



**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 6, 2017 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: Jimmy Boyd, Anita Charlton, Frank Gambuzza, Ron Gillihan, Brenda Graham, Yvette Granger, Judy McAllister, Patricia Richmond, Becky Russell, Mona Sappenfield and Amy Tanksley. Not present: Kelly Barger and Nina Coppinger.

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

MINUTES-

Minutes for the October 2, 2017 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the October 2, 2017 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Legal Counsel, Pamela Spicer, explained that a summary suspension was recommended for the personal license of Mr. Dan Van Tran. Ms. Spicer read the suspension information affecting cosmetology license #157001. The board agreed to have the summary suspension in place and proceed with the complaint process in order to protect the public.

Motion carried unanimously by roll call. Vote was unanimous.

Legal Counsel, Pamela Spicer, explained that a summary suspension was recommended for the personal license of Donald Duckworth and shop license for Master Kuts. Ms. Spicer read the suspension information affecting master barber license #9552 and barber shop license 5831. The board agreed to have the summary suspension in place and proceed with the formal hearing process in order to protect the public. The Informal Hearing was set for Wednesday, November 15th at 10:00 a.m. (CST). The majority of board members stated they could participate telephonically.

Motion carried unanimously by roll call for the summary suspension of personal barber license #9552. Vote was unanimous.

Motion carried unanimously by roll call for the summary suspension of barber shop license #5831. Vote was unanimous.

PSI – Lynn Thomas

PSI representative, Lynn Thomas, appeared before the board to share the process improvements made to the practical exams for Tennessee licensees. The practical exams had not been reviewed in over a decade. The updates are for safety, sanitation and to better protect the public. These improvements have been shared with instructors throughout the State as they attended sessions for continued education. Lynn Thomas attended every one of the sessions during 2017 as well as held a free special event in Nashville for those individuals who did not need to attend in 2017. Instructors have received the improvements with positive comments and excitement. The online bulletins are updated to reflect the February 1, 2018 launch date. The current version is also available online. Lynn will consider doing a webinar if some instructors or schools have a need to review the updates to the exams. Questions can be referred directly to her or to the executive director.

The Hair Academy, LLC. - Change in Ownership and Name

Ms. Tina Freeman, Director of the Hair Academy, LLC appeared before the board for a change in ownership and name change to the school previously known as Fayetteville College of Cosmetology Arts and Sciences. This request was previously presented, approved and the new license issued as a result of the April 2017 board meeting. In August the new school administration contacted the board office and explained that the process for accreditation required the old license stay in effect for a while longer so accreditation credentials could be moved from one owner to the other as allowed by NACCAS. Ms. Freeman explained the situation to the board. Because none of this altered how students hours were handled and the statute allows for some flexibility the licenses were restored until the accreditation could be resolved. At this time the new license number 321 under The Hair Academy, LLC is requested back. Ms. Patricia Richmond abstained from the vote.

MOTION made by Judy McAllister and seconded by Yvette Granger to approve new school license. Motion carried unanimously.

Hairspray Master Barber College, New Barber School Application:

Ms. LaPrecious Houston appeared before the board for a New Barber School license for a school located in Memphis. The business license, floor plan, enrollment agreement, student handout, application, fifteen tentative contracts and fee were all received timely. The school is over 1,800 square feet.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve new school license pending an inspection by a board member and field inspector. Motion carried unanimously.

2018 Continued Education Seminar Requests:

ExpertEase Consulting Edu sessions: Ms. Ciara Gordon and Ms. Kehsi Iman Wilson appeared before the board requesting approval for an in-person continuing education session and approval for the online session.

The in-person session is to be held on Saturday and Sunday, October 13 and October 14, 2018 to be held at Tennessee College of Applied Technology (TCAT) located in Nashville. They answered questions for the board.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve the 2018 in-person session. Motion carried unanimously.

