



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting December 7, 2020 at 9:04 a.m. via WebEx.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting taking place through WebEx.

Roxana Gumucio, Executive Director, called roll. The following members participated telephonically: Kelly Barger, Anita Charlton, Frank Gambuzza, Ron Gillihan, Yvette Granger, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield, Amy Tanksley and Susan Witcher.

Others participating: Roxana Gumucio, Executive Director and Hugh Cross, Attorney for the Board.

STATEMENT OF NECESSITY-

Attorney Hugh Cross read the statement of necessity for the record. Patricia Parsons motioned to accept the statement of necessity. This was seconded by Mona Sappenfield. The motion carried by unanimous roll call vote.

MINUTES-

Minutes for the October 5, 2020 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Frank Gambuzza to approve the October 2020 minutes. The motion carried by unanimous roll call vote.

PRESENTED BEFORE THE BOARD-

The Institute for Barbering and Natural Hair – School Change of Location

Ms. Tameshia Effinger participated to answer any questions for the board. The school is located in Memphis. The school is 2,400 sq. ft. The application, floor plan and updated student agreement were all received timely.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve the change in location pending an inspection by a field inspector. The motion carried by unanimous roll call vote.

D.A.Y. College of Cosmetology – School Change of Location

Ms. Amanda Holmes was not able to participate. The school is located in Jackson. The school is 4,500 sq. ft. The application, floor plan and updated student agreement were all received timely.

MOTION made by Judy McAllister and seconded by Patricia Parsons to approve the change in location pending required updates and an inspection by a field inspector and a board member. The motion carried by unanimous roll call vote.

The Memphis Hair Academy – New Cosmetology Apprenticeship School

Ms. Melanie Mull participated to answer any questions for the board. Ms. Mull opened The Memphis Skin Academy in 2018 as a specialty aesthetics school and a second location in October 2020, both located in Memphis. This campus is also located in Memphis. The school is 3,500 sq. ft. The new school application, curriculum, blank enrollment agreement, floor plan and contingency plan were all received timely. This location will be for apprenticeship students only.

MOTION made by Patricia Parsons and seconded by Becky Russell to approve the new school pending required updates and an inspection by a field inspector. The motion carried by unanimous roll call vote.

DCI Academy School of Cosmetology – New Cosmetology Apprenticeship School

Ms. Destiny Cox participated to answer any questions for the board. Ms. Cox opened DCI Academy in February 2019 as a specialty aesthetics school located in Memphis. This new location is also in Memphis. The school is 1,191 sq. ft. This location will be for apprenticeship students only. The new school application, curriculum, blank enrollment agreement, floor plan and contingency plan were all received timely.

MOTION made by Mona Sappenfield and seconded by Judy McAllister to approve the new school pending required updates and an inspection by a field inspector. The motion carried by unanimous roll call vote.

2021 Continued Education Seminar Requests:

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 18 and Monday, July 19, 2021. The session is planned to be in person.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the 2021 session and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown submitted the information for the instructor continuing education seminar for three virtual sessions: March 7th & 8th, June 6th & 7th and October 24th & 25, 2021.

Motion made by Patricia Parsons and seconded by Janie Ross to approve the 2021 session and requested dates. Motion carried unanimously.

PBC Inc. session: Ms. Pearl Walker and Ms. Celeste Harris submitted their information for the instructor continuing education seminar for two virtual sessions: January 31st & February 1st, and September 19 & 20th, 2021.

Motion made by Judy McAllister and seconded by Yvette Granger to approve the 2021 session and requested dates. Motion carried unanimously.

2021's Alternative Teaching Methods for these Unconventional Times: Mr. Thomas James submitted the information for the instructor continuing education seminar for three sessions:

Virtual - April 25th & 26, 2021

Murfreesboro - June 27th & 28th, 2021

Johnson City – September 26^h & 27th, 2021

Motion made by Patricia Parsons and seconded by Becky Russell to approve the 2021 session and requested dates. Motion carried unanimously.

Beauty Educator's Leadership Conference: Ms. Destiny Cox submitted the information for the instructor continuing education seminar for four virtual sessions, one each quarter: February 7th & 8, May 16th & 17th, August 15th & 16th and November 7th & November 8th, 2021.

Motion made by Judy McAllister and seconded by Patricia Parsons to approve the 2021 session and requested dates. Motion carried unanimously.

Making of a Master, KINCC Education Group: Ms. Kimberly Anderson submitted the information for the instructor continuing education seminar for a total of seven sessions.

Three virtual sessions: March 7th & 8th, July 11th & 12th and August 22nd & 23rd, 2021.

Two virtual sessions that are split into four-hour increments on four different dates:

Session one April 17th & 18th, May 1st & 2nd, 2021

Session two October 1 & 2nd, October 16th & 17th, 2021

One in person session in Memphis June 13th & 14th, 2021.

