



**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 August 5, 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, Frank Gambuzza, Ron Gillihan, Yvette Granger, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield and Amy Tanksley. Not in attendance Kelly Barger and Anita Charlton.

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

MINUTES-

Minutes for the June 3, 2019 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parson and seconded by Yvette Granger to approve the June, 2019 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

DCI Academy – Change in Location

Ms. Destiny Cox was not able to appear before the board. The school is located in Memphis and is a specialty aesthetics school with 1,800 sq. ft. The floor plan, applications and fees were all received timely.

MOTION made by Amy Tanksley and seconded by Yvette Granger to approve change in location pending an inspection by a field inspector and board member. Motion carried unanimously.

Queen City College, LLC. – New Ownership, Cosmetology and Barber School Licenses

Ms. Brandie Gross appeared before the board for a new ownership change for the cosmetology school license as well as the barber school license. The school is located in Clarksville. The school is over 7,200 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received timely.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve change of ownership pending an inspection by a field inspector. Motion carried unanimously.

Premier Cosmetology Academy – Change in Location

Ms. Sharon Smith appeared before the board for a change in location. The school is moving making changes within the same building to accommodate an aesthetics program. The school is 5,000 sq. ft. The floor plan, application and fee were all received timely.

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve change in location pending an inspection by a field inspector. Motion carried unanimously.

Salon Qualified Career Center – New School

Ms. Lewis appeared before the board for a new cosmetology school application. The school is located in Memphis. The school is 3,000 sq. ft. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received timely.

MOTION made by Yvette Granger and seconded by Janie Ross to approve change of ownership pending an inspection by a field inspector and a board member. Motion carried unanimously.

Paul Mitchell the School, Knoxville – Change in Location Branch Campus

Mr. Kevin Johnson appeared before the board for a change in location. The schools main campus in Knoxville is located less than two miles from this extension. Pursuant to Rule 0440-01-.01(5)(c), a school may have an expansion to the campus facility as long as it is within two miles. This location had previously been considered by the board and approved but it was being used

only as classrooms. This location will start being used to offer services to the public. The floor plan, application and fee were all received timely.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve change in location pending an inspection by a field inspector. Mr. Frank Gambuzza abstained from the vote. Motion carried unanimously.

Vibe Barber College – Change in Location

Ms. Tolliver appeared before the board. The school is located moving within Memphis and is 2,200 sq. ft. The floor plan, application and fees were all received timely.

MOTION made by Amy Tanksley and seconded by Janie Ross to approve change in location pending an inspection by a field inspector and board member. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Ashley Bowen, Shannon Cheatham, Jason Christie and Joe Whitaker. 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 Patricia Parsons to approve application for examination with a signed Agreed Order. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of aesthetics license from California for JoAnna Bodman. Certification shows initial licensure in 2004 with 1,250 hours and no practical exam. Ms. Bodman could not provide a transcript or proof of work experience. The school she listed attending is not one that California has under investigation.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Patricia Parsons to deny recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Rostene Cherchali. Certification shows initial licensure in July 2012 with 1,000 hours or equivalent experience. Both exams would have been required but New York's certificate does not reflect the dates. Mr. Cherchali provided documentation from production company in Paris France going back to 2012 as well as tax records, translated documents and proof of work as Hair Professional for a studio in New York.

Recommendation - is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetology license from Oregon for Ashton Cox. Certification shows a Hair Design license with initial license date of June 2019 and an esthetician license issued in April 2019. Both are by examination.

Recommendation - is that the applicant takes the Tennessee Exams.

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

Application for reciprocity of cosmetology license from Pennsylvania for Damaris Magruder. Certification shows initial licensure in October 1981 with 1,250 hours and no practical exam. Ms. Magruder provided an explanation of a salon she owned, having needed dozens of surgeries and unable to provide actual proof of experience.

Recommendation - is that the applicant be approved for reciprocity.

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

MOTION made by Patricia Parsons and seconded by Judy McAllister for approval by the full board of the reciprocity committees decisions. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request for extension of continued education requirement from master barber instructor Paul Anaebue. 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. Anaebue emailed explaining he has had health issues and been unable to attend a session prior to his renewal. He also provided a letter from the hospital confirming his situation. He would have needed to have gone by August 2018 but missed it.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve the request. Motion carried unanimously.

