



**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 November 7, 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, Anita Charlton, Bobby Finger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Yvette Granger, Judy McAllister, Patricia Richmond and Mona Sappenfield. Not in attendance Amy Tanksley and Nina Coppinger.

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

### **MINUTES-**

Minutes for the October 3, 2016 board meetings were submitted for changes and/or approval.

Motion made by Frank Gambuzza and seconded by Patricia Richmond to approve the October 3, 2016 minutes. Motion carried unanimously.

Anthony Glandorf, Chief Counsel for Regulatory Boards, introduced Pamela Spicer and Allison Rattton to the board. Both attorneys will be splitting the legal cases for the board moving forward and Cherrelle Hooper will be the attorney handling all other board business. This is a change consistent for all regulatory boards where there will be a litigating attorney assigned to the program and a different attorney for all other matters.

## **APPEAR BEFORE THE BOARD-**

### **2017 Continued Education Seminar Requests:**

The University of Tennessee outreach and continuing education session: Mr. Bill Nichols submitted the information on behalf of the Knoxville session. They are requesting to have the session on Sunday, July 23 and Monday, July 24, 2017. He answered questions for the board.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to approve the 2017 session and requested dates. Motion carried unanimously.

Tennessee State University, Avon Williams Campus session: Ms. Paula Roberts appeared before the board on behalf of the Nashville session. They are requesting to have August 13 and 14, 2017. She answered questions for the board.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve the 2017 session and requested dates. Motion carried unanimously.

ExpertEase Consulting Edu sessions: Ms. Ciara Gordon appeared before the board requesting two dates for the in person session. They are to be held on Saturday and Sunday: June 24 and June 25<sup>th</sup> in Nashville and the second one October 28 and 29<sup>th</sup> also in Nashville. The online courses from information received appear to have been a success and are offered 24/7/365. She answered questions for the board.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to approve the 2017 sessions and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown submitted the information requesting two dates for sessions in Memphis: June 26 and June 27, 2017 and October 22 and 23, 2017. She was unable to appear in person for the request.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve the 2017 session and requested dates. Motion carried unanimously.

PBC Inc. session: Ms. Pearl Walker and Ms. Celeste Harris submitted the information for a session to be held in Cordova on June 24 and June 25, 2017

Motion made by Yvette Granger and seconded by Bobby Finger to approve the 2017 session and requested dates. Motion carried unanimously. They appeared before the board and answered questions.

### **Rasco Radiant Academy of Cosmetology, Reinstatement of School license:**

Ms. Clara Hodge appeared before the board to request consideration of reinstatement to license #133. All cosmetology schools expire on September 1 of every year. They have the month of September as a grace period under which they can renew with a small penalty. Pursuant to Tenn. Code Ann. §62-4-121 (b), no school renewal application shall be accepted after September 30 without an application and all the fees paid. This school is located in Covington. The floor plan, student agreement and fees have all been received by the board. The school was sent the renewal notice with instructions the first week of July. Reminder calls were made and a letter was mailed on September 14, 2016. Ms. Hodge answered questions and explained the situation going on in her life.

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

### **APPLICATIONS FOR EXAMINATION-**

Application for examination for Amber Helton, Sandra Holdmeyer, Kevin Cummins (B), Sasha Chism, Zenisha Smith, Jordan Curry (B), Jacob Mitchell (B) and Jacqueline Baker, . 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 for all applicants presented except Mr. Mitchell. The agreed order for Mr. Jacob Mitchell will be for a three year probation period and the request that he notify the board office in writing when he is released from prison.

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

Application to test as a manicurist with hours from Vietman for Kim-Chi Nguyen. Ms. Nguyen provided translated diploma and transcript from the World Nail School showing 714 hours were completed in 2016.

Motion made by Frank Gambuzza and seconded by Bobby Finger to approve request to take the Tennessee exams. Motion carried unanimously except for Patricia Richmond.

Application to test as an aesthetician with hours from Vietman for Kim-Chi Nguyen. Ms. Nguyen provided translated diploma and transcript from the World Nail School showing 798 hours were completed in 2016.

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

Application to test as a manicurist with hours from Vietnam for Thi Diem Thu Le. Mr. Le provided a translated diploma and certificate of completion showing 648 hours received at Saigon Center of Cosmetic Vocation Training between June and December 2015. The board

Motion made by Bobby Finger and seconded by Anita Charlton to approve request to take the Tennessee exams. Motion carried unanimously except for Patricia Richmond.

Application to test as a cosmetologist with hours from Mongolia for Hoan Thi Do. Ms. Do provided a translated certificate of qualifications, diploma and transcript. The documents provided show she completed over 2,000 hours between September 1996 and May 1998.

Motion made by Frank Gambuzza and seconded by Bobby Finger to approve request to take the Tennessee exams. Motion carried unanimously except for Patricia Richmond.