Independent learning is not completely tested therefore it will not be offered until board members have opportunity to resolve how hours are tracked.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the 2021 session and requested dates. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 71 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2020051461

First License Obtained: 07/09/2019

License Expiration: 06/30/2021

Complaint History: 202000667, closed with Letter of Warning; 2020038221 closed with Letter of Warning

This 7-9-20 consumer complaint alleges unsanitary conditions. Inspection revealed unsanitary conditions as well as two (2) unlicensed individuals performing services (\$2,000.00) and the owner/manager was not present at the time of inspection (\$500.00). A Notice of Violation was issued.

Recommendation: Letter of warning for unsanitary conditions. Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.

Decision: Approved

2. Case No.: COS- 2020062031

First License Obtained: 01/21/2014

License Expiration: 12/31/2019

Complaint History: None

This 8-1-20 annual inspection revealed an expired shop license (expiration 12-31-19) and a shop owner or manager not present (owner is the manager) (\$500.00). A Notice of Violation was issued to the Respondent shop for both infractions. **The Respondent shop is in “closed” status in CORE as of 8-17-20.**

Recommendation: Closure.

Decision: Approved

3. Case No.: COS- 2020059421

First License Obtained: 12/04/2009

License Expiration: 12/31/2021

Complaint History: None

This 8-1-20 annual inspection revealed an expired shop license (expiration 12-31-19) and failure of responsibility of owner or manager of a shop. This Respondent is the designated manager of the shop who was cited for failure of responsibilities of owner or manager of a shop due to the expired shop license. A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

4. Case No.: COS- 2020060021

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 8-4-20 annual inspection revealed an expired shop license (expiration 4-30-19), Respondent owner/manager was practicing while unlicensed, and no licensed manager present due to the Respondent owner being unlicensed.

Recommendation: Closure as duplicitous against the owner and the shop. The civil penalty for these infractions were already addressed/assessed against the shop in COS-2020059991 at the board meeting of October 5, 2020.

Decision: Approved

5. Case No.: COS -2020060871

First License Obtained: 08/10/2010

License Expiration: 08/31/2022

Complaint History: None

This 8-7-20 follow-up/annual inspection for possible sanitation issues revealed a box of products without labels on the box/containers. Respondent manager was issued a Notice of Violation for same as well as for failure of responsibilities of manager of a shop.

Recommendation: Letter of warning for unsanitary conditions.

Decision: Approved

6. Case No.: COS- 2020060181

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 8-8-20 anonymous complaint alleges Respondent individual is practicing while unlicensed. Inspection revealed Respondent individual was practicing while unlicensed (\$1,000.00) and for

failure of responsibilities of owner or manager of a shop. A Notice of Violation was issued. Please see Item #7 below regarding the manager of the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

7. Case No.: COS- 2020064061

First License Obtained: 07/22/2020

License Expiration: 07/31/2022

Complaint History: None

Please see 8-8-20 fact pattern for Item #6 above regarding the unlicensed individual. This Respondent is the manager for failure of responsibilities of manager of a shop due to the unlicensed individual practicing (\$1,000.00). A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

8. Case No.: COS- 2020064431

First License Obtained: 03/18/2016

License Expiration: 03/31/2022

Complaint History: None

Please see 8-20-20 fact pattern for Item #48 below regarding the shop. This Respondent is the owner/manager of the shop who was issued a Notice of Violation for failure of responsibilities of owner or manager of a shop.

Recommendation: Closure. This would be a duplicitous penalty against the shop and its owner.

Decision: Approved

9. Case No.: COS- 2020066351

First License Obtained: 07/02/2015

License Expiration: 06/30/2019

Complaint History: None

This 8-26-20 annual inspection revealed an expired shop license (expiration 6-30-19) and for failure of responsibilities of owner or manager of a shop. A Notice of Violation was issued. Please see Item #10 below regarding the owner/manager of the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

10. Case No.: COS- 2020066371

First License Obtained: 08/16/2012

License Expiration: 08/31/2022

Complaint History: None

Please see 8-26-20 fact pattern for Item #9 above regarding the shop. This Respondent is the owner/manager cited for failure of responsibilities of owner or manager of a shop due to the expired shop license. A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

11. Case No.: COS-2020069971

First License Obtained: 05/14/2019

License Expiration: 09/01/2021

Complaint History: None

This 9-2-20 student complaint alleges Respondent school will not release her hours to transfer to another school until she pays the remainder of her contractual tuition. Respondent states “if the student does not wish to return then the tuition quoted will become null and void and her hours will be released for transfer.” Student attaches copies of her logbook and rebuts that the correct hours for release are 200 hours and 27 minutes and not what the school tabulated of 168 hours. Respondent school rebuts they only “signed off” on 168 hours. The issue of how many student hours are incurred is a contractual issue (school/student contract) outside the scope of the board’s authority.

Recommendation: Letter of Warning to update/produce student hours incurred at end of each month and to provide student with transfer documentation for her accrued 168 hours.