Request for extension of continued education requirement from cosmetology instructor Tameika Cathey. 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. Ms. Cathey explained that she has had a death in the family and close family members with life changing circumstances that impacted her ability to complete a session. She provided supporting documents. She requested the session completed in June 2019 be acceptable and approved.

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

Request for extension of continued education requirement from cosmetology instructor Monica Caruthers. 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 has never asked for an extension before and has already attended the session in Knoxville in July. She needed to attend by June 30 but misunderstood the requirement.

MOTION made by Just McAllister and seconded by Yvette Granger to approve the request. Motion carried unanimously.

Request for extension of continued education requirement from cosmetology instructor Danielle Finney. 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 has never asked for an extension before and is registered to attend the session in TSU in August.

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

Request for extension of continued education requirement from master barber instructor Lamar Hobson. 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. Hobson has never asked for an extension before and is registered to attend the session in TSU in August.

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

Request for extension to complete coursework from Kasie Vann. Pursuant to Tenn. Code Ann. §62-4-123 a student shall have seven years (7) years from the date of enrollment to complete the required courses. Ms. Vann explained that she started school in August 2012, moved to Oklahoma and had events in her life that prevented her from completing the education. She has less than 150 hours left and is currently enrolled in a school. She is asking for a three month extension.

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

The Board discussed and gave authority to the executive director to approve the instructor extensions going forward. The requests must be made timely and must be the one time extension only.

MOTION made by Patricia Parsons and seconded by Judy McAllister to have executive director approve these going forward. Motion carried unanimously.

DIRECTOR'S REPORT:

Financial information for fiscal year 2019 through June shows a surplus of \$262,117. Final numbers for fiscal 2019 will be available for the October meeting.

Licensing numbers for each license type were presented showing an increase in almost every category in the last three years. The new hair braider registration reflects seven individuals licensed in the first month.

Meeting dates for 2020 were reviewed by the board.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve 2020 dates. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:10 to review the allegations of 64 complaints and make recommendations to the Board.

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

COSMETOLOGY CASES

1. Case No.: COS- 2019021201

First License Obtained: 08/14/2006

License Expiration: 08/31/2020

Complaint history: None

Pursuant to inspection, no licenses were displayed, tools and implements were not properly cleaned and some employees were not wearing name tags. This Respondent is the shop manager.

Recommendation: Letter of warning.

Decision:

2. Case No.: COS- 2019022511

First License Obtained: 10/01/1989

License Expiration: 09/30/2019

Complaint history: None

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

Recommendation: Closure as below complaint assesses civil penalty to the shop.

Decision:

3. Case No.: COS- 2019022471

First License Obtained: 05/10/2004

License Expiration: 04/30/2018

Complaint history: 2006037821, closed by Letter of Warning

Pursuant to inspection, this shop license was found to be expired.

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

Decision:

4. Case No.: COS-2019023501

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging that this Respondent is providing services out of her apartment. No proof of actual services was provided.

Recommendation: Closure

Decision:

5. Case No.: COS- 2019023641

First License Obtained: 10/30/2002

License Expiration: 10/31/2020

Complaint history: None

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

Recommendation: Closure

Decision:

6. Case No.: COS- 2019023631

First License Obtained: 03/24/2016

License Expiration: 04/30/2021

Complaint history: None

This is a consumer complaint regarding a bad result from nail services.

Recommendation: Closure

Decision:

7. Case No.: COS-2019023831

First License Obtained: 12/02/2010

License Expiration: 10/31/2020

Complaint history: 2012012091, closed with letter of warning;
2013024001 & 2015002501, Closed by an Initial

Order and assessment of \$750.00 civil penalty and
\$425.00 hearing costs; 2016023031, Sent an inspector
to review sanitation practices related to pedicure;

2016049891, closed by Consent Order and \$750 civil
penalty payment; 2017033901, closed by Consent

Order and payment of \$100.00 civil penalty

Pursuant to a consumer complaint alleging unlicensed activity an inspection was performed and
no unlicensed activity was found.