Application to test as a master barber with hours from Iraq for Abdullah Salman. Mr. Salman appeared before the board to explain the classes he took and his experience. He provided a translated diploma showing completion of training from a vocational center between September 1992 and September 1994. He does not have a transcript listing courses or total number of hours.

Motion made by Frank Gambuzza and seconded by Yvette Granger to approve request to take the Tennessee exams. Motion carried unanimously except for Patricia Richmond.

Application to test as a cosmetologist with hours from Vietnam for Trang Thi Le. Ms. Le provided a translated vocational certificate of qualifications and what appears to be a withdrawal document. The documents provided show she completed 1,500 hours between 2002 and 2003.

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

## **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. Kaitlyn Mackenzie Greene 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. Greene submitted a letter requesting waiver of the requirement to retest.

MOTION made by Frank Gambuzza and seconded by Bobby Finger to approve request. Mona Sappenfield recused herself. 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. Cheyerne Cameron Schultz passed her cosmetologist practical examination in February 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. Schultz missed the timeline by two months. She provided a letter explaining life events that caused her to forget the deadline.

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

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. JaDaisha Mathis passed her cosmetologist practical examination in April 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. Mathis submitted a letter requesting waiver of the requirement to retest.

MOTION made by Kelly Barger and seconded by Bobby Finger to approve request. Motion carried unanimously.\

Request from master barber Mr. Larry Williams for an extension to complete the required continued education. Pursuant to Tenn. Code Ann. § 62-3-124(b) the board may grant up to one year extension for good cause. Mr. Williams received his barber education and license while incarcerated and was given extensions for the continued education. He now has the opportunity to work in the industry and can comply with the requirements moving forward.

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

Request from master barber Mr. James Hyde for an extension to complete the required continued education. Pursuant to Tenn. Code Ann. § 62-3-124(b) the board may grant up to one year extension for good cause. Mr. Hyde submitted proof of active duty with the United States Army.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve request. Motion carried unanimously.

**2017 Continued Education Seminar Requests, not appearing in person:**

The University of Memphis, Collierville Center session: Ms. Courtney Orians submitted the information on behalf of the Memphis session. They are requesting to have June 12 and 13<sup>th</sup> and were unable to appear in person for the request.

Motion made by Mona Sappenfield and seconded by Patricia Richmond to approve the 2017 session and requested dates. Motion carried unanimously.

The University of Tennessee outreach and continuing education session: They are requesting to have the session on Sunday, July 23 and Monday, July 24, 2017. For budget reasons, Mr. Bill Nichols was not able to attend the meeting.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to approve the 2017 session and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown submitted the information requesting two dates for sessions in Memphis: June 26 and June 27, 2017 and October 22 and 23, 2017. She was unable to appear in person for the request.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve the 2017 session and requested dates. Motion carried unanimously.

**Aseret Academy of Natural Hair, New Specialty School:**

Ms. Teresa Taylor presented a new specialty school application at the October 3, 2016 board meeting. The school is located in Memphis. The floor plan, student agreement, curriculum, application and fees were all reviewed by the board however the agreement had a few items left out and was not be focused on natural hair styling only. The board wanted to review the student agreement and a business plan before approval for inspection. Ms. Taylor was told that she did not need to appear for the follow up.

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

**TriCity Beauty College, Change of Ownership:**

Ms. Beller did not appear before the board as previously requested at the October 3, 2016 board meeting. The additional fees, to cover the application of a new school license, were not received when the meeting information was finalized. The office tried to reach Ms. Beller and never

received a call or email from her. A message was left with the instructor at the school stating that Ms. Beller had to appear in person for the request to be presented.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to deny school application because it is incomplete. Motion carried unanimously.

### **New Concepts School of Cosmetology – Reinstatement of school license**

Ms. Linda Luster appeared before the board to request the reinstatement of her school license. She did not complete the application, pay any of the fees or even respond to the board with an explanation as to her plans for reinstating the license. The school license expired September 1, 2016 and is unable to be renewed without an application for reinstatement and the board's approval. Ms. Luster explained that during the renewal time her family had undergone difficult situations including more than one death and she was under a lot of stress. The board asked questions and determined that if all the proper documents, reinstatement fee and floor plan were received, the executive director could approve the license and allow the students to go back to the school located in Cleveland, Tennessee.

MOTION made by Yvette Granger and seconded by Anita Charlton to approve reinstatement once board office receives all requirements. Motion carried unanimously.

### **School name change:**

The Hair Design School has three different locations: one in Jackson and two in Memphis. The office received a letter requesting all three schools be approved to change their names to "Empire Beauty School". The reason for this change has to do with branding, avoid confusion, improve marketing efforts and be one unified presence in Tennessee. Because the request missed the October meeting, a letter was provided on October 18<sup>th</sup> approving the request by the executive director. The board needs to confirm that the request meets the requirements and the change was properly granted.

