



**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 April 1, 2019 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, Patricia Richmond, Janie Ross, Becky Russell, Mona Sappenfield and Amy Tanksley.

Participating electronically: Anita Charlton, Yvette Granger and Kelly Barger. Not present Frank Gambuzza.

Ms. Brenda Graham let the office know she is unable to continue on the board and wanted the thank everyone for the great job they do.

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

MINUTES-

Minutes for the January 28, 2019 board meetings were submitted for changes and/or approval.

Motion made by Judy McAllister and seconded by Patricia Richmond to approve the January 28, 2019 minutes. Motion carried unanimously.

2019 Legislative Updates:

Ms. Hooper update the board on five bills filed that impact the industry as well as amendments as of Thursday, March 28, 2018.

APPEAR BEFORE THE BOARD-

Dore' Academy – New Specialty School

Mr. Charlie Golden appeared before the board. The school is located in Memphis and is 800 square feet. The request is for a specialty manicure apprenticeship only school license. The business license, curriculum, blank contract, five tentative agreements, floor plan, application and fee were all received timely.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve new school pending an inspection. Motion carried unanimously.

The Hair Academy – Change in Location

Mrs. Patricia Richmond Parsons appeared before the board for a change in location of a cosmetology school. The school is staying within Fayetteville. The move is two blocks down the road and the school will also offer apprenticeship. The floor plan, application and fee were received.

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

Aveda Arts & Sciences Institute of Nashville – Name Change

Ms. Lauren Fender appeared before the board for a name change of the cosmetology school. The official school name is going from Aveda Institute Nashville to Aveda Arts & Sciences Institute Nashville. There is no ownership change.

MOTION made by Patricia Richmond and seconded by Judy McAllsiter to approve name change. Motion carried unanimously.

Shear Perfection Academy – Change in Location

Mr. Elvin Mejia and Ms. Helen Tahiri appeared before the board for a change in location of the e cosmetology school license #139. The school is currently located in Antioch and they are moving to Nashville. The January Board meeting included the request to approve the change in location to their other school licenses. This license was originally approved to offer apprenticeship. The school is 5,208 square feet. The floor plan, application and fee were received.

MOTION made by Patricia Richmond and seconded by Janie Ross to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

Cookeville Cosmetology School – New Cosmetology School

Ms. Melissa Smith appeared before the board for a new cosmetology school. The school is located in Cookeville. The school is 2,500 square feet. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received timely

MOTION made by Patricia Richmond and seconded by Judy McCallister to approve new school pending an inspection by a field inspector and board member. Motion carried unanimously.

Paul Mitchell, Knoxville Campus – School Extension

Mr. Kevin Johnson appeared before the board for an extension to the existing location. The campus extension is less than two miles from the existing approved school. The new facility will be used for classroom space. They do not plan to offer services to the public at this location. The floor plan was presented for the boards review. The extension will focus on barbering theory.

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

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Linda Bowling, Lee Triplett, Darrick Edwards, Tracey Hill, Taylor Lumpkin, Amanda Roberts and Amber Wilkerson, 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 Nina Coppinger and seconded by Judy McAllister to approve application for examination with a signed Agreed Order. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Florida for Brittany Barber. Certification shows initial licensure in July 2006 with 1,200 hours and no practical exam. Ms. Barber is also licensed in California. She is requesting consideration to waive the practical exam.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of aesthetics license from Wisconsin for Ann Booth. Certification shows an initial license in May 2013. She explains that she completed more hours than the 600 required in Wisconsin. She also provided emails with details about work experience.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of aesthetics license from Florida for Heather Davis. Certification shows an initial license date of October 2004 with 260 hours and no exams. Ms. Davis has not worked since 2007.

Recommendation - is that the applicant takes the Tennessee Exams.

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

Application for reciprocity of cosmetology license from Pennsylvania for Stacey Eggar. Certification shows initial licensure in November 2007 with 1,250 hours and no practical exam. Ms. Eggar provided some proof of work experience and a statement that she has close to the five years.

