



**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 5, 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: Kelly Barger, Anita Charlton, Frank Gambuzza, Ron Gillihan, Yvette Granger, Brenda Graham, Janie Ross, Patricia Richmond, Becky Russell, and Amy Tanksley. Nina Coppinger and Mona Sappenfield participated telephonically. Ms. Judy McAllister was not present.

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

Chairman Ron Gillihan expressed his condolences on behalf of the board on the passing of board member Jimmy Boyd who will be dearly missed.

### **MINUTES-**

Minutes for the October 1, 2018 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the October 1, 2018 minutes. Motion carried unanimously.

### **APPEAR BEFORE THE BOARD-**

2019 Continued Education Seminar Requests:

The Educator's Success sessions: Ms. Stephanie Brown participated telephonically requesting approval of two dates for sessions in Memphis: April 14 and 15 and October 20 and 21, 2019.

Motion made by Patricia Richmond and seconded by Amy Tanksley to approve the 2019 sessions and requested dates. Motion carried unanimously.

PBC Inc. session: Ms. Pearl Walker and Ms. Celeste Harris appeared before the board with information for a session to be held in Germantown on September 22 and 23, 2019.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the 2019 session and requested dates. Motion carried unanimously.

ExpertEase Consulting Edu. Corp. session: Ms. Ciara Gordon appeared before the board with information for two dates at two different locations: October 12 and 13, 2019 in Nashville and October 19 and 20, 2019 in Chattanooga.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the 2019 sessions and requested dates. Motion carried unanimously.

Thomas James session: Mr. James appeared before the board with information for two dates at two different locations: March 10 and 11, 2019 in Murfreesboro and June 9 and 10, 2019 in Johnson City.

Motion made by Patricia Richmond and seconded by Yvette Granger to approve the 2019 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 21 and Monday, July 22, 2019.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to approve the 2019 session and requested dates. Motion carried unanimously.

Master Educators Academy session: Ms. Ameerah Jones-Ruben presented information for an instructor continuing education seminar to be held in Memphis on August 18 and 19, 2019. The board had questions regarding the 2018 sessions cancelled and requested deferring the request for the December meeting.

## **Naturally Yours Hair Academy – New Specialty School**

Ms. LaTasha Delaney appeared before the board for a new specialty natural hair styling school license. The school is located in Memphis and is 181 square feet. The business license, curriculum, blank contract, five tentative agreements, floor plan, application and fee were all received timely. Board asked for a better floor plan true to size and for the contracts to include refund breakdown.

MOTION made by Yvette Granger and seconded by Nina Coppinger to defer application or the December meeting. Motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION-**

Applications for examination for: Melissa McCloud, Callie Watkins and Scarlett Guy. The applicants have felonies within the last three years and/or are currently incarcerated; the request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

Application for manicure license with hours from Vietnam for Trung Au. Ms. Au presented her transcript evaluated by Aequo International and is requesting permission to take the Tennessee exams.

Motion made by Frank Gambuzza and seconded by Yvette Granger to approve license. Motion carried unanimously.

The board discussed moving forward in a more efficient way with international applicants especially since in 2019 they will only meet every other month. Mr. Gambuzza asked if this permission could be given to the Executive Director to review documents, submit for evaluation if needed and otherwise approve them to test based on proof of hours.

Motion made by Frank Gambuzza and seconded by Yvette Granger to authorize ED and the office approve applicants to test as long as acceptable supporting documents are presented. Motion carried unanimously.

Application to test as a manicurist with hours from Vietnam for Nhan Le. Mr. Le completed 714 hours in 2017 and Aequo International completed the evaluation stating the documents are authentic.

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

Motion made by Frank Gambuzza and seconded by Yvette Granger to give the Executive Director permission to approve the information to test for all of the International applicants.

Request for approval of manicurist license for Man Ngo. Mr. Ngo attended one of the schools in Georgia currently under investigation and not accepted by the board. He completed an application to test and was entered by the office prior to the complaint and situation presented to the board. Mr. Ngo passed the practical exam on August 15, 2018 and is now requesting his license. One other similar situation was presented and approved.