Recommendation: Closure

Decision:

8. Case No.: COS-2019024221

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

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

Recommendation: Closure

Decision:

9. Case No.: COS-2019024071

First License Obtained: 02/02/2018

License Expiration: 09/01/2019

Complaint history: None

This is a salon complaint against a school alleging that the school is not providing sufficient training. The school responded and the specific stylists graduated from the school and passed the exam and are licensed by the Board.

Recommendation: Closure

Decision:

10. Case No.: COS- 2019024501

First License Obtained: 03/18/2015

License Expiration: 02/28/2021

Complaint history: None

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

Recommendation: Closure

Decision:

11. Case No.: COS- 2019025701

First License Obtained: 07/13/2017

License Expiration: 07/31/2021

Complaint history: None

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

Recommendation: Closure

Decision:

12. Case No.: COS- 2019026011

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The Respondent works in a retail establishment exempt for licensure.

Recommendation: Closure

Decision:

13. Case No.: COS- 2019026981

First License Obtained: 01/07/2019

License Expiration: 01/31/2021

Complaint history: None

This is a consumer complaint alleging unsanitary conditions. The shop provided a response and was recently inspected and no violations were found.

Recommendation: Closure

Decision:

14. Case No.: COS- 2019029141

First License Obtained: 12/07/2005

License Expiration: 05/31/2021

Complaint history: 2005036751, close and flag; 2015004721, closed by Consent Order and payment of \$1,000 civil penalty;

2017002071, closed with Letter of Warning;

This complaint alleges that the Respondent shop had issues with the hot water tank during the time services were being performed.

Recommendation: Closure with request for inspection for sanitary issues and confirmation that hot water is working in salon.

Decision:

15. Case No.: COS-2019029651

First License Obtained: 08/18/2014

License Expiration: 08/31/2020

Complaint history: 201501708, closed with a letter of warning

Pursuant to inspection, the shop was found to have sanitation violations including dirty buffers and files and no wet sterilizer at the stations.

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

Decision:

16. Case No.: COS- 2019028451

First License Obtained: 12/11/2013

License Expiration: 09/30/2019

Complaint history: None

This is a consumer complaint alleging a bad result from a salon service.

Recommendation: Closure

Decision:

17. Case No.: COS- 2019030181

First License Obtained: 12/26/2018

License Expiration: 12/31/2020

Complaint history: None

This is a consumer complaint alleging shop is using straight razor and not licensed barber shop. The shop has a dual license but also denies using a straight razor.

Recommendation: Closure

Decision:

18. Case No.: COS- 2019031491

First License Obtained: 08/29/2011

License Expiration: 08/31/2019

Complaint history: 201501709, closed with Letter of Warning

This respondent is the manager of a shop found with sanitary violations during an inspection.

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

Decision:

19. Case No.: COS- 2019030971

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:

20. Case No.: COS- 2019031641

First License Obtained: 04/11/2006

License Expiration: 04/30/2020

Complaint history: None

This respondent contacted the customer service desk regarding concerns about an inspector and used extremely unprofessional “profanity” language while speaking to the customer service desk.

Recommendation: Letter of warning.

Decision:

21. Case No.: COS-2019031561

First License Obtained: 06/29/2018

License Expiration: 06/30/2020

Complaint history: None

Pursuant to inspection, there was an issue with regard to whether the manager was present but the person that was present in the salon stated verbally that he was the manager.

Recommendation: Letter of warning.

Decision:

22. Case No.: COS- 2019032261

First License Obtained: 11/29/2004

License Expiration: 11/30/2020

Complaint history: None

This is a consumer complaint alleging bad result from nail service and possible unlicensed activity. This individual has a current license.

Recommendation: Closure

Decision:

23. Case No.: COS- 2019032581

First License Obtained: 02/09/2017

License Expiration: 01/31/2021

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The shop was recently inspected and no unlicensed activity was found.

Recommendation: Closure

Decision:

24. Case No.: COS- 2019033511

First License Obtained: 06/05/2015

License Expiration: 06/30/2021

Complaint history: None

This is a complaint filed by a former employee alleging that the Respondent does not have all the proper licenses to provide services. The Respondent provided a response and maintains the proper licenses to conduct business.