Recommendation - is that the applicant takes the practical exam.

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

Application for reciprocity of cosmetology license and separately a barber license from California for Heather Fair. Certification for the cosmetology license shows initial licensure in April 1989 with 1,600 hours and both exams. The barber certification shows initial licensure in October 2014. California applies many of the hours from one discipline to the other similar to Tennessee. Ms. Fair provided proof of training showing 400 additional barber hours were obtained in 2014. Neither of the schools attended are under investigations.

Recommendation - is that the applicant be approved for reciprocity for both licenses.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of Aesthetician license from California for Janene Hasler. Certification shows initial licensure in March 2003 with 600 hours and both exams. Ms. Hasler provided proof of work for 2017 and 2018 as well as statement of other work since 2014. The school she attended is not under investigations.

Recommendation - is that the applicant 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 Michigan for Patricia Hogue. Certification shows initial licensure in May 1989 with 300 hours and both exams. Ms. Hogue provided proof of work experience from 1995 until 2000. She also submitted a letter recapping her 15 years of work in the industry.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Georgia for Cheryl Lehman. Certification shows initial licensure in 1986 with 1,500 hours and both exams. She is unable to provide a school transcript to show proof of the school attended. She is also licensed in South Carolina since 2009. She provided work experience for 1998 until 2016.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of manicurist license from Georgia for Yvonne Luong. Certification shows initial licensure in 1992 with 525 hours and both exams. She is unable to provide a school transcript of the school attended. The board asked for proof of work experience for the last five years because one school in Georgia still has a pending request for investigation. However, the applicant attended school in Georgia over 25 years ago.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Colorado for Kimberly Vincil. Certification shows initial licensure in April 2004 as a Hair Stylist. That license type requires 1,200 hours and both exams. Ms. Vincil provided proof of work experience between 2011 and 2018.

Recommendation - is that the applicant takes the practical exam.

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

The board considered the request from Mr. Chance Weber and Jack Lefebvre. They need to complete the additional hours because they do not substantially meet the reciprocity requirements nor do they have five years of licensure.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for release of master barber student hours for Mr. Andre Bell. Mr. Bell submitted an affidavit stating he completed all 1,500 hours between 2006 and 2008. The school he attended closed in 2018 without letting the board know they were closing. The 2008 hours reports submitted did not include months between May and late fall. The last month Mr. Bell said he attended is August. The last report the board has is reflects only 1,156 hours. Mr. Bell also explains the mistake he made by obtaining a fraudulent license which was revoked in May 2014.

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

Request for release of cosmetology student hours for Yolanda Trice. Ms. Trice provided a certificate of completion dated September 2012. She states she attended between April 2009 and September 2012. The reports on file for do not include her name and the school closed all four campuses in March 2017.

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

Request for approval of manicurist license for Nga Pham Ms. Pham was licensed by reciprocity in from Texas in 2013. That licensed was revoked in 2016 for failure to obtain licensure as the statute required. Since then she attended a school in Tennessee and passed both exams. The practical exam was passed in March 2019.

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

Request for extension of continued education requirement from cosmetology instructor Eva Eugene. 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 explained that she was working at nights and attending college and missed the last dates to take her course. She first obtained his instructor license in 2011.

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

Request for extension of continued education requirement from cosmetology instructor Jerry Vandergriff. 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. He explained that had planned on taking the online course which is no longer approved. He first obtained his instructor license in 2013.

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

Request for extension of continued education requirement from cosmetology instructor Pearl Waker. 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 explained that the summer of 2018 was extremely busy for her and she did not realize she would not have another option until June 2019. She first obtained her instructor license in 2009.

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

DIRECTOR'S REPORT:

Financial information for fiscal year 2019 through January shows a surplus of \$21,311.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:00 to review the allegations of 62 complaints and make recommendations to the Board.

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

COSMETOLOGY CASES

1. Case No.: COS-2018079041

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this shop was found to be operating without a license.