Separately, Ms. Gordon and Ms. Wilson requested approval for the online session previous held throughout all of 2017. The board stated during the October 2, 2017 board meeting that some instructors had been able to take the online course and complete it in less than the 16 hour requirement set by Rule. They were very concerned and specifically asked for this to be presented and a solution be discussed if the group was to decide and still offer online education. Ms. Wilson demonstrated the new system, and answered all the boards' questions about security, timing out and the tests. She explained that the system is split into four separate blocks and every two hours it can allow for a break and pop up questions. Ms. Gordon explained that the old system had problems that started in June 2017 allowing some instructors to not complete 16 hours but receive a certificate and renew licensure. She stated that a detailed audit was conducted and 18 instructors were found to have completed less than the required 16 hours. Ms. Hooper explained how the course must line up with the minimum requirements set in the rule and recommended the board have three instructors complete the new system before proceeding to allow the online course to everyone. The board requested that the office be informed as soon as the new system is available and that three names would be provided. Those individuals would

complete the session at no cost and report back to the board at the December 11th board meeting. At that time the board would consider what to do with the online session.

Motion made by Yvette Granger and seconded by Becky Russell to deny the 2018 online session and reconsider evaluations of the new system at the next meeting. Motion carried unanimously.

Shop License Denial – Sky Nails:

A change of ownership application was presented to the board by attorney Kelley Strange, representing Ms. Thanh Nguyen. Ms. Nguyen is the new owner of a shop located at 2828 Elm Hill Pike in Nashville. This location had an incident on July 20, 2017. The name of that shop was Shine Nails. The board did a summary suspension in August because the shop and manager allowed prostitution to take place in the establishment. The suspension was for two shop licenses and one personal license. Soon after that a change in ownership was reviewed by the board office. After looking at all the information and keeping in mind the protection to the public, the executive director and legal counsel made the decision to deny the change in ownership. Ms. Strange reached the board on Thursday late afternoon and send many documents to be presented. Attorney for the board, Cherrelle Hooper explained the reasons why Ms. Nguyen is a straw man for the new ownership and that at no time did Ms. Nguyen take any steps to communicate with legal or the board office. All the communication has been done by the daughter, through her two children, as interpreters. The true owner, Ms. Nguyen had the same language issue but never asked for assistance nor was she the one communicating through her grandchildren.

Motion made by Patricia Richmond and seconded by Judy McAllister to deny the change in ownership. Ms. Amy Tanksley and Ms. Mona Sappenfield abstained from the vote. Motion carried unanimously the remaining nine members present.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: John Davis and Lorenzo Marthel. 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. Master Barber applicants may be denied if the felony affects the work they will perform in the industry. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

Application to test as a cosmetologist with hours from Mexico for Maria Hernandez. Ms. Hernandez provided translated certificate of completion showing 1,524 hours were completed between August 2013 and December 2014.

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

Effective June 7, 2017, the curriculum was amended under Rule 0440-01-.03(5) to replace language about registration for what we refer to as crossover between disciplines. The number of required hours was lowered from 750 to 300 or a waiver based on licensure could be completed. At the June 5, 2017 board meeting, the waiver form was finalized and the Executive Director was given permission for the office to process applicants to test if they met the five years of continuous licensure. Ms. Karen Sherlin obtained her initial license in July 1987. Payment records reflect that her license was not renewed timely between 1995 and 2016 but records prior to 1995 could not be obtained. It is possible that she paid timely and has a five year continual history but the office cannot approve without board review. Attorney for the board, Cherrelle Hooper explained that the updated rule says we must have proof of the five continuous years of licensure in order to waive the 300 hours and therefore this cannot be approved unless Ms. Sherlin provides proof.

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

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

2018 Continued Education Seminar Requests:

The University of Memphis submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, June 10 and Monday, June 11, 2018. Ms. Lori Spencer is the new contact person for 2018.

Motion made by Patricia Richmond and seconded by Amy Tanksley to approve the 2018 session and requested dates. Motion carried unanimously.

The University of Tennessee, Knoxville UT Conference Center submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, July 22 and Monday, July 23, 2018.

Motion made by Patricia Richmond and seconded by Amy Tanksley to approve the 2018 session and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown submitted the information requesting three dates for sessions in Memphis: April 22 and 23; July 15 and 16 and October 21 and 22, 2018.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the 2018 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 Germantown on September 22 and 23, 2018.

Motion made by Amy Tanksley and seconded by Patricia Richmond to approve the 2018 session and requested dates. Motion carried unanimously.

