



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting December 10, 2018 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: Nina Coppinger, Ron Gillihan, Judy McAllister, Janie Ross, Becky Russell and Amy Tanksley. Participating electronically Kelly Barger, Yvette Granger, Patricia Richmond and Mona Sappenfield.

Not in attendance Anita Charlton, Brenda Graham and Frank Gambuzza.

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

MINUTES-

Minutes for the November 5, 2018 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve the November 5, 2018 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Naturally Yours Hair Academy – New Specialty School

Ms. LaTasha Delaney appeared before the board at the November meeting. She was asked to clarify her contracts and provide a better floor plan. She has decided to rent a different bigger

location. The school is located in Memphis and is 900 square feet. The business license, curriculum, blank contract, five tentative agreements, floor plan, application and fee were all received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

American College of Barbering – New Barber School

Mr. Thomas James appeared before the board for a barber school license. The school is located in Murfreesboro and is 4,850 square feet. The business license, curriculum, contingency plan, fifteen tentative agreements, floor plan, application and fee were all received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve new school pending an inspection by a field inspector and board member. Mr. Ron Gillihan abstained from the vote. Motion carried unanimously.

Larry's Cosmetology Massage and Barber School – New School Licenses

Mr. Larry Roberts Jr. appeared before the board for a cosmetology and a barber school license. The school is located in Memphis and is 7,800 Sq. Ft. This location was for a school that closed in September 2018. Two separate school license applications were presented. The business license, curriculum, contingency plan, student contracts agreement, floor plan, applications, 15 tentative contracts and fees were all received timely.

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

Austin's Beauty College, Inc. – School Extension

Ms. Linda Austin appeared before the board for an extension to her existing location. This school has been licensed since 1994 in Clarksville. The campus training center is half a mile from the main school building and is 3,000 sq. ft. They requested approval of the extension to provide students with better training in a larger environment. They do not plan to offer services to the public at this location; simply spread their courses mostly for the freshmen class.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve extension. The board will send a field inspector as a courtesy. Motion carried unanimously.

Paul Mitchell the School Nashville – New Cosmetology School

Mr. Kevin Johnson appeared before the board for a cosmetology and school license. The school is located in Hendersonville and is 13,600 Sq. Ft. The business license, curriculum, contingency

plan, student contracts agreement and floor plan were received. The fees will be paid in person after the meeting. The school needs to start the process early with the board for accreditation purposes. They will inform the office when they are ready for the inspection.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve new school pending an inspection by a field inspector and a board member. Motion carried unanimously.

Global Beauty and Barber Online Instructor Course – Instructor Online Course

Ms. Gordon appeared before the board to request the online instructor course be approved for Global Beauty and Barber Institute. This request was presented to the board at the June 2018 board meeting. At that time the board requested board member Rebecca Russell have access to the online system so she could evaluate the curriculum, tracking of hours and material presented. Ms. Russell presented her testing and evaluation. The board asked questions of both Ms. Russell and Ms. Gordon.

MOTION made by Patricia Richmond and seconded by Judy McAllister to deny online instructor curriculum. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Shirley Allen. The applicant is currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

Request approval of manicurist license for Thi Ong. Ms. Ong attended one of the schools in Georgia currently under investigation and not accepted by the board. She completed an application to test and was entered by the office prior to the complaint and situation presented to the board. Ms. Ong passed the practical exam on August 28, 2018 and is now requesting her license. A couple of other similar situations have been presented and approved.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Illinois for Landus Jackson. Certification shows initial licensure in September 2016. That license is listed as a probation license until October 31, 2019 and not an active license. Illinois has 1,500 hours and both exams. The Consent Order was provided showing the charges and his background. It appears this compares to the agreed orders this board requires except the status of Tennessee licensees reflect and active license not a probationary one.

Recommendation - is that the applicant sign agreed order and be approved for reciprocity.