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

#### **APPLICATIONS FOR RECIPROCITY-**

Application for reciprocity of master barber license from Michigan for Ahmed Aljumaili. Certification shows Mr. Aljumaili received his initial license in Michigan on December 20, 2017 by reciprocity. Mr. Aljumaili states that he completed hours in Michigan and that in order to take the exams he had to redo school. The office first received a transcript stating he had cosmetology hours. A letter was sent explaining the mistake and that he did barbering hours. The Michigan State board was asked to review the transcripts and they state that Samuels School is not a licensed school. Mr. Aljumaili also provided a letter recapping his situation. He has already been sent a letter with the board's consistent decision for anyone with international hours and less than five years work experience in the US to take the Tennessee exams. He is asking that they be waived.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Frank Gambuzza and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from Virginia for James Brewster. Mr. Brewster is a licensed cosmetologist in Tennessee since 1996. His certification from Virginia shows he is a licensed cosmetology instructor since 2006. Virginia does not require additional hours or the practical exam. Mr. Brewster has been working as a Premier National Educator in salons and now has an offer to work at a school.

Recommendation - is that the applicant take the instructor practical exam.

MOTION made by Yvette Granger and seconded by Janie Ross to deny reciprocity. Motion carried unanimously. Applicant must take both exams. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Lynn LaRocco. Certification shows Ms. LaRocco obtained a Beautician license in May 1982 with 1000 hours and both exam. She provided a letter regarding work experience between 2002 and 2013. The license is not identical to the cosmetology license in Tennessee or the one offered in New Jersey.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Yvette Granger and seconded by Amy Tanksley to deny recommendation. Applicant needs to only pass the theory exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from California for Alisa Newman. Certification from California shows initial licensure in November 2002. 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. Newman is unable to provide a transcript because she attended school in 2002 and that school is closed. California does not have records that far back. She does not have proof of work experience.

Recommendation - is that the applicant be denied until investigation is complete or she can provide documents.

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

Application for reciprocity of cosmetology license from New York for Courtney de Andrade Pereira. Certification shows Ms. de Andrade Pereira was initially licensed in October 2014 with 1000 hours and both exam. She provided a letter regarding work experience between July 2014 and February 2015 and 2013. She also presented two letters to the board asking for reconsideration because she is short one year.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Frank Gambuzza and seconded by Patricia Richmond to approve reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from Georgia for Taylor Thompson. Certification shows Ms. Thompson obtained a Hair Designer license in September 2009 through apprenticeship with 2,650 hours and both exam. She provided a letter letter from employer showing work experience between 2007 and 2017. The license is not identical to the cosmetology license in Tennessee or the one offered in Georgia

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Amy Tanksley and seconded by Patricia Richmond to deny recommendation. Applicant needs to only pass the theory exam. Frank Gambuzza Abstained himself from the motion. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from Pennsylvania for Queyounor Zleh. Ms. Zleh obtained a Tennessee cosmetology license by reciprocity in 2016 and at that time the instructor licnese was denied because she did not have three years of licensure as the statute requires. Certification shows Ms. Zleh obtained an instructor license in 2015 with 600 hours and the theory exam.

Recommendation - is that the applicant take the practical instructor exam.

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

## **MISCELLANOUS REQUESTS –**

### **Request for Waivers, Reconsiderations and Extensions:**

Request for extension of continued education requirement from cosmetology instructor Angela Hill. 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 provided a letter explaining that she has had life changing circumstances keeping her from handling her life. Records indicate that she completed the required continued education between 2002 through 2016. In 2007 she took back to back sessions but no documents were found to substantiate the reason for the odd dates. She went to a session on October 13, 2018 not realizing she was two weeks behind her renewal. She requested that course count toward her 2018 renewal.

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

Request for extension of continued education requirement from barber instructor Janet Dunn. 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. She provided a letter explaining that she has had to miss the October session because of her husband's medical situation. Records indicate that she completed the required continued education between 1992 and 2016. This is her first request for an extension.

MOTION made by Patricia Richmond and seconded by Amy Tanksley to approve the request. Ron R. Gillihan abstained himself from the motion. Motion carried unanimously.