Request for manicurist license for Cuc Dang. Ms. Dang passed her practical exam in September 2017. She previously held a license which was revoked in November 2016 because she did not obtain her education as required by Texas law. She completed her education in Tennessee between December 2016 and May 2017. She has passed both exams and is now asking for her license.

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

Request for manicurist license for Vy Thi Tuong Nguyen. Ms. Nguyen passed her practical exam in July 2017. She previously held a license which was revoked in May 2016 because she did not obtain her education as required by Texas law. She completed her education in Tennessee between January 2017 and May 2017. She has passed both exams and is now asking for her license. The school entered the date for the beginning of her coursework incorrectly but the board was able to make the change prior to approving license.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request for manicurist license for Oanh Nguyen. Ms. Nguyen passed her practical exam in October 2017. She previously held a license which was revoked in October 2016 because she did not obtain her education as required by Texas law. She completed her education in Tennessee between May 2017 and October 2017. She has passed both exams and is now asking for her license.

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

Request for manicurist license for Li Yang. Ms. Yang passed her practical exam in September 2017. She previously held a license which was revoked in August 2016 because she did not obtain her education as required by Texas law. She completed her education in Tennessee between February 2017 and June 2017. She has passed both exams and is now asking for her license.

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

Request for cosmetology instructor license for Sheri Santospieve. Pursuant to 0440-01-.10, an applicant must pay and request their original license within six months of having passed the practical exam. Ms. Santospieve provided a written explanation of her hospitalization and health issues as well as hospital narrative. Her letter also states that her husband and son were both deployed adding to her life events. She passed her practical on September 27, 2016. The board has given the Executive Director permission to approve extensions as long as they are within a year or so after passing the practical exam.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Colorado for Jennifer Kennedy. Certification shows initial licensure in June 2008 with 40 credit hours or 1,200 clock hours as a Hair Stylist by examination. Ms. Kennedy was then licensed in Florida as a cosmetologist between July 2009 and October 2010. She is also licensed as a barber in Washington State since May 2011. Ms. Kennedy provided proof of work experience between 2011 and 2016.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Sibylle Roche. Certification shows initial licensure July 17, 2017 with only a theory exam. Ms. Roche completed her education in Germany. She states that she did over six thousand hours between

1994 and 1998. She provided over a dozen certificates, proof of attendance to seminars and ongoing education. This is likely how she arrived at the high number of hours completed. Pennsylvania requires 1,200 hours but Ms. Roche has years of experience in Germany.

Recommendation - is that the applicant take the Practical Tennessee exam.

MOTION made by Judy McAllister and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Georgia for Lily Safina. Certification shows initial licensure in December 2013 with 1,325 hours as a Hair Designer having passed both exams. She provided tax records from 2012 through 2016. Because Georgia has an apprenticeship program, her experience and work in the industry prior to licensure is acceptable.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:00 AM on Monday, November 6th to review the allegations of **51** complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS-2017034141

First License Obtained: 09/18/1998

License Expiration: 07/31/2019

Complaint history: 2006022771, closed by Consent Order and payment of \$500.00 civil penalty

This is a consumer complaint alleging that during a pedicure the manicurist caused the consumer's foot to bleed. The complaint was sent out for inspection and no violation were found and the inspector spoke to the consumers in the establishment at the time and each stated that they had been pleased with their services.

Recommendation: Closure

Decision: Approved

2. Case No.: COS-2017035221

First License Obtained: 11/13/2013

License Expiration: 10/31/2017

Complaint history: None

Pursuant to inspection in June 2017, one individual was found to be providing services on an expired license which had been expired since October 2016. In addition, the inspector cited for no manager present but the owner and manager are the same individual however, the owner/manager's license is expired (see below) .

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty.

Decision: Approved

3. Case No.: COS-2017035191

First License Obtained: 10/20/2000

License Expiration: 10/31/2016

Complaint history: None

Pursuant to inspection in June 2017, this individual was found to be performing services with an expired license. As of October 27, 2017 the license has not been renewed.

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

Decision: Approved

4. Case No.: COS-2017035811

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The consumer provided proof of unlicensed activity with copies of Facebook posts showing the Respondent advertising services.

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

Decision: Approved

5. Case No.: COS-2017035891

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

At the June 2017 board meeting, the board authorized a complaint to be opened against the shop owner due to new ownership of the salon as the NOV was dated November 9, 2016 and the salon

had changed ownership. The original complaint was for unlicensed activity of the current owner of the salon who was also the owner in November 2016.