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

Application for reciprocity of manicurist license from California for Misty Minks. Certification from California shows an initial license since October 1998. Ms. Minks does not have a copy of he transcript because it has been so long and the state board only has five years on file. A letter from employer states she worked at Asante Spa between August 2006 and October 2008 and then again April 2014 until recently. She had a gap in time to have a child and is not in Tennessee.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Florida for Constance Pippin. Certification shows was initially licensed on June 21, 2013 with 1200 hours and no practical exam. She is also licensed in Michigan since December 13, 2017. Her written communication states she was originally licensed in Florida in 1989 and that she has been working since then. She has no work experience for the last five years because she was taking care of a family member. Florida does change the licensure date if the person does not keep up with the renewals. They will only certify the 2013 date.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from California for Linda Traylor. Certification from California shows initial licensure in December 1986. The California State

board provided information to other States regarding concerns with a long list of schools. Since that time all applicants from these schools are deferred until the investigation is complete. Ms. Traylor is unable to provide a transcript. She provided proof of work experience going back to 2004 – 2014 but nothing recent.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Amy Tanksley and seconded by Janie Ross to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Katie Trichel. Certification shows Ms. Trichel was initially licensed in October 2013 with 1000 hours and both exam. The actual certification has not been received yet. The office did not wait her application delayed. She provided proof of prior military orders to explain some lack of documentation regarding work experience. She was able to start working in New York since 2011. She also presented tax records and a letter recapping her experience and the time missing supporting records.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Janie Ross to approve reciprocity. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for extension of continued education requirement from master barber instructor David Highland. Pursuant to Tenn. Code Ann. §62-3-124 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. Mr. Highland emailed explaining he paid the renewal fee timely but had a multitude of personal issues going on and missed attending a session. He obtained his instructor license in 2014 and attended a continuing education session in August 2016.

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

Request for approval of continued education session completed by cosmetology instructor Laura Mullaney. Pursuant to Tenn. Code Ann. §62-4-114(b) an instructor may notify the board and place their instructor license on inactive status. Before getting the instructor license back to

active, they must complete an approved training program. Ms. Mullaney obtained her instructor license in 2001. She is under the impression that her instructor license was placed in inactive status. Records show that on 12/5/2005 she was to be presented to the board because she did not attend a session timely. Instead her license was changed to cosmetology and from that time on she has only been renewing a cosmetology license and the fee never included the instructor rank. She has a job and attended continuing education courses provided by the school she hopes to work for. If her license was not inactive she would need to re-test.

MOTION made by Amy Tanksley and seconded by Becky Russell to approve the request. Motion carried unanimously.

Request for extension of continued education requirement from cosmetology instructor Taylor Dockins. Pursuant to Tenn. Code Ann. §62-4-114 an instructor must complete the 16 hours of an approved training program. It is at the board's discretion to approve up to one additional year extension for good cause. She planned to attend the session in October but that provider cancelled it. She obtained her instructor license in 2012 and attended sessions in 2014 and 2016. This is her first request for an extension.

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

DIRECTOR'S REPORT:

Financial information for fiscal year 2019 through October shows a deficit of \$2,881. September and October include onetime expenses for the regulatory board licensing and complaint system and upgrades.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:30 AM on Monday, December 10th to review the allegations of 58 complaints and make recommendations to the Board.

Attending were Board members, Ron Gillihan, Becky Russell and Amy Tanksley. Not in attendance Frank Gambuzza.

COSMETOLOGY CASES

1. Case No.: COS-2018043041

First License Obtained: 03/15/1994

License Expiration: 09/01/2019

Complaint history: 6963, dismissed; 6962, dismissed; 6900, dismissed; 6055, dismissed; 2005011891, closed; 2006014231, dismissed;

2010001861, closed by Consent Order and payment of \$500.00 civil penalty

This is a student complaint alleging poor teaching methods. The school provided a response and explained the policies and procedures and stated that the student has now withdrawn from the school.

Recommendation: Closure

Decision: Approved.

2. Case No.: COS-2018043371

First License Obtained:

03/21/1994

License Expiration:

09/01/2018

Complaint history:

2005031451, Dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation.

This is a student complaint alleging unsanitary conditions and insufficient equipment. The school was inspected in June 2018 and no violations were reported.

Recommendation: Closure

Decision: Approved.