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

### **Release of instructor hours:**

Ms. Tania Isby submitted an affidavit for hours she received at Pyramid Beauty School between May 2012 and February 2013. This school is no longer licensed and the board has had to consider several students under similar conditions from this school. Unfortunately Ms. Isby's hours could not be confirmed on reports. After several conversations with her and request for

additional documents, she was able to find a printout that the school used to hand students. Based on the document provided with a date of November 28, 2012 she shows 221.72 hours. Instructors must complete 300 hours or work as junior instructors from one to three years. This school actually did have the instructor trainee program and had individuals complete the 300 hours. Not being able to confirm her hours on reports is not unique to Ms. Isby and the recommendation is that we not hold her back from taking the exams.

MOTION made by Patricia Richmond and seconded by Bobby Finger to approve applicant to take the cosmetology instructor exams. Motion carried unanimously.

### **APPLICATIONS FOR RECIPROCIITY-**

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:30 AM on Monday, August 8<sup>th</sup> to review eight (8) reciprocity applications and make recommendations to the Board.

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

The applications reviewed consisted of the following:

Application for reciprocity of aesthetician license from California for Carla Chapman. Certification shows initial licensure in July 2005 with 600 hours by examination. Ms. Chapman is also licensed in Alabama since 2014. She is unable to provide a notarized letter from employer. By email she explains work experience but does not have the last five 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 cosmetology license from Michigan for Amal Faraq. Certification shows initial licensure in December 2015 by reciprocity. Ms. Faraq provided translated documents showing she completed 1,800 hours in 2004 in Damascus.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Bobby Finger to deny recommendation. The full board voted for applicant to take the practical examination only. Motion carried unanimously.



Application for reciprocity of cosmetology license from New York for Joseph Fucci. Certification shows initial licensure in November 2012 with 1,000 hours by examination. Mr. Fucci provided a notarized letter from an employer stating he has worked for them for over five years. IN New York, he could have worked as an apprentice longer than what his license reflects.

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 a cosmetologist license from Florida for Rebecca McGaha. Certification shows initial licensure in December 1992 with 1,200 hours and no practical exam. Ms. McGaha provided a letter explaining that she was in a bad car accident and later had health issues so she has not been working in the industry.

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 an aesthetician license from North Carolina for Ariel Witman. Certification shows initial licensure in May 2013 with 720 hours and both exams. Ms. Witman provided a transcript for the hours given that North Carolina does not require that many. She will have a hard time finding a school to complete the 30 hours she is missing.

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 an aesthetician license from Mississippi for Jessica Jones. Certification shows initial licensure in September 2005 with 600 hours and both exams. Ms. Jones provided tax records from 2007 through 2010 in Mississippi, 2012 and 2013 in Florida and 2014 in Tennessee.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of cosmetology license from Puerto Rico for Sally Ramirez. Ms. Ramirez was presented at the October 3 board meeting. At that time the board denied her request for reciprocity because her certificate from Puerto Rico showed number #23,438 was not listed under her name. Ms. Ramirez always stated she was licensed and it had to be an error on the certificate but because there was no name match, the office could not proceed. A revised certificate was provided with the number 23,458 and that does match the online cite for Puerto Rico. A school transcript shows she completed over 2,000 hours in 2014 but there is no proof of exams.

Recommendation - is that the applicant take the Tennessee exams.

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

Application for reciprocity of manicurist license from Florida for Anna Spires. Certification shows initial licensure in October 2015 with 240 hours and no examination. Ms. Spires provided a letter about her personal situation and why the five years' work experience is not there. Also, she failed to renew her Florida license between 2001 and 2015 therefore she lost her initial licensure date of 2001 and that happened to other applicants from Florida. The Board agreed that, as long as the Director receives additional documents regarding original license date, they allow her to approve applicant to test.

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.

## **LEGAL REPORT- STAFF ATTORNEY**

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:05 AM on Monday, November 7<sup>th</sup> 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.

The meeting adjourned at 9:25 AM.

MOTION made by Ron Gillihan and seconded by Patricia Richmond for approval of the Legal Report as amended. Motion carried unanimously.

## NEW CASES

### Barber Cases

1. Case No.: BAR- 2016046551  
First License Obtained: 03/18/1998  
License Expiration: 02/28/2018  
Complaint history: None

2. Case No.: BAR- 2016046571  
First License Obtained: 04/03/1997  
License Expiration: 04/30/2017  
Complaint history: None

Pursuant to an annual inspection, an inspector discovered that the shop license was expired. At the time, the manager was present and working on a client. The manager stated he was unaware of the expired license. Manager is not the owner.

**Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing \$100 civil penalty to shop and \$100 civil penalty to manager.**

**Decision: Approved**

3. Case No.: BAR- 2016047471  
First License Obtained: 12/12/1974  
License Expiration: 01/31/2018  
Complaint history: None

4. Case No.: BAR- 2016047491  
First License Obtained: 03/30/2006  
License Expiration: 03/31/2016  
Complaint history: None

At the time of an inspection, the shop was open for business and the manager was providing services. The inspector discovered that the manager's individual license had expired. The manager stated he was aware of the expired license, but he could not renew it due to a child support issue. In addition, there were sanitation issues with the shop including inadequate sterilizer and/or sanitizer as required by law. Also, trash containers were not covered or were otherwise unsanitary. Manager is not the owner.

**Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing total civil penalty of \$350, which consists of \$250 for sanitation violations and \$100 for expired individual license. Assess separate \$100 civil penalty to manager.**

**Decision: Approved**

5. Case No.: BAR-2016053731

**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** 2016022416, closed by Agreed Citation and payment of \$1,000 civil penalty

Complaint simply reads, "he did not have a barber license." Complainant was contacted for additional information and stated that he did not remember filing the complaint or any details.

**Recommendation: Closure. There is not enough information to proceed and complainant is no longer cooperative.**

**Decision: Approved**

6. Case No.: BAR-2016044471

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

A complaint was received which alleged respondent has been running a barbershop business from his home without a license. The home was described as extremely unsanitary. This activity was witnessed by respondent's former roommate who resided at the property for approximately eight months in 2016. She provided a picture taken at the residence showing a table with the tools, kit, etc. that respondent allegedly used. Respondent admitted that he cuts hair for friends and neighbors in the community, but stated that he only accepts donations or tips. Respondent admits he is unlicensed.

**Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing \$1,000 civil penalty.**

*\*\*\* Recommendation orally amended at meeting to add flagging shop for future inspection.*

**Decision: Approved**

**Cosmetology**

7. Case No.: COS- 2016044591

**First License Obtained:** 06/21/2012  
**License Expiration:** 05/31/2018  
**Complaint history:** None

8. Case No.: COS- 2016044611

**First License Obtained:** 07/10/1991  
**License Expiration:** 08/31/2017  
**Complaint history:** None

Pursuant to an annual inspection, the inspector discovered the shop license had expired and issued an NOV. Owner was present and working on a client at the time. She stated she was unaware of the expired shop license. Owner is the manager.

**Recommendation: Authorize both cases for formal hearing. Authorize settlement for civil penalty of \$100.**

**Decision: Approved**

9. Case No.: COS- 2016052171  
**First License Obtained:** 03/02/2006  
**License Expiration:** 03/31/2018  
**Complaint history:** None

Inspector arrived at the shop to perform an annual inspection and was told that no manager was present. The shop was open, but no services were being performed during the inspection. NOV issued for an expired shop license and no shop manager on duty. Owner has responded and indicated he has taken steps to ensure he always has a manager on duty.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$600, which consists of \$100 for the expired shop license and \$500 for shop manager not being present.**

**Decision: Approved**

10. Case No.: COS-2016045151  
**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** None

11. Case No.: COS-2016045191  
**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** None

Inspector arrived at the shop to perform an inspection. Two unlicensed individuals were performing hair cutting services. Neither of these individuals provided their identification. The owner's daughter was present and stated that neither of the two individuals had licenses. There was no manager on duty. Inspector took pictures of both individuals performing the services.

**Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing \$1,000 civil penalty to each unlicensed individual.**

**Decision: Approved**

12. Case No.: COS-2016052551  
**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** None

13. Case No.: COS-2016052511  
**First License Obtained:** 05/22/2008  
**License Expiration:** 05/31/2018  
**Complaint history:** None

Upon inspection of a shop, an inspector discovered there was an unlicensed individual present who was performing pedicuring services on a client. There was also a hot wax

machine on and ready for use and a sink that was not in working order. Both of these were issues prior to a change of ownership, which occurred in June 2016. At that time, there was no aesthetician or working sink so the shop was switched to manicuring only. Manager is the owner.

**Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing the unlicensed individual a \$1,000 civil penalty. Close case against owner who has already paid a total civil penalty of \$1,500 for the same violations.**

**Decision: Approved**

**14. Case No.: COS- 2016047021**

**First License Obtained:** 08/06/2015

**License Expiration:** 07/31/2017

**Complaint history:** None

Upon inspection, it was discovered there was no manager present. In addition, an individual whose reciprocity application this board has not yet approved was present and providing services. There were some sanitation issues, including no covered container for soiled towels, inadequate lighting and/or ventilation, and exposed services not kept clean.