Recommendation: Closure

Decision:

25. Case No.: COS- 2019034431

First License Obtained: 09/20/1977

License Expiration: 03/31/2020

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The respondent has been licensed since 1977.

Recommendation: Closure

Decision:

26. Case No.: COS- 2019034441

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

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

Recommendation: Closure

Decision:

27. Case No.: COS- 2019034661

First License Obtained: 10/25/2001

License Expiration: 10/31/2019

Complaint history: 2009019821, closed by Consent Order and payment of \$2,500 civil penalty

This is a consumer alleging a bad result with nail services and unsanitary conditions. The owner responded and disputes that any unsanitary conditions exist and issued a refund for the cost of the pedicure.

Recommendation: Closure

Decision:

28. Case No.: COS- 2019034711

First License Obtained: 06/07/2017

License Expiration: 06/30/2021

Complaint history: 2017049781, closed with no action

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

Recommendation: Closure

Decision:

29. Case No.: COS- 2019034721

First License Obtained: 08/13/2014

License Expiration: 02/28/2021

Complaint history: 20150218301, closed with no action

This is a dispute between a former employee and owner. This appears to be an employment issue.

Recommendation: Closure

Decision:

30. Case No.: COS- 2019035211

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; 2019002381, closure

This is an anonymous complaint alleging various issues at a school, including dirty supplies, lack of supplies, teacher instability, and theft. The school provided a response with specifics about each of the allegations and there is no other proof of any wrongdoing by the school.

Recommendation: Closure

Decision:

31. Case No.: COS- 2019036291

First License Obtained: 11/05/2003

License Expiration: 11/30/2019

Complaint history: None

Pursuant to inspection the shop license was found to be expired. This respondent is the owner/manager of the shop.

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

Decision:

32. Case No.: COS- 2019036461

First License Obtained: 05/31/2018

License Expiration: 09/01/2019

Complaint history: 2018027341, closed with Letter of Instruction

This is a student complaint alleging that her hours were not reported to the board office. The school responded and provided proof that the hours were submitted.

Recommendation: Closure

Decision:

33. Case No.: COS- 2019036541

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to a consumer complaint, an inspection was performed regarding potential unlicensed activity. No unlicensed activity could be confirmed at the time of the inspection.

Recommendation: Closure

Decision:

34. Case No.: COS- 2019036971

First License Obtained: 03/24/2017

License Expiration: 03/31/2021

Complaint history: None

Based on a complaint alleging unlicensed activity an inspection was performed and no unlicensed activity was found at the time of inspection.

Recommendation: Closure

Decision:

35. Case No.: COS- 2019036861

First License Obtained: 06/18/2018

License Expiration: 09/01/2019

Complaint history: No prior disciplinary history

This is a student complaint alleging that the school stopped providing night classes, disputes as to hours submitted and request for a refund. The school provided a response with documentation of emails between the school and the student and a copy of the policy regarding refunds and policy regarding the rights of the school to cancel or modify classes. The emails submitted also contain proof of hours.

Recommendation: Closure

Decision:

36. Case No.: COS- 2019036961

First License Obtained: 05/17/2018

License Expiration: 05/31/2020

Complaint history: None

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

Recommendation: Closure

Decision:

37. Case No.: COS-2019037801

First License Obtained: 07/28/2009

License Expiration: 08/31/2018

Complaint history: None

This shop has failed to contact the board regarding scheduling an inspection and the shop license is expired

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty and agree to schedule inspection.

Decision:

38. Case No.: COS-2019037811

First License Obtained: 10/11/1999

License Expiration: 03/31/2020

Complaint history: None

This shop has failed to contact the board regarding scheduling an inspection.

Recommendation: Letter of warning regarding cooperation during inspections.

Decision:

39. Case No.: COS-2019037841

First License Obtained: 02/15/2017

License Expiration: 02/28/2021

Complaint history: None

This shop has failed to contact the board regarding scheduling an inspection.

Recommendation: Letter of warning regarding cooperation during inspections.