3. Case No.: COS-2018043541

First License Obtained:

08/30/2017

License Expiration:

08/31/2019

Complaint history:

20150227081 & 20150226301, closed by Letter of Warning and request to send an inspector to see if the shop is still operating; 2016026891, closed by Agreed Order to pay \$4,000 civil penalty pursuant to payment plan

An inspection was performed based on a complaint of unlicensed activity. On the date of the inspection no unlicensed activity was found.

Recommendation: Closure

Decision: Approved.

4. Case No.: COS-2018044351

First License Obtained:

05/03/2017

License Expiration:

05/31/2109

Complaint history:

2017046681, closure; 2018028481, closed

This is the second complaint for unlicensed activity for which an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved.

5. Case No.: COS-2018043991

First License Obtained: 09/26/2017

License Expiration: 09/30/2019

Complaint history: None

This is a consumer complaint alleging discrepancies with the prices that the salon charges. The Respondent provided a response and explained the pricing differences.

Recommendation: Closure

Decision: Approved.

6. Case No.: COS-2018044371

First License Obtained: 06/22/2011

License Expiration: 05/31/2019

Complaint history: None

Based on a consumer complaint, an inspection was performed and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved.

7. Case No.: COS-2018044841 First License Obtained: 01/20/2007

License Expiration: 01/31/2019

Complaint history: None

Based on a consumer complaint, an inspection was performed and the allegations of unlicensed activity were not substantiated.

Recommendation: Closure

Decision: Approved.

8. Case No.: COS-2018045151

First License Obtained: 06/23/2016

License Expiration: 06/30/202

Complaint history: None

Pursuant to inspection, the shop was found to be providing services not authorized by the license. The owner provided a response stating that the shop was purchased two years ago and has been inspected in the past and no violations were found and that the same equipment has been in the shop since he purchased the shop.

Recommendation: Letter to cease and desist and remove any equipment that would be used for services not authorized by the license. Schedule re-inspection 30 days out to ensure compliance.

Decision: Approved.

9. Case No.: COS-2018044741

First License Obtained: 07/12/2016

License Expiration: 07/31/2020
Complaint history: 201705455, closed by Agreed Citation and payment of \$1,000 civil penalty

This is the shop from the above complaint. Same allegations as above.

Recommendation: Letter to cease and desist and remove any equipment that would be used for services not authorized by the license. Schedule re-inspection 30 days out to ensure compliance.

Decision: Approved.

10. Case No.: COS-2018045041

First License Obtained: 05/23/2017

License Expiration: 03/31/2019

Complaint history: None

This is a consumer complaint alleging that the customer contracted a fungi infection from receiving a pedicure.

Recommendation: Closure

Decision: Approved.

11. Case No.: COS-2018045131

First License Obtained: 07/14/2016

License Expiration: 07/31/2020

Complaint history: None

Pursuant to inspection this shop was found to be providing services not authorized by the license. The owner provided a response stating that the shop was purchased two years ago and has been inspected in the past and no violations were found and that the same equipment has been in the shop since he purchased the shop.

Recommendation: Letter to cease and desist and remove any equipment that would be used for services not authorized by the license. Schedule re-inspection 30 days out to ensure compliance.

Decision: Approved.

12. Case No.: COS-2018045371

First License Obtained: 12/10/1999

License Expiration: 01/31/2019

Complaint history: 200502422, closed by Consent Order and payment of \$300.00 civil penalty; 200502272, closed by Consent Order and payment of \$300.00 civil penalty; 2010019351, closed by Consent Order and payment of \$1,000 civil penalty; 2011025511, closed by Consent Order and payment of \$3,000 civil penalty;

Based on a consumer complaint, an inspection was performed and no violations were found.

Recommendation: Close and flag for re-inspection based on complaint history.

Decision: Approved.

13. Case No.: COS-2018046511

First License Obtained: 12/02/2016
License Expiration: 11/30/2018
Complaint history: 201701616, closed by Agreed Citation and payment of \$1,000 civil penalty

Pursuant to inspection, one unlicensed person was found to be providing services without a license. One other individual was found to be providing services with expired license and this person was also the manager.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1600.00 civil penalty.

Decision: Approved.

14. Case No.: COS-2018046571

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

Pursuant to inspection, this shop was found to be unlicensed.

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

Decision: Approved.