**Recommendation: Authorize case for formal hearing. Authorize settlement by consent order assessing a total civil penalty of \$1,750, which consists of \$1,000 civil penalty for unlicensed activity, \$500 civil penalty for no manager present and \$250 for sanitation violations.**

**Decision: Approved**

**15. Case No.: COS- 2016047391**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Pursuant to an investigation, the inspector arrived at a shop. The shop is unlicensed. The door was locked, but an individual unlocked the door and allowed the inspector to enter the shop. This individual is unlicensed, but has completed one portion of the PSI examination. There was a male client in the styling chair. No manager was present.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$2,500, which consists of \$1,000 for an unlicensed shop, \$1,000 for unlicensed activity, and \$500 for no manager present.**

*\*\*\* Recommendation orally amended at meeting to \$2,000. Removed \$500 since being licensed is a prerequisite to the obligation to have a manager present.*

**Decision: Amended Recommendation Approved**

**16. Case No.: COS- 2016051201**

**First License Obtained:** 03/03/2010

**License Expiration:** 09/01/2017

**Complaint history:** 2015018851, dismissed

At the time of the inspection, there were 51 students clocked-in with a total of three instructors in the building. Only two of the instructors were licensed. One of the licensed instructors did not have a license posted (said license was current). The unlicensed instructor was on the floor teaching at the time. This instructor is allegedly seeking reciprocity, but there are issues with her paperwork. In summation, one instructor's license was not posted and one unlicensed instructor was working at the school.

**Recommendation: Authorize case for formal hearing. Authorize settlement for civil penalty of \$1,000 for unlicensed instructor and warning letter for not having one of the licenses posted.**

**Decision: Approved**

**17. Case No.: COS- 2016049891**

**First License Obtained:** 12/02/2010  
**License Expiration:** 10/31/2016  
**Complaint history:** 2012012091, closed w/Letter of Warning; 2013024001 & 2015002501, closed by an Initial Order and the assessment of \$750 civil penalty and \$425 investigatory and hearing costs; 2016023031, Sent an inspector to review sanitation practices related to pedicure

Upon inspection, an employee told the inspector that the manager was at home and the owner of the shop was on vacation. The employee contacted the manager and the manager arrived about 15 minutes later. Multiple tools were unclean and multiple containers were unlabeled. Inspector was informed that there were no clean tools present in the shop. During the inspection, the inspector never observed any employee using the UV sanitizer or barbicide at the stations. However, there were employees providing services to clients during the inspection. Pictures were provided to verify the unclean tools and unlabeled containers.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$750, which consists of \$500 for no manager present, \$250 for unclean tools and unlabeled containers.**

**Decision: Approved**

**18. Case No.: COS- 2016054391**

**First License Obtained:** 04/13/2015  
**License Expiration:** 03/31/2017  
**Complaint history:** None

A customer had microblading performed on her eyebrows. She did not like the results because she felt that both eyebrows were not the same. She was also upset regarding the amount of money she paid. Respondent indicated she is a licensed nurse. Respondent provided messages from the complainant regarding complainant's concerns about the aesthetic appearance of her eyebrows. Respondent presented us with a certificate of Eyebrow Microblading Specialist Training from Chicago, evidence that the

business is a licensed healthcare facility with the Tennessee Dept. of Health, and a copy of Respondent's nursing license from the state of Tennessee. The shop is a licensed cosmetology shop and respondent is a licensed aesthetician.

**Recommendation: Closure. This complaint deals with complainant's dissatisfaction with the aesthetic appearance of her eyebrows.**

**Decision: Approved**

**19. Case No.: COS- 2016054901**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

Complainant states that Respondent told her she had been a hairstylist for over 15 years and led her to believe she was a licensed professional. Four days after getting her hair braided, the complainant realized she had rashes in her head as well as hives. Her scalp was burning and very sensitive. Complainant states that she told the Respondent about her hair texture and scalp condition prior to the work being performed. It is a possibility that complainant was having a reaction to the type of hair installed. The day following the reaction, Respondent allegedly admitted to complainant that she was unlicensed. Complainant indicates she has pictures and video to support her claims. An Atty. responded on behalf of the Respondent stating that a license is not required to perform hair braiding in a residential setting and the right exists pursuant to the constitution. The Atty. essentially admits Respondent is unlicensed, but claims the board does not have jurisdiction and threatens further legal action against the board if the board continues to contact her client.

**Recommendation: Authorize case for formal hearing. Authorize settlement for civil penalty of \$1,000 for unlicensed activity.**

**Decision: Approved**

**20. Case No.: COS-2016058141**

**First License Obtained:** 09/05/2003

**License Expiration:** 08/31/2017

**Complaint history:** 2005027031, closed w/no action;  
2007053081, closed w/no action;  
2008021751, closed by Consent Order and payment of \$2,000 civil penalty;  
2013014001, closed by Consent Order and payment of \$250 civil penalty;

A consumer submitted a complaint expressing concerns about the competency of a hairstylist who performed services on her hair. The consumer also raised multiple concerns about sanitation violations and described the establishment as "soooooo DIRTY". Based on this complaint, an inspection was conducted. The shop was open for business and one customer was being serviced during the inspection. Pursuant to the inspection, multiple violations were discovered. Neither the shop owner nor manager was present. There was a person without a valid license practicing. In addition, there were multiple sanitation violations including unclean exposed surfaces,



hair cuttings on the floor, unclean floors, an unclean shampoo bowl, equipment not in working order, inadequate wet sterilizer, and tools/implements not properly cleaned, sanitized and/or stored. Multiple pictures were provided showing the sanitation violations, and the establishment is rather unclean. There are multiple tools on the floor such as scissors, combs, and a flat iron. There was an overstuffed trash can. There was a wet sanitizer container that appeared dirty and only partially immersed tools therein.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$2,500, which consists of \$1,000 for unlicensed activity, \$500 for no manager present and \$1,000 for sanitation violations (4 counts- unclean floors/hair cuttings on floor, unclean shampoo bowl, equipment not working, inadequate sterilizer/improperly sterilized tools).**