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

Decision: Approved

6. Case No.: COS-2017035931

First License Obtained: 07/20/2015

License Expiration: 05/31/2019

Complaint history: None

This is a consumer complaint alleging unsanitary conditions after the Respondent's vacated the facility. The Respondent filed is response with proof of sanitary conditions and states that the pictures provided by the landlord were after the Respondent's vacated the facility.

Recommendation: Closure.

Decision: Approved

7. Case No.: COS-2017036291

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a competitor complaint alleging unlicensed activity. The Respondent advertises on Facebook as providing hair and makeup services.

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

Decision: Approved

8. Case No.: COS-2017036491

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity of performing lash extensions. In response the Respondent states that she received certification to perform lash extensions and states she holds a professional health license. However, there is no proof of any professional health license with the State of Tennessee and no proof that the Respondent works in a medical spa.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00.

Decision: Approved

9. Case No.: COS-2017036001

First License Obtained: 01/19/2000

License Expiration: 12/31/2017

Complaint history: None

This is a consumer complaint alleging failure to refund a deposit for seven persons in a wedding party who had paid a deposit for hair services. The Respondent states that it is the policy of the salon that no refunds are issued and that if a deposit is paid for future services that the consumer has one year to utilize the services at the salon.

Recommendation: Closure

Decision: Approved

10. Case No.: COS-2017036511

First License Obtained: 12/12/2012

License Expiration: 11/30/2018

Complaint history: 2014009421, closed by Consent Order and payment of \$750.00 civil penalty

Pursuant to inspection in June 2017, the inspector found two unlicensed individuals providing services without a license. A notice of violation was issued to the shop and the owner and the manager are the same individual

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.

Decision: Approved

11. Case No.: COS-2017036581

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is the one of the individuals from the above shop complaint No. 2017036511 who is unlicensed and provided no identification at the time of the inspection.

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

Decision: Approved

12. Case No.: COS-2017036551

First License Obtained: 07/19/2017

License Expiration: 07/31/2019

Complaint history: None

This is one of the individuals from for the above shop Complaint No. 20170365111 who in response to the complaint provided proof that she had passed the exam on 5/30/2017 but due to a

health issue did not make application and pay the fee until June, 7, 2017 which was the date of the inspection.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty.

Decision: Approved

13. Case No.: COS-2017034231

First License Obtained: 11/19/2015

License Expiration: 11/30/2019

Complaint history: None

Pursuant to inspection in June 2017, one individual was found to be performing a pedicure without a license. When this individual was questioned she exited through the back door.

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

Decision: Approved

14. Case No.: COS-2017037241

First License Obtained: 03/02/2012

License Expiration: 01/31/2018

Complaint history: None

This is a consumer complaint alleging unsanitary conditions and chickens that were around back behind the salon, outside and not within the actual salon. Based on the complaint an inspection was requested but no violations were found.

Recommendation: Closure

Decision: Approved

15. Case No.: COS-2017037601

First License Obtained: 12/12/1991

License Expiration: 04/30/2018

Complaint history: None

Pursuant to inspection June 2017, one individual was found to be working with an expired license. The license expired April 2016.

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

Decision: Approved

16. Case No.: COS-2017038071

First License Obtained: 10/28/2011
License Expiration: 09/01/2018
Complaint history: None

This is a student complaint against a school alleging that the student was not allowed to graduate. The school responded and provided proof of the missing components regarding this particular student and proof that the student had been contacted regarding this and the school has met with the student regarding the information needed in order for the student to graduate.

Recommendation: Closure

Decision: Approved

17. Case No.: COS-2017039311

First License Obtained: 02/15/2013
License Expiration: 01/31/2019
Complaint history: None

This is a consumer complaint alleging that a dog was inside the shop during open business hours. A picture of the dog was provided. The Complainant also alleges a bad result from a pedicure. The Respondent admits to the allegations.

Recommendation: Letter of warning.