15. Case No.: COS-2018047971

First License Obtained: 07/15/1991
License Expiration: 05/31/2020
Complaint history: None

Pursuant to inspection, two individuals were found to be providing services with expired license and the shop license was expired. The owner who is also the manager is this Respondent and was providing services with expired license.

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

Decision: Approved.

16. Case No.: COS-2018047831

First License Obtained: 09/27/2001
License Expiration: 09/30/2019
Complaint history: None

Pursuant to inspection, two individuals were found to be providing services with expired license and the shop license was expired. The owner is also the manager whose individual license was expired.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$700.00 civil penalty.

Decision: Approved.

17. Case No.: COS-2018048271

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

Complaint history: None

This is a consumer complaint alleging unlicensed activity with the only proof being a Facebook page. The respondent provided a response denying the allegations and stated that she only provides services in her home and does not charge for her services.

Recommendation: Closure

Decision: Letter of Warning

18. Case No.: COS-2018047991

First License Obtained: 09/25/2017

License Expiration: 09/30/2019

Complaint history: 2018001701, closure

Pursuant to inspection, a notice of violation was issued to the shop for allowing an applicant to provide services. During the inspection, the owner asked the individual to stop the service and leave not return to the salon until the license was obtained.

Recommendation: Letter of warning.

Decision: Approved.

19. Case No.: COS-2018048901

First License Obtained: 04/29/2016

License Expiration: 04/30/2020

Complaint history: None

Pursuant to inspection based on a consumer complaint for unlicensed activity, no basis for the complaint was substantiated.

Recommendation: Closure

Decision: Approved.

20. Case No.: COS- 2018048471

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services without a license.

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

Decision: Approved.

21. Case No.: COS- 2018050121

First License Obtained: 07/28/2003

License Expiration: 07/31/2019

Complaint history: 20150216141, closed by Consent Order and payment of \$500.00 civil penalty

Pursuant to inspection, one person was found to be providing services without a license.

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

Decision: Approved.

22. Case No.: COS- 2018050641

First License Obtained: 11/16/2016

License Expiration: 11/30/2020

Complaint history: None

Based on a consumer complaint alleging unlicensed activity, an inspection was performed but no unlicensed activity was substantiated at the time of the inspection.

Recommendation: Closure

Decision: Approved.

23. Case No.: COS-2018052001 – shop

24. Case No.: COS-2018050451 – shop

First License Obtained: 10/27/1997

License Expiration: 10/31/2019

Complaint history: 2008011331, dismissed

25. Case No.: COS-2018071011 – owner

First License Obtained: 03/18/1994

License Expiration: 03/31/2020

Complaint history: 201807997, closed administratively and added to complaint 2018052001 above

Pursuant to inspection in July 2018 related to complaint No. 2018050451, no violations were found. In October 2018 a complaint against the owner was opened which is complaint No. 2018071011 alleging sanitary violations, however, the shop had just been inspected in July 2018 and the respondent states that she is going through a divorce and it is her believe that her husband is filing complaints with the Board. A second complaint was opened under Compliant No. 2018052001 alleging similar allegations to the other complaints but the shop had been inspected in July 2018 and no violations were found.

Recommendation: Closure

Decision: Approved.

26. Case No.: COS-2018051401

First License Obtained: 04/25/2011

License Expiration: 04/30/2019

Complaint history: None

Pursuant to inspection, this manager was cited for allowing one individual to provide services with expired license.

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

Decision: Approved.

27. Case No.: COS-2018052571

First License Obtained: 01/13/2016

License Expiration: 09/01/2019

Complaint history: 2016064021, Closure. contract discloses overage rates; 2016048961, Closure. Contract fully discloses overage

rates. Records reflect student's low attendance records resulting in the overage hours and multiple attempts by the school to encourage the student to increase attendance, which would have resulted in a smaller overage; 2017022241; closure; 2017056441, Letter of Warning

This is a student complaint alleging that she has not received her diploma in a timely fashion. The school responded stating the policy and time lines for students who have graduated to receive diplomas and other documents from the school. Legal attempted follow up with the student but has not received a response.

Recommendation: Closure

Decision: Approved.