Request for extension of six month time to obtain original license from Ms. Amanda Pech. Pursuant to Rule 0440-01-.10. an applicant must pay for and request a license within six (6) months of passing the practical exam. The board has given authority to the executive director for an additional six months for good cause. Ms. Peck provided an explanation of how she missed completing the process. She passed her practical exam in May 2017.

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

#### **DIRECTOR'S REPORT:**

Financial information for fiscal year 2018 was presented. The ending number for June 2018 reflects \$614,875 left in the reserves. Between July and August an additional \$61,370 is reflected for 209 fiscal year.

July and August consent orders were presented.

#### **LEGAL REPORT- STAFF ATTORNEY**

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:30 AM on Monday, November 5<sup>th</sup> to review the allegations of 44 complaints and make recommendations to the Board.

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

#### **COSMETOLOGY CASES**

##### **1. Case No.: COS-2018037891**

**First License Obtained:** 09/08/2011  
**License Expiration:** 08/31/2019  
**Complaint history:** None

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

**Recommendation:** Closure

**Decision:** Approved.

**2. Case No.: COS-2018038141**

**First License Obtained:** 07/14/2014  
**License Expiration:** 06/30/2020  
**Complaint history:** None

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

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

**Decision:** Approved.

**3. Case No.: COS-2018039571**

**First License Obtained:** 03/16/2000  
**License Expiration:** 03/31/2020  
**Complaint history:** 2017016851, closure

**4. Case No.: COS-2018039521**

**First License Obtained:** 07/26/2011  
**License Expiration:** 06/30/2015  
**Complaint history:** 2017016831, closed with re-inspection to determine if shop is still in business.

Pursuant to inspection, the shop and owner's license were found to be expired. The shop was open to the public and the owner was providing services. The owner's license has been expired since March 2016 and the shop license has been expired since June 2015.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$1100.00 civil penalty.

**Decision:** Approved.

**5. Case No.: COS-2018039421**

**First License Obtained:** 04/14/2016  
**License Expiration:** 01/31/2020  
**Complaint history:** 201704054, closed by Agreed Citation and payment of \$100.00 civil penalty

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

**Recommendation:** Closure

**Decision:** Approved.

**6. Case No.: COS-2018039541**



**First License Obtained:** 07/05/2016

**License Expiration:** 07/31/2018

**Complaint history:** None

Based on a consumer complaint alleging unsanitary conditions and unlicensed activity, an inspection was performed and no violations were found.

**Recommendation:** Closure

**Decision:** Approved.

**7. Case No.: COS-2018039331**

**First License Obtained:** 03/15/1994

**License Expiration:** 09/01/2018

**Complaint history:** 9635, dismissed; 2002090111, complaint withdrawn; 2002090181, complaint withdrawn; 2002099451, dismissed; 2002104271, dismissed; 2006017181, dismissed; 2009025451, closed with no action; 2012000121, closed with no action; 2013016311; close the case for lack of disciplinary grounds with the option to re-open the matter if new, relevant information arises; 2013025241, close the case for lack of disciplinary grounds with the option to re-open the matter if new, relevant information arises; 2017077941, closure

Complainants allege that there are not enough working shampoo bowls, insufficient number of manicure tables, and that students are being placed on the floor before they obtain the requisite number of hours, and that products are “watered” down. Complainants allege junior instructor teaching without supervision. The Respondent provided a response denying the allegations.

**Recommendation:** Closure with request for inspection.

**Decision:** Approved.

**8. Case No.: COS-2018040051**

**First License Obtained:** 07/30/2003

**License Expiration:** 03/31/2019

**Complaint history:** 201500274, closed with Letter of Warning

This is a consumer complaint alleging a bad result and sanitary issues at a shop. The Respondent provided a response denying the allegations.

**Recommendation:** Closure with request for inspection.

**Decision:** Approved.

**9. Case No.: COS-2018039661**

**First License Obtained:** 09/16/2009

**License Expiration:** 09/01/2019

**Complaint history:** 2012000181, closed with Letter of Warning

This is a consumer complaint alleging a bad result with student services at the Respondent school. The school response stating they have no record of anyone by the name of the complainant receiving services.