Decision: Approved

18. Case No.: COS-2017039251

First License Obtained: 01/31/2017
License Expiration: 12/31/2018
Complaint history: 201701567, closed by an Agreed Citation and payment of \$1,000 civil penalty and a letter of warning

This is a consumer complaint alleging unsanitary conditions. The Respondent provided a written response stating that other customers were present and that they clean the tubs used for pedicures after each client and use clean brushes on each client.

Recommendation: Closure

Decision: Approved

19. Case No.: COS-2017039641

First License Obtained: 10/16/2008
License Expiration: 07/31/2017
Complaint history: None

This is a consumer complaint alleging fraud related to gift cards. Specifically, the complaint alleges that the salon closed leaving people holding gift cards. The shop is, in fact, closed and has been closed since June 2017.

Recommendation: Closure

Decision: Approved

20. Case No.: COS-2017040231

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging that services are being performed under someone else's license number. However, an inspector performed an inspection of the facility and there is no proof that there are any services being performed other than teeth whitening. After the inspection additional information was provided showing Facebook screenshots but there no proof this is the same establishment from what was provided in the screenshots.

Recommendation: Closure

Decision: Approved

21. Case No.: COS-2017040251

First License Obtained: 05/24/2017

License Expiration: 05/31/2019

Complaint history: None

This is a consumer complaint alleging unsanitary conditions. The inspector had been out the month prior to this complaint and found no violations. The Respondent provided a response and states that she took ownership in May 2017 and that the Complainant is an employee who was terminated.

Recommendation: Closure

Decision: Approved

22. Case No.: COS-2017040361

First License Obtained: 06/16/2003

License Expiration: 06/30/2017

Complaint history: None

Pursuant to inspection, the manicure shop was found to be providing waxing services but not licensed as a cosmetology shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty.

Decision: Approved

23. Case No.: COS-2017040381

First License Obtained: 02/13/1998

License Expiration: 02/28/2018

Complaint history: None

This is the manager from the above Complaint No. 2017040361 cited for providing services not authorized by the shop license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty.

Decision: Approved

24. Case No.: COS-2017040571

First License Obtained: 02/19/1999

License Expiration: 02/28/2019

Complaint history: None

Pursuant to inspection in June 2017, one individual was found to be providing services but her license was expired and had been expired since February 2017.

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

Decision: Approved

25. Case No.: COS-2017041001

First License Obtained: 01/30/2015

License Expiration: 01/31/2019

Complaint history: None

Pursuant to inspection in June 2017, the shop license was found to be expired and had expired January 2017.

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

Decision: Approved

26. Case No.: COS-2017040841

First License Obtained: 02/20/2009

License Expiration: 09/30/2019

Complaint history: 2012011591, closed by Consent Order and payment of \$500.00 civil penalty; 2014024861, closed by Consent Order and payment of \$1,000 civil penalty

This is a consumer complaint alleging unsanitary conditions and unlicensed activity. The Respondent provided a response and had received an inspection two months prior and no issues were found.

Recommendation: Closure with letter of warning and send inspector to determine if any unlicensed activity exists.

Decision: Approved

27. Case No.: COS-2017041521

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

This is a competitor complaint alleging multiple violations of building codes and other sanitation violations within a “suite provider” establishment. Pursuant to inspection, no violations were found.

Recommendation: Closure

Decision: Approved

28. Case No.: COS- 2017036371

First License Obtained: 05/02/2005
License Expiration: 09/01/2018
Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action; 2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter of Warning; 2009010121, dismissed; 2014003171, 2014019051, 2014030611, 2014030631, Resolved in Agreed Order and Compliance Plan at Formal Hearing; 2016013981, closed; 2016049731, dismissed

This is an internally opened complaint based on a Notice of Violation issued. An annual inspection occurred in June and at that time, the Inspector observed no cosmetology students or cosmetology instructors present but did enter during inspection time. Respondent was not able to show student sign in log/hours as wi-fi was down. Inspector requested to review four student files and in those files, three were missing diplomas.

This inspection was done pending the above matter being in litigation and negotiations. The agreement reached in the Agreed Order specifically addresses the issues of sign in logs and files. That agreement was entered into at the hearing of the above matter and this inspection took place between settings of hearing. The goal is to have Respondent comply with plan that meets with all requirements and as this investigation was done in process of litigation, it is reviewer’s opinion that Respondent be given that chance. If issues arise going forward, the previous complaint can be reviewed and potentially re-opened.