28. Case No.: COS-2018054021

First License Obtained: 08/22/2017

License Expiration: 05/31/2019 **Complaint history:** None

This is a consumer complaint alleging sanitation violations. The owner provided a response on behalf of the salon and provided photographs disputing the allegations in the complaint and the salon had recently been inspected and no violations were found.

Recommendation: Closure

Decision: Approved.

29. Case No.: COS-2018054561

First License Obtained: N/A

License Expiration: N/A

Complaint history: 201805410, closed administratively and added to complaint 2018054561 above

Based on a consume complaint an inspection was performed and no violations were found at the time of inspection.

Recommendation: Closure

Decision: Approved.

30. Case No.: COS- 2018055301

First License Obtained: 09/24/2007

License Expiration: 11/30/2019

Complaint history: None

Pursuant to inspection, the shop owner's license who is also the manager was found to be expired. No licensed manager was present.

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

Decision: Approved.

31. Case No.: COS-2018055111

First License Obtained: 06/24/1987

License Expiration: 09/30/2019

Complaint history: None

Pursuant to inspection, the shop manager was not present and the shop license and inspection sheets were not properly displayed.

Recommendation: Letter of warning for failure to display license and inspection sheet and \$500.00 civil penalty for no manager present. Authorize formal hearing and settlement by consent order with \$500.00 civil penalty.

Decision: Approved.

32. Case No.: COS- 2018056391

First License Obtained: 06/07/1996

License Expiration: 06/30/2020

Complaint history: None

Pursuant to inspection, the shop owner's license was found to be expired.

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

Decision: Approved.

33. Case No.: COS- 2018057261

First License Obtained: 08/23/2013

License Expiration: 07/31/2019

Complaint history: None

Pursuant to inspection, two persons were found to be providing services without a license.

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

Decision: Approved.

34. Case No.: COS-2018060511

First License Obtained: 07/10/2018

License Expiration: 07/31/2020

Complaint history: None

This is a consumer complaint alleging that the shop is unlicensed and that students are working in the salon under an apprenticeship program. Consumer is a student who worked in the salon. The shop is licensed. However, there are allegations that the owner is running a dual shop.

Recommendation: Closure with request for inspection. If determined dual shop or other violations are found open new complaint.

Decision: Approved. Closure with request for inspection concerning students working in the salon under an apprenticeship program and operating a dual shop. If determined dual shop or other violations are found open new complaint.

35. Case No.: COS-2018060801

First License Obtained: 07/15/2014

License Expiration: 05/31/2020

Complaint history: 2016028471, closed and sent an inspector

This is a consumer complaint alleging bad result with services received.

Recommendation: Closure

Decision: Approved.

36. Case No.: COS-2018060841

First License Obtained: 02/27/2015

License Expiration: 02/28/2019

Complaint history: 2017031411, closed with a Letter of Warning and sent a request for re-inspection; 2018003601, closure

This is a consumer complaint alleging unlicensed activity. Shop is closed.

Recommendation: Closure

Decision: Approved.

37. Case No.: COS-2018061881

First License Obtained: 01/16/2015

License Expiration: 01/31/2019

Complaint history: None

Pursuant to inspection regarding a report of unlicensed activity. No unlicensed activity was found on the date of the inspection.

Recommendation: Closure

Decision: Approved.

38. Case No.: COS-2018062071

First License Obtained: 11/23/2005

License Expiration: 11/30/2019

Complaint history: None

This Respondent is the shop manager who was cited during an inspection for manager responsibilities related to the shop license being expired.

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

Decision: Approved.

39. Case No.: COS-2018062051

First License Obtained: 04/19/2006

License Expiration: 04/30/2018

Complaint history: None

Pursuant to inspection the shop license was found to be expired.

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

Decision: Approved.

40. Case No.: COS- 2018062161

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services without a license.

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

Decision: Approved.

41. Case No.: COS-2018062271

First License Obtained: 11/25/2015

License Expiration: 11/30/2019

Complaint history: None

Pursuant to inspection, this Respondent is the manager of a nail salon found to be offering services not authorized by the license.

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

Decision: Approved.