Decision:

40. Case No.: COS-2019038841

First License Obtained: 07/17/2017

License Expiration: 07/31/2019

Complaint history: 2018063301, closure

Pursuant to inspection based on a consumer complaint alleging unlicensed activity, no unlicensed activity was found on the day of the inspection

Recommendation: Closure

Decision:

41. Case No.: COS-2019038911

First License Obtained: 03/12/2013

License Expiration: 02/28/2021

Complaint history: None

This is a consumer complaint alleging a bad result with nail services and sanitary issues. The shop provided a response to the complaint and recently passed inspection.

Recommendation: Closure

Decision:

42. Case No.: COS-2019039511

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The responded is unlicensed but we do not have sufficient proof to go forward with a hearing as the respondent does not have an address for service.

Recommendation: Closure

Decision:

43. Case No.: COS-2019039571

First License Obtained: 09/12/2018

License Expiration: 09/30/2020

Complaint history: None

This is a consumer complaint alleging a bad result from micro blading service.

Recommendation: Closure

Decision:

44. Case No.: COS-2019039461

First License Obtained: 01/28/2019

License Expiration: 12/31/2020

Complaint history: None

This complaint is from a former employee alleging that the shop is allowing persons under the age of 18 to spray tan without parental consent. The shop provided a response and there is no proof any laws are being violated.

Recommendation: Closure

Decision:

45. Case No.: COS-2019042301

First License Obtained: 06/01/2012

License Expiration: 06/30/2020

Complaint history: None

Pursuant to inspection, this Respondent is the shop manager who was allowing the shop to operate with expired license.

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

Decision:

46. Case No.: COS-2019040421

First License Obtained: 11/12/2014

License Expiration: 10/31/2020

Complaint history: 20150224571, closed by Consent Order and payment of \$100.00 civil penalty

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

Recommendation: Closure

Decision:

47. Case No.: COS-2019042441

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:

48. Case No.: COS-2019042861

First License Obtained: 06/11/2009

License Expiration: 06/30/2021

Complaint history: None

Based on a complaint of unlicensed activity an inspection was performed and no unlicensed activity was found at the time of inspection.

Recommendation: Closure

Decision:

49. Case No.: COS-2019051151

First License Obtained: 07/11/2011
License Expiration: 06/30/2021
Complaint history: None

Pursuant to an inspection, the inspector found one unlicensed individual practicing on a client's haircut and no licensed shop manager was present in the Respondent's shop. The Respondent was sent an Agreed Citation for \$1,500 civil penalty. The owner of the shop requested to pay the \$1,500 civil penalty via a payment plan at a rate of \$125.00 a month.

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

Decision:

BARBER CASES

50. Case No.: BAR- 2019022671

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:

51. Case No.: BAR- 2019024171

First License Obtained: 08/09/1977
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:

52. Case No.: BAR- 2019024191

First License Obtained: 03/31/1987
License Expiration: 03/31/2021
Complaint history: None

Pursuant to inspection, the owner of this shop was found to be providing services with expired license.

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

Decision:

53. Case No.: BAR- 2019027201

First License Obtained: 12/06/2005

License Expiration: 11/30/2019

Complaint history: None

This is a consumer complaint alleging a bad haircut.

Recommendation: Closure

Decision:

54. Case No.: BAR- 2019027271

First License Obtained: 11/09/2005

License Expiration: 11/30/2019

Complaint history: None

Pursuant to inspection, the shop was found to be providing services without a license. This Respondent is the owner/manager.

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

Decision:

55. Case No.: BAR- 2019027251

First License Obtained: 10/02/2014

License Expiration: 10/31/2020

Complaint history: None

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

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

Decision:

56. Case No.: BAR- 2019031361

First License Obtained: 04/26/2006

License Expiration: 04/30/2014 - Revoked

Complaint history: 2014032191, dismissed; 2014009601, closed by Final Order and assessment of license revocation and \$3,000 civil penalty and costs of \$462.03

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

Recommendation: Refer to local authorities.