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

Decision: Approved

2. Case No.: COS- 2018081821

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this 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

3. Case No.: COS-2018081851

First License Obtained: 02/09/2016

License Expiration: 02/29/2020

Complaint history: None

This is a consumer complaint alleging that the Respondent is unlicensed and sanitation violations.

Recommendation: Closure with request for inspection.

Decision: Approved

4. Case No.: COS-2018084841

First License Obtained: 01/30/2003

License Expiration: 01/31/2021

Complaint history: None

Pursuant to inspection, the shop was found to be operating with expired license. This Respondent is the manager.

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

Decision: Approved

5. Case No.: COS-2018085891

First License Obtained: 08/22/2018

License Expiration: 08/31/2020

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

6. Case No.: COS- 2018085871

First License Obtained: 02/14/2017

License Expiration: 01/31/2019

Complaint history: None

This is the shop from the above complaint which is now closed.

Recommendation: Closure

Decision: Approved

7. Case No.: COS- 2018086151

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection based on a consumer complaint alleging unlicensed activity, there was no proof this Respondent was providing any services.

Recommendation: Closure

Decision: Approved

8. Case No.: COS- 2018086431

First License Obtained: 08/07/2001

License Expiration: 08/31/2020

Complaint history: 2005029891, closed by Consent Order and payment of \$500.00 civil penalty; 2013020161, closed by Consent Order and payment of \$250.00 civil penalty

This is a consumer complaint alleging that the consumer contracted an infection after receiving a pedicure. The Respondent provided a response stating that there is no proof that the consumer was ever a customer in the salon. The consumer did not provide any medical proof or other proof of services provided.

Recommendation: Closure

Decision: Approved

9. Case No.: COS- 2018087231

First License Obtained: 01/16/1996

License Expiration: 10/31/2020

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services with expired license.

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

Decision: Approved

10. Case No.: COS- 2018088231

First License Obtained: 07/14/2006

License Expiration: 07/31/2012

Complaint history: None

Pursuant to inspection, this Respondent was found to be providing services with expired license. Due to the length of time that the license has been expired the Respondent would be required to test in order to have the license reinstated.

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

Decision: Approved

11. Case No.: COS-2018088871

First License Obtained: 06/15/1984

License Expiration: 12/31/2020

Complaint history: None

Pursuant to inspection, the shop license was found to be expired. This Respondent is the owner and manager of the shop.

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

Decision: Approved

12. Case No.: COS- 2018088841

First License Obtained: 03/21/2003

License Expiration: 06/30/2018

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

13. Case No.: COS- 2018088341

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging that the Respondent is providing services without a license. The location is now vacant.

Recommendation: Close.

Decision: Approved

14. Case No.: COS- 2018088951

First License Obtained: 05/21/1988

License Expiration: 07/21/2020

Complaint history: None

This is a consumer complaint alleging one individual providing services in the salon is not licensed. The owner provided a response stating that the individual was hired but given the fact that the employee was unable to provide proof of licensure the individual was terminated.

Recommendation: Letter of warning and request for inspection.

Decision: Approved

15. Case No.: COS- 2018089011

First License Obtained: 04/03/2008

License Expiration: 03/31/2020

Complaint history: None

This is a consumer complaint alleging that there are animals in the shop. The Respondent acknowledge bringing her cats to the salon on one occasion.

Recommendation: Letter of warning.

Decision: Approved

16. Case No.: COS-2018090181

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint but there is no complainant listed on the complaint. The Respondent denies providing any cosmetology services.

Recommendation: Closure.

Decision: Approved

17. Case No.: COS- 2018091171

First License Obtained: 09/14/1992

License Expiration: 03/31/2015

Complaint history: None

Pursuant to inspection, this Respondent was found to be inside a shop not providing services with expired license.

Recommendation: Close with letter of warning.

Decision: Approved

18. Case No.: COS- 2018091201

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection based on a consumer complaint alleging unlicensed activity, the allegations were unfounded.

Recommendation: Closure.