Recommendation: Letter of warning regarding compliance with T.C.A. 62-4-122 daily record of attendance and maintenance of student files Rule 0440-01 and critical nature of the signed Agreed Order.

Decision: Approved

29. Case No.: COS-2017039891

First License Obtained: 09/09/2011
License Expiration: 09/30/2019

Complaint history: None

30. Case No.: COS-2017039661

First License Obtained: 07/31/2015

License Expiration: 07/31/2017

Complaint history: None

This is a consumer complaint alleging unlicensed activity of the individual in Complaint No. 201703989. However, the Respondent's license is current and she is a licensed aesthetician License No. 156765 current through 2019 and has been licensed since 2011. The last name of the licensee is different due to a name change because of a marriage.

Recommendation: Closure

Decision: Approved

31. New Case No.: COS-2017035391

First License Obtained: 03/11/2005

License Expiration: 03/31/2019

Complaint history: 200502415, closed by Consent Order and payment of \$600 civil penalty; 2005033371, closed w/no action; 2006011841, dismissed; 2012002111, closed by Consent Order and payment of \$500 civil penalty; 2013011431, closed for lack of disciplinary grounds; 20150218761, closed by Consent Order and payment of \$1,000 civil penalty; 2015006861 and (2), 2016046121 & 2016076651, formal hearing continued indefinitely due to settlement negotiations.

Pursuant to inspection in June 2017, one individual was found to be providing services with no license. In addition, the shop manager was not present. The shop license was also expired 03/31/17.

Recommendation: This shop has other cases in litigation and settlement negotiations are underway. Any settlement would include this matter. Current negotiations include revocation of the shop license with a civil penalty reduced from \$9100.00 to \$5000.00.

Decision: The Board authorized formal hearing and to give legal counsel full authority to negotiate a settlement which includes revocation of the shop license and a payment plan with a reduced civil penalty if Respondent agrees to voluntary revocation of the shop license.

REPRESENTS

32. Represent Case No.: COS-2015006861

33. Represent Case No.: COS-2016046121

34. Represent Case No.: COS-2016076651

First License Obtained: 03/11/2005
License Expiration: 03/31/2019
Complaint history: 200502415, closed by Consent Order and payment of \$600 civil penalty; 2005033371, closed w/no action; 2006011841, dismissed; 2012002111, closed by Consent Order and payment of \$500 civil penalty; 2013011431, closed for lack of disciplinary grounds; 20150218761, closed by Consent Order and payment of \$1,000 civil penalty;

35. Represent Case No.: COS- 2015006862
First License Obtained: 10/14/2004
License Expiration: 10/31/2018
Complaint history: 20150218781, closed by Consent Order and payment of \$1,000 civil penalty

The Board previously authorized revocation of the Respondent's shop license and settlement for all of the above-referenced cases against the shop and its owner/manager for a total civil penalty in the amount of \$9,100. These matters were previously presented to the Board at its March 6, 2017 meeting as follows: Respondent's two previous inspections revealed the shop was permitting unlicensed individuals to perform natural hair braiding services in the shop (open complaints 2015006861 and 2016046121).

2015006861 (shop) and 2015006862 (owner): On March 12, 2015, upon inspection of the Respondent shop, the inspector observed four individuals performing natural hair care services for clients without a license. The Board authorized a settlement of a total civil penalty of \$4,000, which the shop has not accepted.

2016046121 (shop): On August 4, 2016, upon inspection of the Respondent shop, the inspector observed four individuals performing natural hair care services for clients without a license. Further, there was not a manager present and the shop's license was suspended at the time of the inspection. The Board authorized a settlement of a total civil penalty of \$5,100, which the shop has not accepted. Given the repeat violation, legal requested a follow up inspection.

2016076651 (shop): follow up inspection in December 2016 inspector found two individuals providing services without a license. Board authorized revocation of the shop license and \$9100.00 civil penalty.

Recommendation: Settlement negotiations are ongoing. Current negotiations include revocation of the shop license with a civil penalty reduced from \$9100.00 to \$5000.00.

Decision: The Board authorized formal hearing and to give legal counsel full authority to negotiate a settlement which includes revocation of the shop license and a payment plan with a reduced civil penalty if Respondent agrees to voluntary revocation of the shop license.