42. Case No.: COS-2018077091

First License Obtained: 01/31/2017

License Expiration: 12/31/2018

Complaint history: 201701567, closed by Agreed Citation and payment of \$1,000 civil penalty; 2017039251, closure; 2018008971, settled by Consent Order to pay \$4,500 civil penalty via payment plan; 2018041571; closure; 2018019161, Formal Charges Authorized

Pursuant to inspection, three licenses were found to be expired and one individual was providing services without a license. No manager was present at the time of the inspection.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with request for voluntary revocation of shop license.

Decision: Approved.

BARBER CASES

43. Case No.: BAR-2018050371

44. Case No.: BAR-2018064531

45. Case No.: BAR-2018065541

First License Obtained: 01/29/2013

License Expiration: 01/31/2019

Complaint history: 2013001731, closed by Consent Order and payment of \$750.00 civil penalty; 2015017431, closed by Consent Order and payment of \$1,000 civil penalty; 2017019591, closed by Consent Order and payment of \$600.00 civil penalty

Pursuant to an inspection based on consumer complaints regarding unlicensed activity. No unlicensed activity was found in the shop on the date of the inspection.

Recommendation: Closure

Decision: Approved.

46. Case No.: BAR-2018053561

First License Obtained: 12/01/2017

License Expiration: 12/31/2019

Complaint history: None

This is a consumer complaint alleging this Respondent is providing services not authorized by the license. The Respondent provided a response admitted to providing lash extension services but states that she has the necessary certification to do so.

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

Decision: Approved.

REPRESENTS

47. Case No.: L15-COS-RBS- 20150213551

First License Obtained: 02/11/2005

License Expiration: 02/28/2019

Complaint history: None

48. Case No.: L15-COS-RBS-20150213601

First License Obtained: 12/18/2009

License Expiration: 12/31/2019

Complaint history: None

This matter was previously presented to the Board at its October 5, 2015 meeting as follows: *This complaint alleges that the owner of this shop allowed the spouse of the shop owner to work on a fraudulently obtained license in violation of **Tenn. Code Ann. § 62-4-119 (1)**. The spouse subsequently agreed to the revocation of the fraudulent license and the spouse was further named as a person receiving a fraudulent license in a statement by a former employee who admitted to being involved in a scheme to fraudulently obtain cosmetology licenses in violation of **Tenn. Code Ann. § 62-4-127(b)(1)**. Case 20150213551 is against the owner of the shop, who holds an individual cosmetology license, and case # (case number) is against the shop itself.*

Recommendation: Authorize each complaint for formal hearing with authority to settle each case by consent order for revocation of the shop owner's personal cosmetology license and the shop's license, respectively.

Decision: Accepted

Update: These cases were set for hearing in December, however, opposing counsel filed a motion to continue and request for mediation. The judge granted the continuance and recommended that legal speak to the client regarding the request for mediation.

New Recommendation: Legal recommends the parties attend mediation and authorize the Executive Director, Roxana Gumucio, to attend the mediation on the board's behalf and authorize settlement of this matter with authority to settle with new settlement terms as to be decided at mediation.

Decision: Approved.

November 2014 cases

49. Case No.: L14-COS-RBS-2014019051

First License Obtained: 05/02/2005
License Expiration: 09/01/2015
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;

The complaint alleges that the Respondent, a licensed cosmetology school, committed misconduct by failing to timely submit monthly hours report to the Board in violation of TENN. CODE ANN. §§ 62-4-122(h)(1), (2) (Students) and 62-4-127(b) (Inspections – Cause for suspension, revocation, or for denial of license).

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for an indefinite period of license suspension to be lifted when a reporting system is submitted that is satisfactory to the Board; no instruction activity of any kind is to be undertaken during the suspension period.