Decision: Approved

19. Case No.: COS-2018091931

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint that was investigated but could not be substantiated due to the investigator being unable to contact the complainant and the respondent.

Recommendation: Closure.

Decision: Approved

20. Case No.: COS-2019000391

First License Obtained: 03/11/1996

License Expiration: 04/30/2019

Complaint history: None

This is a consumer complaint alleging that the Respondent is unlicensed. The owner responded listing all employees and their license numbers.

Recommendation: Closure with request for inspection.

Decision: Approved

21. Case No.: COS- 2019000851

First License Obtained: 11/25/2003

License Expiration: 11/30/2019

Complaint history: None

This is a competitor complaint alleging that the Respondent may be “stealing” clients.

Recommendation: Closure

Decision: Approved

22. Case No.: COS- 2019002681

First License Obtained: 10/13/1994

License Expiration: 10/31/2020

Complaint history: 8512, dismissed

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

23. Case No.: COS- 2019002711

First License Obtained: 03/12/1997

License Expiration: 03/31/2021

Complaint history: None

This is the owner/manager from the above shop complaint.

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

Decision: Approved

24. Case No.: COS- 2019002051

First License Obtained: N/A

License Expiration: N/A
Complaint history: 2018037801, Formal Charges Authorized
Pursuant to inspection, the shop was found to be open and providing services without a license. One individual was also found to be providing services without a license.
Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2000.00 civil penalty.
Decision: Approved

25. Case No.: COS- 2019002521

First License Obtained: N/A
License Expiration: N/A
Complaint history: 2018039401, Formal Charges Authorized
Pursuant to a consumer complaint alleging unlicensed activity, an inspection was performed but there was no proof that the shop was operating as a salon and was not open on the date of the inspection.
Recommendation: Closure
Decision: Approved

26. Case No.: COS- 2019002381

First License Obtained: 03/28/2011
License Expiration: 09/01/2019
Complaint history: 2014002441, close the case for lack of proven disciplinary grounds; 2014002371, close the case for lack of proven disciplinary grounds; 2016045771, closed by Consent Order and payment of \$250.00 civil penalty; 2018082351, closure

This is a student complaint alleging that the school does not teach the proper curriculum. The school responded and provided copies of documents disputing the claims made by the student.

Recommendation: Closure
Decision: Approved

27. Case No.: COS-2019002751

First License Obtained: 11/01/2018
License Expiration: 11/30/2020
Complaint history: None

This is a complaint filed by a shop owner alleging that the Respondent was “stealing customers”.

Recommendation: Closure
Decision: Approved

28. Case No.: COS-2019003301

First License Obtained: 04/05/2001
License Expiration: 04/30/2019
Complaint history: 2005021421, closed by Consent Order and payment of \$500.00 civil penalty; 2012002241, closed with Letter of

**Warning; 2012016401, closed with no action;
2012019731, closed by Consent Order and payment of
\$750.00 civil penalty**

Pursuant to inspection based on a consumer complaint, the shop was found to be in compliance and no unlicensed activity was found.

Recommendation: Closure

Decision: Approved

BARBER CASES

29. Case No.: BAR-2018079661

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

30. Case No.: BAR-2018079551

First License Obtained: 03/29/2011

License Expiration: 03/28/2018

**Complaint history: 2012016351, close and flag; 2014002001, dismissed;
2014016451 & 2016024761, closed by an Agreed Order**

payment plan for a civil penalty of \$2,000 and \$200.00 filing costs – Respondent failed to comply with the terms of the Agreed Order by failing to timely remit the payments as required by the Order. As a result, Respondent’s school license was suspended on July 17, 2017 and subsequently was revoked on January 11, 2018. Subsequent to the revocation of the Respondent’s school license, on February 9, 2018 the Respondent remitted the remaining balance of civil penalty and costs in full.

This complaint was opened administratively due to the Respondent submitting hours for students after the time that the school’s license was revoked. Specifically, the school’s license was revoked in January 2018. The school submitted hours for students during the months of February, April, May, and June 2018. The total number of students enrolled during this time based on the reports totals ten students based on the reports submitted.