**Recommendation:** Closure

**Decision:** Approved.

**10. Case No.: COS-2018040101**

**First License Obtained:** 09/05/1999

**License Expiration:** 09/30/2019

**Complaint history:** None

This complaint alleges unlicensed activity. Based on the complaint, an inspection was performed and no unlicensed activity was found.

**Recommendation:** Closure

**Decision:** Approved.

**11. Case No.: COS-2018040331**

**First License Obtained:** 06/11/2014

**License Expiration:** 05/31/2018

**Complaint history:** None

This is a consumer complaint alleging bad result with services and possible sanitation violations. The Respondent provided a response and a copy of the review that the Complainant had submitted regarding the "bad cut".

**Recommendation:** Closure

**Decision:** Approved.

**12. Case No.: COS-2018040351**

**First License Obtained:** 11/21/2014

**License Expiration:** 09/01/2019

**Complaint history:** None

This is a student complaint alleging miscalculation of hours and use of off brand products. The student also alleges no skin care line is being taught and some unsanitary conditions being used with the towels. The school responded providing documentation regarding hours and refund policy. The school was inspected in June 2018 and received a score of 100. The Respondent states that the graduation rate is above 90% and provided a copy of the monthly report regarding hours as provided to the Board.

**Recommendation:** Closure

**Decision:** Approved.

**13. Case No.: COS-2018040711**

**First License Obtained:** 11/21/2017

**License Expiration:** 11/30/2019

**Complaint history:** None

Pursuant to inspection, one individual 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.

**14. Case No.: COS-2018040371**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

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

**Recommendation: Closure**

**Decision: Approved.**

**15. Case No.: COS-2018040531**

**First License Obtained: 07/31/2015**

**License Expiration: 06/30/2019**

**Complaint history: 201601359, closed by Agreed Citation and payment of \$100.00 civil penalty; 2017006361, closed by Consent Order and payment of \$2,600 civil penalty**

Based on a consumer complaint alleging unlicensed activity, a inspection was requested and no unlicensed activity was found.

**Recommendation: Closure**

**Decision: Approved.**

**16. Case No.: COS-2018040571**

**First License Obtained: 12/12/2012**

**License Expiration: 10/31/2018**

**Complaint history: 20150226841, closed by Agreed Citation and payment of \$3,000 civil penalty**

Based on a complaint alleging this Respondent was “selling fake licenses”, an inspection was performed and no violations were substantiated.

**Recommendation: Closure**

**Decision: Approved.**

**17. Case No.: COS-2018040601**

**First License Obtained: 07/31/2015**

**License Expiration: 06/30/2019**

**Complaint history: 201601359, closed by Agreed Citation and payment of \$100.00 civil penalty**

Based on a complaint alleging this Respondent was “selling fake licenses”, an inspection was performed and no violations were substantiated.

**Recommendation: Closure**

**Decision: Approved.**

**18. Case No.: COS-2018040631**

**First License Obtained: 07/05/2013**

**License Expiration: 06/30/2019**

**Complaint history: None**

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

**Recommendation: Closure**

**Decision: Approved.**

**19. Case No.: COS-2018041611**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history:** None

This is a consumer complaint alleging unlicensed activity. The respondent failed to respond.

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

**Decision:** Approved.

**20. Case No.:** COS-2018041291

**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-2018041181

**First License Obtained:** 10/06/2015

**License Expiration:** 04/30/2020

**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.

**22. Case No.:** COS-2018041221

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2017053031, Formal Charges Authorized

Pursuant to inspection, this shop was found to be providing services without a license and two individuals were servicing clients without a license.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$3000.00 civil penalty.

**Decision:** Approved.

**23. Case No.:** COS-2018041571

**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

This is a consumer complaint alleging that the Respondent employee was rude towards the customer and had result with services.

**Recommendation:** Closure

**Decision:** Approved.

**24. Case No.: COS-2018042061**

**First License Obtained:** 12/09/2013

**License Expiration:** 10/31/2019

**Complaint history:** None

This is a consumer complaint alleging bad result with services. The respondent provided a response and stated that the individual who performed the service was new and apologized to the consumer.