Decision: Approved

50. Case No.: L14-BAR-RBS-2014019041

51. Case No.: L14-BAR-RBS-2014018211

First License Obtained: 09/27/2002
License Expiration: 09/26/2015
Complaint history: 2003169821 dismissed; 200317300, closed by Agreed Order; 2004188051, dismissed; 2005011351, closed by Consent Order and payment of \$5,000; 2006021801, 2006024771, 200639701 and 2006039721: closed w/no action; 2007072151, 2007086991: closed and flagged; 2008006581, closed w/no action; 2008006591, 2009006861: closed and flagged; 2010033591, closed by Consent Order and payment of \$500 civil penalty; 2011029341, closed w/no action

Complaint No.: L14-BAR-RBS-2014019041: This complaint alleges that the Respondent, a licensed barber school, committed misconduct by failing to timely submit monthly hours report to the Board in violation of TENN. COMP. R AND REG. 0200—1—.02(4)(d) [CURRICULUM], and TENN. CODE ANN. § 62-3-121(6) and (7) (Ground for refusal, suspension or revocation of certificate).

Complaint No.: L14-BAR-RBS-201401821: This complaint arose as a result of the Notice of Violation issued on July 30th, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent was allowing three (3) students to provide haircut services to clients in the Respondent's school *with no instructor present with the students. However, according to the Notice, there was an instructor present in the Respondent's school with two other students in a class room* (there is no authority in the barber law or rules that forbids this). Additionally, the area inspector found that there was an expired instructor's license posted in violation of TENN. CODE ANN. § 62-3-107 (Registration). Further according to the Notice, the inspector observed several sanitation violations, including unclean floor and exposed surfaces not kept clean all in violation of TENN. COMP. R AND REG. 0200—3-.03(1) [LOCATION], several work stations were unclean and chairs were busted and in unsanitary condition all in violation of TENN. COMP. R AND REG. 0200—3-.07(1) [FURNISHINGS AND EQUIPMENT], and trash containers without covers and inadequate dry and/or wet sterilizer all in violation of TENN. COMP. R AND REG. 0200—1—.07 [EQUIPMENT FOR BARBER SHOP].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for an indefinite period of license suspension to be lifted when a reporting system is submitted that is satisfactory to the Board; no instruction activity of any kind is to be undertaken during the suspension period. The Consent Order will also contain a civil penalty of \$250.00 for each of the four identified sanitary violations for a total civil penalty of \$1,000.00.

Decision: Approved

June 2014 cases

52. Case No.: L14-COS-RBS-2014003171

First License Obtained: 05/02/2005
License Expiration: 09/01/2014
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

The complaint alleges that the Respondent, a licensed cosmetology school, is operating or has operated without a licensed instructor on the premises at all times in violation of TENN. CODE ANN. § 62-4-122(b) (Students). The Complainant explains that all attempts at communicating with the Respondent and asking for the instructor on duty results in a statement that the owner/instructor has left the building for some reason and/or the phone is passed to an individual who the Complainant alleges is not licensed as an instructor. The Respondent has sent in

documentation that shows that the individual alleged to be unlicensed does seem to have a license, at least currently, and that there is a licensed instructor available at all operational hours.

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of \$1,000.00 for repeated complaints within only a few years.

Analysis: The Board agrees with this assessment.

Decision: Approved.

53. Case No.: L14-BAR-RBS-2014030621

First License Obtained: 09/27/2002

License Expiration: 09/26/2015

Complaint history: 2003169821 dismissed; 200317300, closed by Agreed Order; 2004188051, dismissed; 2005011351, closed by Consent Order and payment of \$5,000; 2006021801, 2006024771, 200639701 and 2006039721: closed w/no action; 2007072151, 2007086991: closed and flagged; 2008006581, closed w/no action; 2008006591, 2009006861: closed and flagged; 2010033591, closed by Consent Order and payment of \$500 civil penalty; 2011029341, closed w/no action;

54. Case No.: L14-COS-RBS-2014030631

55. Case No. L14-COS-RBS- 2014030611

First License Obtained: 05/02/2005

License Expiration: 09/01/2015

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

A complaint was sent in anonymously against Respondent on December 2, 2014. Upon contacting the number provided on the complaint it was confirmed that complainant was a school instructor. The Respondent had suspicions that the instructor had filed the complaints and the instructor has since been fired in retaliation. The instructor no longer claims anonymity and intends to testify against Respondent if needed. The third complaint was opened administratively on December 9, 2014 by this board because student's hours were being incorrectly reported. There are currently an additional four complaints opened against this school.