Recommendation: Authorize formal hearing before the Board. Authorize settlement by consent order with \$10,000.00 civil penalty based on number of students enrolled after January 2018.

Decision: Approved

31. Case No.: BAR-2018083581

First License Obtained: 03/20/2015

License Expiration: 03/31/2019

Complaint history: None

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

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

Decision: Approved

32. Case No.: BAR-2018085401

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

Pursuant to inspection, this shop was found to be open but no customers were present and the owner states she was in the process of setting up the shop in a salon suites and has since received her shop license.

Recommendation: Closure

Decision: Approved

33. Case No.: BAR-2018087851

First License Obtained: 05/22/2012
License Expiration: 04/30/2020
Complaint history: 2013007431, closed by Consent Order and payment of \$500.00 civil penalty; 2016006431, closed by Consent Order and payment of \$125.00 civil Penalty

Pursuant to inspection, no manager was present and the shop was found to be unsanitary in that trash was not covered, tools were not properly stored, and the shop did not have adequate lighting.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty for no shop manager present and letter of warning for sanitation violations.

Decision: Approved

34. Case No.: BAR-2018090071

First License Obtained: 08/16/2005
License Expiration: 07/31/2019
Complaint history: 2007087421, closed with a letter of warning; 2008016131, closed by Consent Order and payment of \$500.00 civil penalty; 2010000381, closed with a letter of warning; 2017003201, closed by Consent Order and payment of \$250.00 civil penalty

This is a former manager's complaint against the shop for failure to compensate the manager for services rendered. The Respondent shop owner provided a response and stated that the Complainant did enter into a business relationship with the shop but was terminated within approximately one month.

Recommendation: Closure

Decision: Approved

35. Case No.: BAR-2018090041

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

This is a consumer complaint alleging unlicensed activity. The complainant provided photographs and Facebook details.

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

Decision: Approved

36. Case No.: BAR-2019002511

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this shop was found to be operating without a license and four individuals within the shop were found to be providing services without a license. Within five minutes of the inspectors entering the shop, all persons vacated the shop. Only one ID was provided by the co-owner of the shop.

Recommendation: Authorize formal hearing. Authorize settlement with \$5000.00 civil penalty.

Decision: Approved

REPRESENTS

37. Case No.: BAR-2017033031

First License Obtained: 11/21/1996

License Expiration: 11/30/2020

Complaint history: None

This matter was previously presented to the Board at its October 2, 2017 meeting as follows: Pursuant to an inspection, the Respondent, a barber manager, was allowing an individual to practice on an expired cosmetologist license in dual licensed shop.

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

Decision: Approved.

Update: Legal has been unable to locate this Respondent.

New Recommendation: Closure with request for re-inspection.

Decision: Approved

38. Case No.: BAR-2017040461

First License Obtained: 12/01/2006

License Expiration: 12/31/2018

Complaint history: 201500134, closed with a Letter of Warning

This matter was previously presented to the Board at its November 6, 2017 meeting as follows: 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

Update: A Consent Order was sent to the Respondent's address of record and it has been returned back marked "Attempted Not known – Unable to Forward".

New Recommendation: Closure

Decision: Approved

39. Case No.: COS-2017040571

First License Obtained: 02/19/1999

License Expiration: 02/28/2019

Complaint history: None

This matter was previously presented to the Board at its November 6, 2017 meeting as follows:
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

Update: A Consent Order was sent to the Respondent's address of record and it has been returned back marked "Unclaimed – Unable to Forward".

New Recommendation: Closure

Decision: Approved

40. Case No.: BAR-2017046901

First License Obtained: 11/14/2007

License Expiration: 11/30/2019

Complaint history: None

This matter was previously presented to the Board at its December 11, 2017 meeting as follows:
Pursuant to inspection July 14, 2017, the Respondent was cited as the owner of a shop operating without a shop license. The owner applied for a dual shop license on July 18, 2017 and that application was approved.