BARBER CASES

36. Case No.: BAR-2017033831

First License Obtained: 08/31/1982

License Expiration: 10/31/2016

Complaint history: 201500247, closed by Agreed Citation and payment of \$2,000 civil penalty

Pursuant to an inspection in May 2017, the Respondent was found to be operating on an expired shop license and without having a manager present. As of this date of this report, the shop license has not been yet renewed.

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

Decision: Approved

37. Case No.: BAR-2017034381

First License Obtained: 02/17/1999

License Expiration: 02/28/2013

Complaint history: None

Pursuant to an inspection in June 2017, the Respondent who is a master barber was practicing on a license expired three years ago therefore requiring to re-test. Board records indicate that the Respondent has retested in August 2017. An Agreed Citation in the amount of \$1,000 civil penalty was sent out to the Respondent for settlement. Subsequently, Respondent contacted the Department and indicated that he would like to settle this matter via a payment plan.

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

Decision: Approved

38. Case No.: BAR-2017035311

First License Obtained: 07/21/2004

License Expiration: 06/30/2018

Complaint history: 2014029791, closed by Consent Order and payment of \$2,000 civil penalty

This is an anonymous complaint alleges that the Respondent shop has an illegal license or no license at all. Board records indicate that the shop has an active license and it is valid through June 30, 2018.

Recommendation: Closure

Decision: Approved

39. Case No.: BAR-2017035331

First License Obtained: 12/09/2013

License Expiration: 11/30/2017

Complaint history: None

This is an anonymous complaint alleges that the Respondent shop has an illegal license or no license at all. Board records indicate that the shop has an active license and it is valid through November 30, 2017.

Recommendation: Closure

Decision: Approved

40. Case No.: BAR-2017035361

First License Obtained: 09/11/2012

License Expiration: 08/31/2018

Complaint history: 2014032181, closed by Agreed Citation and payment of \$1,000 civil penalty

This is an anonymous complaint alleges that the Respondent shop has an illegal license or no license at all. Board records indicate that the shop has an active license and it is valid through August 31, 2018.

Recommendation: Closure

Decision: Approved

41. Case No.: BAR-2017036241

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint against the Respondent, unlicensed shop, alleges unlicensed activity. A follow up inspection revealed that the business's door was locked. The inspector stated he approached a gentleman who unlocking the door of the business – the inspector asked him if this was a barbershop and the person stated that the business is not a barbershop, but a t-shirt printing business. The inspector asked the person if he could come in the store, but person replied no. Additionally, the inspector stated that he could not see from outside due the business windows were tinted.

Recommendation: Closure due to no proof a Barber Shop exists at the location.

Decision: Approved

42. Case No.: BAR-2017036891

First License Obtained: 01/14/1999

License Expiration: 01/31/2019

Complaint history: None

This is a consumer complaint filed on June 8, 2017 alleges that the Respondent, licensed master barber, had been working with an expired license for the last five months. The Complainant did

not provide proof that the Respondent was in fact practicing on an expired license. The Respondent's license was renewed on June 20, 2017.

Recommendation: Closure

Decision: Approved

43. Case No.: BAR-2017037721

First License Obtained: 03/26/2014

License Expiration: 05/31/2019

Complaint history: None

Pursuant to an inspection in June 2017, the Respondent was found to be operating on an expired barber shop license. The shop license has been now renewed.

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

Decision: Approved

44. Case No.: BAR-2017038031

First License Obtained: 07/07/2011

License Expiration: 03/31/2018

Complaint history: 2013008361, dismissed

A complaint was opened administratively against the Respondent's barber school alleges that the school has been operating and teaching students on an expired license as of March 31, 2017.

In response to the complaint, the Respondent stated that due to human error resulting from administrative staff turnover, the school was late in renewing its license, and the school's license was renewed online on June 20, 2017, and that going forward, all renewal notices will be received by the President and completed immediately. The Respondent further stated that the new mailing address and support software will improve the administrative capabilities and this will not happen again.