**Decision: Approved**

**21. Case No.: COS- 2016051881**

**First License Obtained: 06/29/2010**

**License Expiration: 09/01/2017**

**Complaint history: 2016026751, 2016026771, 2016027081 & 2016032151, Consent Order Proposed for voluntary Revocation**

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.

**Recommendation: Authorize case for formal hearing. Authorize settlement by consent order for revocation. The school closed abruptly without adequate warning to the board or students.**

**Decision: Approved**

**22. Case No.: COS- 2016052151**

**First License Obtained: 06/10/2008**

**License Expiration: 06/30/2018**

**Complaint history: None**

Anonymous complaint from a "concerned business owner" advising board that the stylist was "let go" at the salon she previously worked for and has begun working from home. Respondent has indicated in response to these allegations that she currently works at a shop. She provided the address and phone number for the shop. Also, she included a signed statement purportedly from the shop owner indicating that she is in fact working at a salon. Respondent and her current shop both hold valid licenses issued by the board.

**Recommendation: Closure. Respondent has provided sufficient evidence that she is in fact working at a licensed salon.**

**Decision: Approved**

23. Case No.: COS- 2016051241  
**First License Obtained:** 07/31/2015  
**License Expiration:** 06/30/2017  
**Complaint history:** None

24. Case No.: COS- 2016051261  
**First License Obtained:** 09/10/2008  
**License Expiration:** 09/30/2016  
**Complaint history:** None

Pursuant to an annual inspection, an unlicensed individual was discovered practicing manicuring on a client. The individual has a California manicuring license and had not applied for reciprocity with the state of Tennessee at the time of the inspection. NOV issued to shop/manager. Manager is the owner of the shop.

**Recommendation: Authorize both cases for formal hearing. Authorize settlement by consent order assessing \$1,000 civil penalty.**

**Decision: Approved**

25. Case No.: COS- 2016051221  
**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** None

The shop was open for business when the inspector observed an individual providing hair braiding services. The individual indicated she did not have a shop license or a personal license to practice. She further indicated she is currently in school to obtain her natural hair styling license. The shop has been open for several months. The individual stated she would not stop performing hair braiding services and refused to sign the NOV.

**Recommendation: Authorize case for formal hearing. Authorize settlement for civil penalty of \$1,000.**

***\*\*\* Recommendation orally amended at meeting to \$2,000. Added \$1,000 for unlicensed shop since individual had an actual shop open to the public with the name of the shop on the outside.***

**Decision: Amended Recommendation Approved**

26. Case No.: COS- 2016038991  
**First License Obtained:** 09/22/2014  
**License Expiration:** 09/30/2018  
**Complaint history:** 2015009371, dismissed with a letter of warning

Complainant alleges she was injured during a pedicure. The technician kept scraping her with a sponge or stone on her leg and heel until she began bleeding. The technician was allegedly asked several times to stop before the bleeding began. The technician also reportedly refused to give the complainant a bandage and kept telling her to be quiet. Complainant indicates that the shop did not have a single bandage in the entire facility and tried to put a sticker on her leg. Post-complaint investigation revealed the shop has a blood spill kit and first aid kit. Complainant provided pictures of the injury. Shop owner recalls this incident and indicates the person is no longer employed there. He says he has no record of her information and does not recall her name, but maintains that he checked and she was licensed.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$1,000, which consists of \$250 for unprofessional conduct related to not keeping appropriate records in connection with duty to ensure employees are properly licensed, \$250 for not having proper bandages on the date of the incident, and \$500 for unprofessional conduct resulting in injury including, but not limited to refusing to listen to the customer's multiple requests to stop.**

**Decision: Approved**

27. Case No.: COS- 2016062541

**First License Obtained:** 09/11/2014

**License Expiration:** 08/31/2018

**Complaint history:** 201602763, closed by an Agreed Citation and payment of \$1500 civil penalty

Pursuant to an inspection, an inspector observed one individual leave the shop and exit the back door after the inspector announced himself. The manager admitted that the individual did not have a license to practice. The inspector also observed a room for waxing along with hot wax materials and related tools. Finally, the inspector discovered dirty buffers and files at each work station.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$2,500, which consists of \$1,000 for unlicensed activity, \$1,000 for offering unauthorized services, and \$500 for sanitation violations. The shop recently paid \$1,500 by agreed citation for the same violations earlier this year.**

**Decision: Approved**

28. Case No.: COS-2016045771

**First License Obtained:** 03/28/2011

**License Expiration:** 09/01/2017

**Complaint history:** 2014002441, closed for lack of proven disciplinary grounds; 2014002371, closed for lack of proven disciplinary grounds

Student complained about not receiving her nail kit after 100 hours. School sent written response which showed school is not complying with the rule requiring that manicuring students have nail kits at 100 hours. An inspection revealed a pedicure

chair that was not functional as well as two unlabeled bottles containing product and a pair of unclean clippers stored in a supply cabinet.