Pursuant to an investigation against this school it was determined that the school could not provide accurate daily records of hours for at least 5 students. There were only payment receipts. There have been multiple other indications that students pay for hours and aren't actually instructed; including the instructor's complaint, the lump sum reporting of hours as opposed to the monthly reports required, and that several times inspectors have gone to the school and found no cosmetology students present at the school.

The Respondent has sent in a letter of response calling these baseless allegations. Respondent refutes any insinuation that students are awarded hours that have not been earned. Lastly, Respondent says that issues with VA benefits were mistakes and are being handled through a VA benefits coordinator.

The issues presented above are pervasive and the Respondent has shown no actions on any complaint to correct the behavior in the allegations. The allegations made in the seven total complaints open are largely the same, indicating that none of these behaviors are mistakes or isolated incidents. No consent order has been signed or responded to. These other complaints have already been authorized for litigation.

Recommendation: Combine all complaints against this Respondent School to one case. Authorize for a formal hearing for all allegations with authority to settle the matter beforehand with a consent order revoking the Respondent's licenses to run a Barber or Cosmetology School.

Decision: Approved.

December 2015 cases

56. Case No.: L15-COS-RBS- 2015020711

First License Obtained: 05/02/2005
License Expiration: 09/01/2015
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;

57. Case No.: L15-BAR-RBS- 2015020701

First License Obtained: 05/02/2005
License Expiration: 09/01/2015
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;

A complaint was opened administratively by the Board office following an inspection. At the time of inspection the school could not provide student files for the inspector to look through. Two of the instructors did not have their licenses posted. There were no cosmetology students present, only manicuring students. The Board office has not found cosmetology students present at the school in the last several inspections.Recommendation: Authorize this complaint for formal hearing. Allow authority to settle beforehand with a consent order assessing revocation.

Decision: Approved

UPDATE: All of the above matters were combined in a formal hearing that was set in September 2017. At the hearing, an agreed order was negotiated and Respondent agreed to a compliance plan to address the issues and failure to comply with that plan allowed this litigation to be refiled for a full hearing. Subsequent inspections and investigations revealed Respondent not complying with the terms of the agreed order and potential new violations were found.

Recommendation: The matter should be re filed and litigated and because of issues and concerns, should be heard before this Board.

Decision: Approved.

58. Case No.: COS- 2018042261

First License Obtained: 02/08/2012

License Expiration: 01/31/2018

Complaint history: None

This matter was previously presented to the Board at its November 2018 meeting as follows: *Pursuant to inspection, this shop was found to be providing services with expired shop license and one individual was providing services with expired license. No manager was present at the time of inspection.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$200.00 civil penalty.

Decision: Approved.

UPDATE: The individual license was not expired at the time of inspection. Therefore, the civil penalty needs to be modified. No shop manager present and shop license expired.

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

Decision: Approved.

The meeting adjourned at 9:53 AM.

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

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

NEW BUSINESS:

The board followed up repeatedly with The University of Memphis to determine if they were interested in offering the instructor session as they have in the past. Mr. Roy Bowery responded via email on November 30th. He explained that the position that coordinated this event was terminated. As such the 2019 options for instructors will not include the University of Memphis.

The board also left countless voice messages and sent emails to the representative with Tennessee State University, Avon Campus. To date we have not received a call back or email. At this time we will proceed with the 2019 list and not include TSU.

Update on the California investigation of schools: On November 26th the deputy Director for the California State Board emailed the office letting us know that six (6) of the 22 schools under investigation have been found to be in compliance. A complete list was presented to the board. They discussed how to move forward and whether to start approving applicants who attended the schools cleared of possible non-compliance.

MOTION made by Amy Tanksley and seconded by Nina Coppinger for approval of hours from any of the school cleared of wrong doing and no longer under investigation. Motion carried unanimously.

The October and November board meetings included an application by Dr. Barbara Winfrey for reinstatement of a barber school license and then a follow up. At this time the investigation is ongoing. The Executive Director so far has concluded that no licensed instructors were associated with that business. She spoke to two students whose hours cannot be accepted: Mr. Maldonado and Ms. Megaly. Once the investigation is complete the board will be updated.

The attorney for the board, Cherrelle Hooper, updated the board and the rules.

Additional Questions:

Motion to adjourn

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