**Recommendation:** Closure

**Decision:** Approved.

**25. Case No.: COS-2018042151**

**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.

**26. Case No.: COS-2018042321**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This Respondent is providing services without a license.

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

**Decision:** Approved.

**27. Case No.: COS- 2018043211**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

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

**Recommendation:** Closure

**Decision:** Approved.

**28. Case No.: COS- 2018041971**

**First License Obtained:** 05/24/2017

**License Expiration:** 05/31/2019

**Complaint history:** 2017081461, closure

This is an anonymous complaint alleging unlicensed activity. The Respondent provided a response stating everyone employed in the salon is properly license.

**Recommendation:** Closure with request for inspection.

**Decision:** Approved.

**29. Case No.: COS- 2018042181**

**First License Obtained:** 07/24/2018

**License Expiration:** 06/30/2020

**Complaint history:** None

Pursuant to inspection, the shop was found to be providing services prior to initial inspection and one individual was found to be providing services without a license.

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

**Decision:** Approved.

**30. Case No.: COS- 2018042261**

**First License Obtained:** 02/08/2012

**License Expiration:** 01/31/2018

**Complaint history:** None

Pursuant to inspection, this shop was found to be providing services with expired shop license and one individual was providing services with expired license.

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

**Decision:** Approved.

**31. Case No.: COS- 2018042341**

**First License Obtained:** 10/15/2013

**License Expiration:** 04/30/2020

**Complaint history:** 2018031951, closure

Based on a consumer complaint, an inspection was performed regarding unlicensed activity and no violations were found at the time of inspection.

**Recommendation:** Closure

**Decision:** Approved.

**32. Case No.: COS- 2018042241**

**First License Obtained:** 06/18/2015

**License Expiration:** 07/31/2020

**Complaint history:** None

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

**Recommendation:** Closure

**Decision:** Approved.

**33. Case No.: COS- 2018042911**

**First License Obtained:** 12/01/2010

**License Expiration:** 10/31/2014

**Complaint history:** None

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

**Recommendation:** Closure

**Decision:** Approved.

## BARBER CASES

### 34. Case No.: BAR-2018040511

**First License Obtained:** 09/12/1997

**License Expiration:** 09/30/2019

**Complaint history:** 2014001851, closed by Consent Order and payment of \$250.00 civil penalty

Pursuant to an inspection on June 20, 2018, the Respondent (also an owner of a barber shop) was found to be providing barbering services with an expired master barber license which has been since renewed. The owner has already paid \$100.00 civil penalty per the Agreed Citation that was issued for this violation in a complaint against his shop.

**Recommendation:** Closure

**Decision:** Approved.

### 35. Case No.: BAR-2018041331

**First License Obtained:** 12/03/2010

**License Expiration:** 07/31/2019

**Complaint history:** 2018006811, Formal Charges Authorized

### 36. Case No.: BAR-2018041351

**First License Obtained:** 11/04/2010

**License Expiration:** 11/30/2014

**Complaint history:** 2018006861, closed with Letter of Warning

Pursuant to an inspection on June 21, 2018, the owner of the shop was found to be providing barbering services with an expired master barber license which had been expired for more than three years.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against the owner/shop.

**Decision:** Approved.

### 37. Case No.: BAR-2018042231

**First License Obtained:** 10/02/2006

**License Expiration:** 09/30/2018

**Complaint history:** 2013007441, closed by Amended Consent Order and payment of \$500.00 civil penalty; 2016006361, closed by Consent Order and payment of \$125.00 civil penalty

Pursuant to an inspection on June 25, 2018, the Respondent's barber shop was allowing an individual to provide barbering services to a client with an altered expiration date of the individual's posted master barber license which had been expired since August 31, 2013. Additionally, no licensed shop manager was present in the shop.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order with \$1500.00 civil penalty.

**Decision:** Approved.

### 38. Case No.: BAR-2018042301

**First License Obtained:** 08/26/2011

**License Expiration:** 08/31/2013

**Complaint history:** None

Pursuant to an inspection on June 25, 2018, the Respondent was found to be providing barbering services to a client with an altered expiration date of his posted master barber license which had been expired since August 31, 2013.