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

Decision: Approved

Update: Legal has been unable to locate this Respondent.

New Recommendation: Closure with request for re-inspection

Decision: Approved

41. Case No.: COS-2017047361

First License Obtained: 09/04/1996

License Expiration: 09/30/2018

Complaint history: None

This matter was previously presented to the Board at its December 11, 2017 meeting as follows:
Pursuant to inspection, the Respondent's license was found to be expired and she was performing services in the salon.

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

Decision: Approved

Update: Legal has been unable to locate this Respondent and license remains expired

New Recommendation: Closure

Decision: Approved

42. Case No.: COS-2017049801

First License Obtained: 11/07/2011

License Expiration: 11/30/2018

Complaint history: None

This matter was previously presented to the Board at its December 11, 2017 meeting as follows:
Pursuant to inspection, the owner was found to be providing services with an expired shop license.

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

Decision: Approved

Update: A Consent Order was sent on two different occasions to the Respondent's mailing address of record and it has been returned back marked "Refused – Unable to Forward" and "Unable to Forward".

New Recommendation: Closure with request for re-inspection.

Decision: Approved

43. Case No.: COS-2018019161

First License Obtained: 01/31/2017

License Expiration: 12/31/2018

Complaint history: 201701567, closed by Agreed Citation along with a warning letter and payment of \$1,000 civil penalty;
201703925, closed with no action;

This matter was previously presented to the Board at its August 6, 2018 meeting as follows:
Pursuant to inspection, two persons were found to be providing services without a license. The manager was not present and a hot wax machine was found in the salon which is not an authorized service.

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

Decision: Approved.

Update: The Respondent has signed a Consent Order for the voluntary revocation of the shop license which was previously authorized by the Board in complaint No. COS-2018077091.

New Recommendation: Closure as shop license has been revoked.

Decision: Approved

44. Case No.: COS-2018011661

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its June 4, 2018 meeting as follows:
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.

Update: A Consent Order was sent to the Respondent and it has been returned back marked "Unable to Forward and/or unclaimed".

New Recommendation: Closure

Decision: Approved

45. Case No.: COS-2018009461

First License Obtained: 08/05/2013

License Expiration: 07/31/2019

Complaint history: None

This matter was previously presented to the Board at its June 4, 2018 meeting as follows:
Pursuant to inspection, no manager was present and the shop license was expired.

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

Decision: Approved.

Update: A Consent Order was sent to the Respondent and it has been returned back marked “Unable to Forward”. Board records indicate that the shop is now closed for business as of January 4, 2019.

New Recommendation: Closure

Decision: Approved

46. Case No.: BAR-2018053561

First License Obtained: 12/01/2017

License Expiration: 12/31/2019

Complaint history: None

This matter was previously presented to the Board at its December 10, 2018 meeting as follows:
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.

Update: Upon further investigation there is no proof that the Respondent provided services outside the scope of her license.

New Recommendation: Closure

Decision: Approved

47. Case No.: COS-2017035811

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its November 6, 2017 meeting as follows:
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

Update: A Consent Order was sent to the Respondent’s address of record and it has been returned back marked “No such number –Unable to Forward”. No additional information for Respondent could be located.

New Recommendation: Closure

Decision: Approved

48. Case No.: COS-2017036581

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

This matter was previously presented to the Board at its November 6, 2017 meeting as follows:
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

Update: A Consent Order was sent to the shop where the Respondent was found working, which it was delivered, but no response from the Respondent to the Consent Order has been received. Another correspondence was sent to the shop and it has been returned back marked “Attempted Not Known–Unable to Forward”. No additional information for Respondent could be located.

New Recommendation: Closure

Decision: Approved

49. Case No.: COS-2017036291

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

This matter was previously presented to the Board at its November 6, 2017 meeting as follows:
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

Update: All mail sent to the Respondent has been returned back marked “Unclaimed or Not Deliverable as Addressed and/or Unable to Forward”. No additional information for Respondent could be located.

