop is out of business and the new location has a different owner

Recommendation: close.

Decision: Approved by Board

59. Case No.: L15-COS-RBS- 2014030891 (Pyramid Barber School # 31)

60. Case No.: L15-COS-RBS-2013016351 (Pyramid Barber School # 31)

First License Obtained: 10/16/2002
License Expiration: 10/15/2016
Complaint history: 2010026381, closed w/Letter of Warning; 2010032831, Dismissed;
2011029311, closed by Consent Order and payment of \$500 civil penalty;
2013016351, Formal Charges authorized;
2014018451, closed via Consent Order for the voluntary license suspension;
2014030891, Formal Charges Authorized;

2015006781, closed and flagged
2015012111 closed by a Consent Order
the voluntary revocation of Respondent's
license; 2015020681, combined these
allegations complaint #2015012111 and
2015012101, which are the cases the
board reviewed before approving
revocation of licenses.

This school as cited for operating on an expired license and for operating without the correct number of student to teacher ratio. These cases have been in litigation. The school license is now closed because of other Complaints.

Recommendation: Close.

Decision: Approved by Board

61. Case No.: L15-COS-RBS-2016002911

First License Obtained: 04/27/1987

License Expiration: 08/31/2016

Complaint history: None

62. Case No. L16-COS-RBS-2016002891

First License Obtained: 09/26/1989

License Expiration 11/30/2016

Complaint history: 2014003271, closed by Consent Order
and payment of \$750 civil penalty

Respondent was cited on his shop and personal license for operating with an expired license. The license had been renewed prior to inspection; but because of a postmarking error the license was not appearing as renewed in our files, not had it been mailed to the respondent at the time of inspection.

Recommendation: Close

Decision: Approved by Board

63. Case No.: L15-COS-RBS 20150227081

64. Case No.: L15-COS- RBS- 20150226301

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

65. Case No.: L15-COS-RBS- 20150227101

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The respondent was also cited as a shop and as an owner pursuant to an inspection. At the time of inspection the shop had two unlicensed employees braiding customers' hair. The shop does not have a shop license with this board. The Board assessed \$3000 to the respondent because the shop was unlicensed and two unlicensed individuals were

working in the shop. The respondent retained legal counsel who has asked the board to consider lowering the penalties to \$1000. The respondent recently moved to TN from NY where hair braiding does not require licensure. She has 4 children who she supports. The respondent is currently enrolled in school to obtain licensure. Her attorney is going to help her obtain the proper shop license.

Recommendation: Close with a letter of warning and send an inspector to see if the shop is still operating.

Decision: Approved by Board

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

The meeting adjourned at 9:10 AM.

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

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

Cosmetology Consent Orders – April - Totaling \$33,450

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

Agreed Citations – April - Totaling \$17,200

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

Letters of warning

2016005061

2016005881

2016005921

2016004291

2016004311

2016005631

2016005951

2015020942

During the month of April, there were eight letters of warning issued.

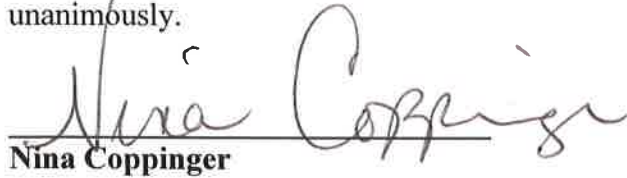
MOTION made by Patricia Richmond and seconded by Dianne Teffeteller for approval of all letters of warning. Motion carried unanimously.

NEW BUSINESS

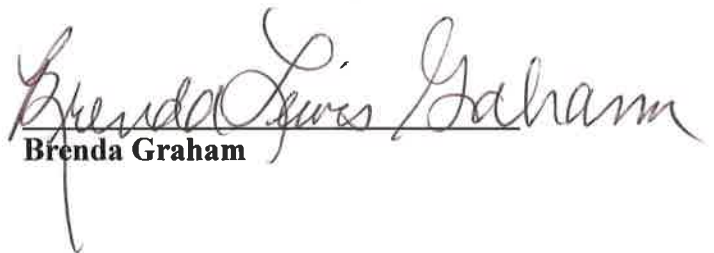
Additional Questions:

Motion to adjourn

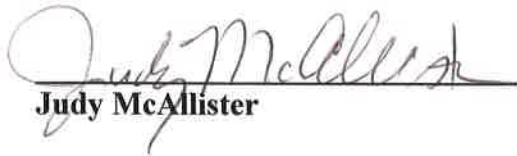
MOTION to adjourn made by Kelly Barger and seconded by Dianne Teffeteller. Motion carried unanimously.



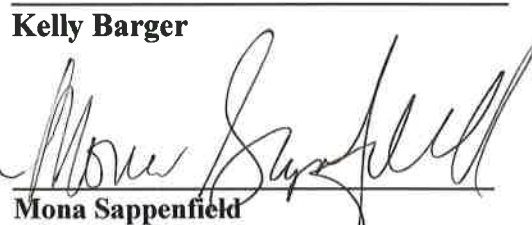
Nina Coppinger



Brenda Graham

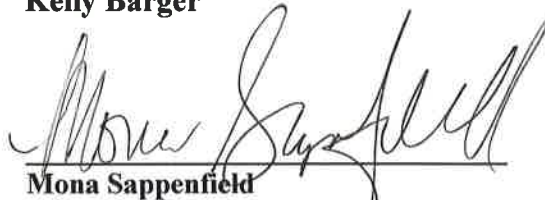


Judy McAllister



Kelly Barger

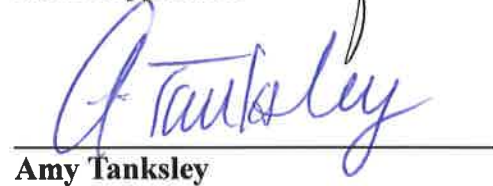
Patricia J. Richmond



Mona Sappenfield




Frank Gambuzza



Amy Tanksley



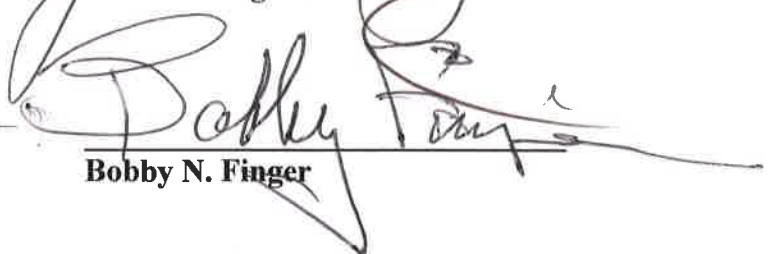
Anita Charlton



Yvette Granger



Ron R. Gillihan



Bobby N. Finger