Decision:

57. Case No.: BAR- 2019031341

First License Obtained: 09/11/2012

License Expiration: 08/31/2020

Complaint history: 201403218, closed by Agreed Citation and payment of \$1,000 civil penalty; 2017035361, closure

Pursuant to inspection, this shop was allowing a person with revoked license to provide services inside the shop.

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

Decision:

58. Case No.: BAR-2019037831

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:

59. Case No.: BAR-2019037771

First License Obtained: 12/12/2018

License Expiration: 12/31/2020

Complaint history: None

Pursuant to inspection, this shop was found to be allowing one individual to provide services without a license and no manager was present.

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

Decision:

60. Case No.: BAR-2019037961

First License Obtained: 04/22/2019

License Expiration: 04/30/2021

Complaint history: None

This is a consumer complaint alleging unsanitary condition.

Recommendation: Closure with request for inspection.

Decision:

61. Case No.: BAR-2019037851

First License Obtained: 02/15/2017

License Expiration: 02/28/2021

Complaint history: None

This complaint is related to the shop not scheduling a time for an inspection. The Respondent provided a response stating that both the owner and manager have other employment and that they are more than willing to schedule the appointment for the inspection.

Recommendation: Letter of warning.

Decision:

RESPRESENTS

62. Case No.: COS-2019014091

First License Obtained: 03/16/2000

License Expiration: 03/31/2020

Complaint history: 2017016851, closure; 2018039571, Formal Charges Authorized

63. Case No.: COS-2019014071

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; 2018039521, Formal Charges Authorized

This matter was previously presented to the Board at the June 3, 2019 as follows: *Pursuant to inspection, this shop and owner were found to be providing services without a license as the shop license has been expired since 2015 and the owner's license has been expired since 2016.*

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

Decision: Approved

Update: At the time of the 2019 inspection the owner's license had been renewed but he shop license remains expired.

New Recommendation: Closure as to Complaint No. 2019014091 and revocation of the shop license if the Respondent shop does not renew within 30 days. Civil penalty for the shop reduced to \$1000.00 total for complaints No. 2018039521 and 2019014071 if Respondent renews within 30 days. The civil penalty for Complaint No. 2018039571 shall be \$100.00 for the individual license.

Decision:

64. Case No.: BAR- 2019011621

First License Obtained: 11/02/2011

License Expiration: 10/31/2017

Complaint history: 201501194, closed by Agreed Citation and payment of \$100.00 civil penalty

This matter was previously presented to the Board at its June 3, 2019 meeting as follows: *pursuant to inspection, this shop license was found to be expired and the owner's license was expired and no manager was present.*

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

Decision: Approved

Update: This Respondent provided proof of the manager on duty at the time of inspection.

New Recommendation: Authorize formal hearing. Authorize settlement by consent of with \$200.00.

Decision:

The meeting adjourned at 9:20 AM.

MOTION made by Patricia Parsons and seconded by Judy McAllister for approval of the Legal Report as amended. Motion carried unanimously.

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

NEW BUSINESS:

Ms. Gumucio presented changes to the Record of Withdrawal/Transfer form. The notarization part is removed because finding someone to notarize is becoming very difficult for schools and causing unneeded delays. The form now uses an attestation to the information provided.

MOTION made by Patricia Parsons and seconded by Nina Coppinger for approval of the new form. Motion carried unanimously.

Ms. Gumucio, and the reciprocity committee members, presented what was discussed during the reciprocity committee regarding a possible change for reciprocal applicants. The board discussed this at the June meeting deciding to give it more thought and finalize in August. The committee's proposal is to consider reciprocal applicants as substantially meeting the requirements if their education is within 80% of the requirements in Tennessee and they have both exams.

Board member Yvette Granger shared concerns about going twice to inspect "New Pyramid Beauty School, Inc." and both times resulting in excuses and no records for the students that signed the required 15 barber contracts and 5 manicure contracts. Ms. Granger was also told the contracts were changed. With this, the board discussed not moving forward with another inspection until the owner presents all revisions made and appears before them at the October 7th meeting to explain the miscommunications and determine if the application is complete.

Chairman Ron Gillihan paid his respect to instructor and mentor Lee Dunn who recently passed away.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Nina Coppinger and seconded by Yvette Granger. Motion carried unanimously.