**Recommendation: Authorize case for formal hearing. Send letter of warning regarding unlabeled bottles, unclean clippers, and pedicure chair. Authorize settlement for civil penalty of \$250 for policy/practices in violation of the applicable rules pertaining to nail kits (Tenn Comp. R. and Regs 0400-01-.07).**

**Decision: Approved**

29. Case No.: COS-2016054921

**First License Obtained:** 11/16/2006

**License Expiration:** 11/30/2017

**Complaint history:** None

The inspector has been unable to conduct an annual inspection on the shop due to finding it closed during reasonable hours on multiple occasions. Director of field enforcement sent a letter to the shop owner on or about August 16, 2016, advising that the annual inspection of the shop was due.

**Recommendation: Authorize case for formal hearing. Authorize settlement for civil penalty of \$100 for failure to comply with rule requiring a licensed shop to be inspected at least annually. TCA 62-4-118 (i).**

**Decision: Approved**

30. Case No.: COS-2016040741

**First License Obtained:** 04/28/1993

**License Expiration:** 03/31/2017

**Complaint history:** complaint # 9282, dismissed after inspection

A customer was cut on the bottom of her foot during a pedicure. The technician did not bring it to the customer's attention. The customer discovered she was bleeding and requested a first aid kit. Customer alleges that there was no first aid kit available, so the technician provided peroxide/alcohol and put an undersized bandage on the area. The shop attempted to charge the customer for the services rendered, but it is disputed whether or not she was offered a discount. The customer refused to pay any amount, and the establishment agreed to not accept payment. A subsequent inspection revealed the shop operating without a manager present. The inspector found individuals were not wearing identification tags as required. There was no blood spill kit on the premises as indicated by an employee. Finally, tools and implements were not being properly cleaned, sanitized and/or stored.

**Recommendation: Authorize case for formal hearing. Authorize settlement for total civil penalty of \$1,500, which consists of \$500 for no manager present, \$250 for no identification tags, \$250 for tools and implements that were not being properly cleaned, sanitized and/or stored, and \$500 for unprofessional conduct related to injury including, but not limited to, failing to promptly notify customer of injury and address injury.**

**Decision: Approved**

**31. Case No.: COS-2016048961**

**First License Obtained:** 01/13/2016  
**License Expiration:** 09/01/2017  
**Complaint history:** None

Complainant states that the school forced her to pay monies owed in cash and did not credit said monies to the student's account. Complainant states that the school waited until the student was almost ready to graduate and kept changing the balance owed. In addition, the school allegedly attempted to force complainant to sign a new contract near the completion of the program. Complainant alleges that the school is holding the student's hours "hostage". Complainant provided a ledger that shows an overage assessment of almost \$8000 in late May 2016. School says it is because of student's low attendance and overage charges that the approximate \$8,000 was added to student's account near graduation.

**Recommendation: 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.**

**Decision: Approved**

**32. Case No.: COS-2016041421**

**First License Obtained:** 07/11/2012  
**License Expiration:** 07/31/2018  
**Complaint history:** None

This case relates to the fraud perpetuated under Texas licensing laws involving fraudulent education hours. This respondent has the exact same name as her sister. The two attended the same school approximately one year apart from each other. While Texas issued findings regarding her sister's license, this individual was not referenced in any of the Texas orders and Texas has not revoked her license. Therefore, her license is valid in Texas.

**Recommendation: Closure.**

**Decision: Approved**

**33. Case No.: COS-2016051321**

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

A complaint was received from Respondent's roommate alleging Respondent was providing cosmetology services at the residence. Respondent admitted to providing cosmetology services and accepting tips and/or donations. She admitted to being employed at a shop in Nashville as a commissioned stylist for approximately one year while unlicensed in the state of Tennessee. She currently has a reciprocity application pending with the board. She explained that while employed there, she received 40% to 45% of the proceeds for the styling services she provided. The roommate provided a picture of respondent's workstation in the residence and of the supplies used. The

roommate also provided a screenshot from a website where Respondent indicates she is offering cosmetology services, indicates a price for the services, and allows individuals to book appointments. Finally, the roommate provided copies of social media advertisements for the cosmetology services being offered in Nashville, Tennessee.