New Recommendation: Closure

Decision: Approved

50. Case No.: COS-2017076191

First License Obtained: 06/09/2015
License Expiration: 05/31/2017
Complaint history: None

This matter was previously presented to the Board at its April 9, 2018 meeting as follows:
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

Update: Board records indicate that the shop is now closed for business as of January 24, 2019.

New Recommendation: Closure

Decision: Approved

51. Case No.: COS-2017037601

First License Obtained: 12/12/1991

License Expiration: 04/30/2018

Complaint history: None

This matter was previously presented to the Board at its November 6, 2017 meeting as follows:
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

Update: A Consent Order was sent to the Respondent. The Respondent received the Consent Order, but did not accept the settlement offer. Further investigation of this matter revealed that the inspector who issued the Notice of Violation and performed the inspection in this matter is no longer employed by the Department, and as such, we cannot go forward with the hearing.

New Recommendation: Close with a Letter of Warning.

Decision: Approved

52. Case No.: BAR-2017037721

First License Obtained: 03/26/2014

License Expiration: 05/31/2019

Complaint history: None

This matter was previously presented to the Board at its November 6, 2017 meeting as follows:
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

Update: A Consent Order was sent to the Respondent. The Respondent received the Consent Order, but did not accept the settlement offer. Further investigation of this matter revealed that the inspector who issued the Notice of Violation and performed the inspection in this matter is no longer employed by the Department, and as such, we cannot go forward with the hearing.

New Recommendation: Close with a Letter of Warning.

Decision: Approved

53. 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

This matter was previously presented to the Board at its December 10, 2018 meeting as follows:
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.

Update: Board records indicate that the shop is now closed for business.

New Recommendation: Closure
Decision: Approved

54. Case No.: COS-2017020601

First License Obtained: 12/06/2013
License Expiration: 11/30/2015
Complaint history: 2014016701, closed by an Initial Order issued by an Administrative Law Judge with assessment of \$1,000 civil penalty and \$517.50 hearing and investigatory costs

This matter was previously presented to the Board at its August 7, 2017 meeting as follows: *Pursuant to inspection, the inspector found that the shop license for this Respondent expired November 30, 2015. In addition, the inspection sheet was not posted and shop manager was not present. There was also one individual servicing clients without a license.*

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

Decision: Approved.

Update: Board records indicate that the shop is now closed for business.

New Recommendation: Closure

Decision: Approved

55. Case No.: COS- 2018042181

First License Obtained: 07/24/2018
License Expiration: 06/30/2020
Complaint history: None

This matter was previously presented to the Board at its November 5, 2018 meeting as follows: *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.

Update: A Consent Order was sent to the Respondent's address of record and it has been returned back marked "Vacant". A drive by visit to the shop was requested to determine whether or not the Respondent is still operating for business. The area inspector visited the shop location and found the business is closed to the public and provided photographic pictures showing the shop is empty.

New Recommendation: Closure

Decision: Approved

56. Case No.: COS-2018004311

First License Obtained: 10/25/2012
License Expiration: 09/30/2016
Complaint history: None

This matter was previously presented to the Board at its May 7, 2018 meeting as follows: *This is a complaint that was open administratively after the shop was closed on several occasions during times that the inspector attempted to perform the required annual inspection. The shop has failed to communicate with the board office.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty for expired license and send inspector to confirm whether shop is permanently closed. If shop remains open for business \$500.00 civil penalty for failing to communicate with board office regarding scheduling the annual inspection.

Decision: Approved

Update: Board office indicates that the shop is now closed for business.

New Recommendation: Closure

Decision: Approved

57. Case No.: COS-2018023031

First License Obtained: 07/29/2009

License Expiration: 05/31/2017

Complaint history: None

This matter was previously presented to the Board at its August 6, 2018 meeting as follows: 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.

Update: Board office indicates that the shop is now closed.