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

**Decision:** Approved.

**39. Case No.: BAR-2018042531**

**First License Obtained:** 02/28/2003

**License Expiration:** 02/28/2017

**Complaint history:** 2015009451, closed by Initial Order and assessment of \$100.00 civil penalty and \$187.50 hearing costs

Pursuant to an inspection on June 27, 2018, the Respondent barber shop's license was expired and no licensed shop manager was present in the shop, but no clients were present during the inspection.

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

**Decision:** Approved.

**40. Case No.: BAR-2018044311**

**First License Obtained:** 01/28/2000

**License Expiration:** 07/31/2016

**Complaint history:** 2010024501, closed by Consent Order and payment of \$500.00 civil penalty; 2015013601, closed by Consent Order and payment of \$125.00 civil penalty

Pursuant to an inspection on July 5, 2018, the owner of the Respondent's shop was found to be providing barbering services on an expired shop license.

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

**Decision:** Approved.

**41. Case No.: BAR-2018044971**

**First License Obtained:** 05/01/1996

**License Expiration:** 04/30/2020

**Complaint history:** 2015001951, closed by Consent Order and payment of \$100.00 civil penalty

Pursuant to an inspection on July 6, 2018, the Respondent was found to be providing barbering services to a client with an expired master barber license which has been since renewed.

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

**Decision:** Approved.

**42. Case No.: BAR-2018048491**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 201706094, closed by Agreed Citation and payment of \$1,000 civil penalty



**43. Case No.: BAR-2018051111**

**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** 201706097, closed by Agreed Citation and payment of \$1,000 civil penalty

This is a consumer complaint alleging unlicensed activity. Based on the complaint, an inspection was performed and found that both the shop and the owner to be operating and providing barbering services without having valid a shop license and a valid master barber license.

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

**Decision:** Approved.

**REPRESENTS**

**DECEMBER 2016**

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

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

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

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

**Decision:** Approved

**UPDATE:**

Consent orders sent by certified mail has been returned. Complainant did not name the individual and the address given is listed with an individual name, not Respondent's. Update last chance letters were sent and returned. A CLEAR report was requested and does not show any other address for named Respondent. Attorney who answered is also not on CLEAR report and is not listed with the Board of Professional Responsibility. No other complaints are pending or have been filed.

**New Recommendation:** Send Respondent a letter of warning by regular mail advising not to practice natural hair braiding at home or in office.

**Decision:** Approved.

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

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

The meeting adjourned at 9:43 AM.

### **NEW BUSINESS:**

On September 18, 2018 Tennessee Academy of Cosmetology closed its two campuses located in Memphis. The board discussed how to handle the situation at the October 1, 2018 meeting. Students have been able to find other schools to attend, some would have been eligible for refunds and the office has no pending inquiries from students at this time. Legal counsel researched any other options open to the board and there is no room for hours to be reduced or minor ending hours be waved.

During the October 1, 2018 board meeting a request to reinstate a barber school license was presented by Dr. Barbara Winfrey. The board denied the reinstatement of the school and had many concerns. A letter was sent to Dr. Winfrey asking for information about hours offered while the school had no license, instructor information and more. The board sent an inspector to make sure the school is currently closed. This school continued to take new students and offered educational hours. Because the school has not had a license since January 2018, none of those hours can count. The board attempted to find an instructor that might have been teaching and not aware of the revocation. To date there is no proof of a licensed instructor connected with that school. PSI has blocked students from testing if they were submitted during 2018. Discussion about the students, complaints opened and further investigation was discussed.

MOTION made by Patricia Richmond and seconded by Nina Coppinger for student hours received after school was revoked to be denied. Motion carried unanimously.

The attorney for the board, Cherrelle Hooper, updated the board on the current set of rules being reviewed and in the approval process.

### **Additional Questions:**

### **Motion to adjourn**

MOTION to adjourn made by Brenda Graham and seconded by Frank Gambuzza. Motion carried unanimously.