**Recommendation: Authorize case for formal hearing. Authorize settlement for civil penalty of \$1,000 for unlicensed activity.**

**Decision: Approved**

#### **Re-presented cases**

34. Case No.: 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

The board previously recommended revocation after three unlicensed individuals were discovered practicing manicuring in a shop with a prior history of unlicensed activity. The shop has since closed and appears to have no electricity. The majority of the shop equipment has been moved out. The location now appears to be transitioning into a clothing store. The inspector spoke with an employee of a neighboring business who stated she believes the owner moved to another country to take care of an ill family member. Based on this, we are unable to obtain service of process.

**Recommendation: Closure.**

**Decision: Approved**

35. Case No.: COS- 2015002311

**First License Obtained:** 08/31/1992

**License Expiration:** 09/30/2016

**Complaint history:** 200502125, closed by Consent Order and payment of \$300 civil penalty

The board previously authorized formal proceedings and settlement by consent order in the amount of \$500. Since then, the shop owner/manager has passed away. Therefore, we are unable to proceed.

**Recommendation: Closure.**

**Decision: Approved**

36. Case No.: COS- 2016025381

**First License Obtained:** 04/25/2013  
**License Expiration:** 04/30/2017  
**Complaint history:** None

**37. 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. The board needs to make a new determination as to the penalty for the violations based on this new information.

**Recommendation: Closure of case against the first respondent. Recommend civil penalty in the amount of \$5,100 for new respondent, which consists of the previously authorized \$4,000 civil penalty plus \$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.**

**Decision: Approved**

The meeting adjourned at 9:10 AM.

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

MOTION made by \_\_\_\_\_ and seconded by \_\_\_\_\_ for approval by the full board of the Legal Report as amended. Motion carried unanimously.

**Cosmetology Consent Orders – October - Totaling \$12,950**

MOTION made by \_\_\_\_\_ and seconded by \_\_\_\_\_ for approval of all consent orders. Motion carried unanimously.

### **Agreed Citations – October - Totaling \$4,500**

MOTION made by \_\_\_\_\_ and seconded by \_\_\_\_\_ for approval of all agreed citations. Motion carried unanimously.

### **Letters of warning**

During the month of October there were no letters of warning issued.

### **PSI Invoice**

The subject matter expert review session was held the week of September 26th. To complete the 2014 process, the same two board members attended and worked during the 2016 session. All exams have now been touched during these two sessions as well as the practical exams. All this information was previously shared with the board. Because PSI has a contract with the board, all expenses incurred should be paid by the board and not PSI. The invoice provided reflects a cost of \$1,718.52 that needs to be approved for payment to PSI for Mr. Gillihan and Ms. Sappenfield's overnight stays and parking fees. The hotel reversed the set up and incorrectly charged PSI for the board members.

MOTION made by \_\_\_\_\_ and seconded by \_\_\_\_\_ for approval of the invoice and payment to PSI. Motion carried unanimously.

### **Request for new book reference**

The board approved a new instructor book back in the January 2016. Nothing changes the approval of the book. The issue is that the author of the book would like it referenced in the PSI bulletins that students follow in order to prepare for the exams. Those books referenced are generally what school purchase and use to teach. In reality many or most schools use additional books to supplement. Also, Pivot point has just recently launched their instructor book and it is NOT on the Psi bulleting nor do they have any plans to reference all the questions to the new book because of the lengthy process.

PSI has completed the referencing process and submitted the results. In order to do this their team received three or four versions of the book and they actual had to make sure all the questions could be found in order to be referenced. They were only able to find 67 out of 210 questions for references.

Chairman Ron Gillihan explained the process for book reviews.

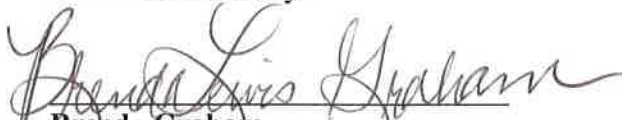
Ms. Ciara Gordon spoke to the board about test scores, her book helping many instructors in areas where they are struggling and the process for referencing the book.





**Additional Questions:**

**Motion to adjourn**


MOTION to adjourn made by \_\_\_\_\_ and seconded by \_\_\_\_\_. Motion carried unanimously.

  
Brenda Graham

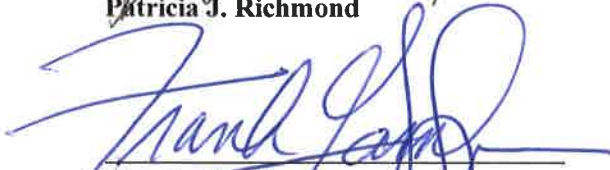
  
Nina Coppinger


  
Judy McAllister

  
Kelly Barger

  
Patricia J. Richmond

  
Mona Sappenfield


  
Frank Gambuzza

  
Amy Tanksley

  
Anita Charlton

\_\_\_\_\_  
Yvette Granger

\_\_\_\_\_  
Ron R. Gillihan

  
Bobby N. Finger