New Recommendation: Closure

Decision: Approved

58. Case No.: BAR-2016067621

59. Case No.: BAR-2017060831

First License Obtained: 03/19/2007

License Expiration: 03/31/2019

Complaint history: 2013011241, Closed with a Letter of Warning;
2015004951, Closed by Consent Order and
payment of \$200 civil penalty

Case No. BAR-2016067621 was previously presented to the Board at its January 30, 2017 meeting as follows: Pursuant to inspection in November 2016, the Respondent shop was found to have one individual who was also the shop manager/owner performing services on a suspended license for failure to pay child support, said license having been suspended since December 2015.

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

Decision: Approved

Case No.: BAR-2017060831 was previously presented to the Board at its March 5, 2018 meeting as follows: Pursuant to inspection, the shop license was found to be expired and the manager/owner's license that was present in the shop but not performing services also has a license that is currently suspended for failure to pay child support.

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

Decision: Approved

Update: Based on information received from the fiscal office there were several payments made by the Respondent, owner of the shop, to satisfy outstanding penalties, late fees, and

renewals. At the time of inspection based on emails from fiscal, the license would not have been expired, after all payments were applied.

New Recommendation: Closure of both complaints.

Decision: Approved

60. Case No.: COS-2017026691

First License Obtained: 06/04/2009

License Expiration: 05/31/2019

**Complaint history: 2011007001, closed with letter of warning;
2013005341, closed with letter of warning;
2015003901, closed by Consent Order and payment of \$500.00 civil penalty; 2016014351, sent an inspector to observe sanitation practices**

This matter was previously presented to the Board at its October 2, 2017 meeting as follows: *Pursuant to an investigation from allegations of unlicensed activity and sanitation violations. The investigation concluded no unlicensed activity was found at the time of the investigation, however, the skin care room was dirty, and it appeared that the wax applicators were been reused. Several instruments used to perform manicures were found to be “left out” and exposed in unoccupied work stations. Also, there was no visible sign that customers could “opt out” from have the drill applied during their manicure.*

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

Decision: Approved.

Update: The recommendation above provides for a \$1000.00 civil penalty for unlicensed activity. The sanitation violations should be addressed with a letter of warning.

New Recommendation: Close with letter of warning.

Decision: Approved

61. Case No.: COS-2017033431

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its October 2, 2017 meeting as follows: *This is a consumer complaint alleging a student agreed to perform hair services outside of the school for a fee. The consumer alleges a bad result. The student admits to performing services off school property and not supervised by an instructor.*

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

Decision: Approved.

Update: Legal has received no additional information from the Complainant as would be necessary to go forward with litigation. Legal has no service information for the Respondent.

New Recommendation: Closure.

Decision: Approved

62. Case No.: BAR-2018078601

First License Obtained: N/A

License Expiration:

N/A

Complaint history:

2008015201, closed with no action; 2015011001, closed by an Agreed Order and sent for collection for failure to pay \$650.00 civil penalty and costs for this complaint

This matter was previously presented to the Board at its January 29, 2019 meeting as follows: *Pursuant to inspection, this shop was found to be operating without a license and three individuals operating without a license. The shop was found to be unsanitary but no specifics were listed in the NOV and no manager present.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$4500.00 civil penalty.

Decision: Approved

Update: This shop was operating without a license and based on that the civil penalty needs to be reduced to \$4000.00 as the NOV does not provide for no manager present.

New Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$4000.00 civil penalty.

Decision: Approved

The meeting adjourned at 9:20AM.

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

NEW BUSINESS:

Ms. Gumucio updated the board on Lovett Beauty School from Georgia. The school had provided transcript of hours with many errors and the board decided to not accept those hours until the situation could be remedied. In February, the new owner of that school Ms. Phuong Phan spoke to the Director and provided an email regarding the change in ownership. The Executive Director for the Georgia State Board confirmed the school license is in good standing.

MOTION made by Patricia Richmond and seconded by Judy McAllister for approval to accept hours from this school. Motion carried unanimously.

Additional Questions:

Motion to adjourn

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