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

Decision: Approved

45. Case No.: BAR-2017039441

First License Obtained: 10/20/1980

License Expiration: 10/31/2017

Complaint history: None

This is a consumer complaint filed against the Respondent, a licensed barber shop, alleges unlicensed activity. A request for a follow-up inspection was sent to confirm the allegations of the complaint. The inspector stated that he went to the shop to inspect at least two times and each

time the shop was closed. The inspector further states he attempted to contact the Complainant, but all of her information listed on the complaint, including, but not limited to, phone number, email, home and employment address was invalid. Basically we have no proof that this shop is operating unlicensed or operating at all.

Recommendation: Closure

Decision: Approved

46. Case No.: BAR-2017040431

First License Obtained: 06/08/1998

License Expiration: 07/31/2019

Complaint history: 201500132, closed with a Letter of Warning

47. Case No.: BAR-2017040461

First License Obtained: 12/01/2006

License Expiration: 12/31/2018

Complaint history: 201500134, closed with a Letter of Warning

Pursuant to an inspection in June 2017, the Respondent shop and individual were cited for allowing a master barber to perform services on an expired license. The individual's license has been now renewed.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty to individual and to the shop.

Decision: Approved

48. Case No.: BAR-2017041741

First License Obtained: 09/02/1981

License Expiration: 06/30/2019

Complaint history: None

This is a consumer complaint filed against the Respondent, a licensed barber shop, alleging unsanitary conditions.

In response to the complaint, the Respondent's shop owner stated that he has been in business and had a successful barbering career over 50 years and that the shop was inspected on June 15, 2017 days before the complaint and received a grade score of 96, and that this is the first complaint in his career.

Recommendation: Closure

Decision: Approved

49. Case No.: BAR-2017043481

First License Obtained: 03/10/2005

License Expiration: 05/31/2017

Complaint history: None

A consumer complaint was filed against the Respondent barber shop alleges that the Complainant took her son for a haircut and was not satisfied with the service and that when she looked at the barbers license and was expired.

A follow-up inspection was conducted and a Notice of Violation was issued to the Respondent shop for operating with an expired shop license and for allowing two barbers to practice with expired licenses. Board records indicate that the two barber individuals settled their personal complaints via an Agreed Citation.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$300.00 civil penalty.

Decision: Approved

Attending Board members: Ron Gillihan, Becky Russell, Amy Tanksley and Frank Gambuzza.

The meeting adjourned at 9:30 AM.

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

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

NEW BUSINESS

Financial information for fiscal year 2016 – 2017 was provided showing that the board finished the year with \$50,787 and a total reserve balance of \$281,620. Expenditures for the last four fiscal years range from 2 million to 2.4 million and revenue between 2 million to 2.5.

The shop inspection form was updated to work better for dual shops, mobile shops and cover many of the updated rules and laws. The new form was presented for board approval. A new school inspection form will be presented as soon as it can be revised. Ms. Amy Tanksley pointed out that at a recent inspection a few items were confusing on the form. Field inspectors will be asked once more to submit their corrections and concerns and the form will be finalized at the December board meeting.

The board office received a written complaint on a Tennessee licensee possibly involved in assisting with fraudulent hours from a school in Georgia. That complaint will take its course but to date there has not been a response. Separately the office would like to involve the State Board of Georgia and request a formal investigation. A similar situation came up in Texas. That State Board did a fantastic job devoting countless hours to the investigation. After a year and a half

Tennessee received proof that hours were not completed and a list of nine schools with concerns and disciplinary cases. At this time the office is holding seven applicants from testing with transcripts from that school. The recommendation is to provide Georgia with as much detail as needed and request they do an investigation. In the meantime, the board recommends denial of all pending and future applications from applicants who attended Atlanta Beauty and Barber Academy until further notice.

MOTION made by Judy McAllister and seconded by Patricia Richmond to deny applicants from school in Georgia submitted as part of a complaint. Motion carried unanimously.

The August and October board meetings covered updating the equipment and student kits for shops and schools. A work session was led by attorney for the board, Cherrelle Hooper who completed the lists. Board members made recommendations and the changes will be presented at the December board meeting to finalize updates.

Ms. Becky Russell informed the board that Aveda Knoxville asked her to speak to students and share information about the industry and recent changes.

MOTION made by Yvette Granger and seconded by Judy McAllister to approve Ms. Russell speaking on her own behalf. Motion carried unanimously.

Additional Questions:

Motion to adjourn

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