Decision: Approved

12. Case No.: COS-2020070631

First License Obtained: 11/24/2015

License Expiration: 11/30/2021

Complaint History: 2020070391, closure

This 9-5-20 competitor complaint alleges Respondent individual is operating an unlicensed shop from home. When inspector presented to the address provided, an unknown male came to the door and informed the inspector he was housesitting as the Respondent individual was out of town; further, the unknown male informed the inspector that Respondent individual was not servicing clients at this location. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

13. Case No.: COS-2020071301

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-9-20 anonymous complaint alleges unlicensed individual activity from an unlicensed home. Inspector went to residence and had to leave a card since no one was home. Respondent individual contacted inspector and denied having a manicure shop in the house; she recently applied for a cosmetology license.

Recommendation: Closure.

Decision: Approved

14. Case No.: COS- 2020072951

First License Obtained: 12/06/2009

License Expiration: 09/01/2021

Complaint history: 2018004191, closed and sent out for inspection;
2019048401 , closed sent out for inspection

This 9-15-20 former student complaint pertinently alleges (1) broken sinks, (2) very little instruction taking place during class time, (3) cheap/recycled student kits, (4) she was pressured not to transfer from the school, (5) she was pressured into distance learning, and (6) hours are being freely given and not earned on the part of the Respondent school. Respondent school pertinently responds that (1) equipment maintenance is done immediately and quickly as possible, (2) instructors monitor and supervise students and are actively commenced in training students the entire day, (3) student kits are purchased pre-packaged by Burmax with new materials for each student, (4) and (5) when student wanted to leave the school due to personal reasons, the school offered her distance learning via Zoom, and (6) student hours are not validated by the school unless the hours are earned. Student rebuts she has witnesses for the propositions that hours are freely given out by the school/students did not learn anything; the sinks were broken.

Recommendation: Closure.

Decision: Approved

15. Case No.: COS- 2020073221

First License Obtained: 10/04/2019

License Expiration: 10/31/2021

Complaint History: None

This 9-16-20 consumer complaint alleges Respondent individual is providing services both at her mother's unlicensed basement in unsanitary conditions as well as at customers' homes and provides a witness in support thereof. Respondent individual states complainant is her ex-boyfriend who she is currently involved with in a child support dispute (providing documentary support thereof) showing that the complaint was filed shortly after the date of notice of same; further; complainant has not provided any proof. Disciplinary counsel contacted witness stated in the complaint; she could not corroborate the allegations. Disciplinary counsel contacted complainant to see if complainant had any other witnesses; complainant was unable to do so and requested I close the complaint.

Recommendation: Closure.

Decision: Approved

16. Case No.: COS- 2020074151

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-21-20 consumer complaint alleges unlicensed individual activity from an unlicensed home. Inspector went to address listed in the complaint and was addressed through a closed door by an unknown female who would not provide her name or answer any questions; she requested inspector place his card in the door before leaving the premises.

Recommendation: Closure.

Decision: Approved

17. Case No.: COS- 2020074621

First License Obtained: 07/20/2020

License Expiration: 06/30/2022

Complaint History: None

This 9-22-20 consumer complaint alleges unlicensed individual activity at the Respondent shop. Inspection revealed owner/manager of the Respondent shop admitted that the unlicensed

individual (who was not present on day of inspection) was working at the salon. Inspector counselled owner/manager of Respondent shop on permitting an unlicensed individual to practice at the shop. A Notice of Violation was not issued.

Recommendation: Letter of Warning.

Decision: Approved

18. Case No.: COS- 2020075131

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-24-20 consumer complaint alleges unlicensed individual activity from an unlicensed home shop, with supporting screen shots/text messages where Respondent individual admits she is unlicensed and operating from home. Inspection revealed Respondent individual is unlicensed (\$1,000.00) and operating from an unlicensed home shop (\$1,000.00). A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,000.00.

Decision: Approved

19. Case No.: COS- 2020075331

First License Obtained: 01/14/2005

License Expiration: 01/31/2021

Complaint History: None

This 9-24-20 anonymous consumer complaint alleges a bad hair service and Respondent shop using an expired license individual at the salon. Inspector contacted owner/manager of the Respondent shop and confirmed that the unlicensed individual was providing services and was in the process of re-testing for a new license. Owner/manager of Respondent shop was counselled on using an unlicensed individual to perform services at the Respondent shop. Annual inspection performed on 9-29-20 revealed a correctable sanitation violation. A Notice of Violation was not issued.

Recommendation: Letter of warning regarding using expired/unlicensed individuals to perform services at the shop for compensation.

Decision: Approved

20. Case No.: COS- 2020075581

First License Obtained: 05/25/2016

License Expiration: 09/01/2021

Complaint History: None

This 9-25-20 student complaint alleges against the Respondent school as follows:

- (1) Respondent expelled student for an off-campus, school-organized graduation dinner without a release of her hours; Complainant requests a transfer/release of her incurred hours.
- (2) derma planning/micro-needling/chemical peels are being taught/performed on the Respondent school's clinical floor of the esthetics room. Clients are instructed to schedule a facial but will receive a chemical peel instead.

- (3) Complainant received scarring from a bad reaction to a face waxing and the Respondent did not make Complainant sign any paperwork prior to the service being conducted.
- (4) Respondent is not enforcing mask usage and social distancing.
- (5) Students are only receiving 2-2.5 hours of instruction during a normal school day.
- (6) Some instructors at the school are unlicensed.
- (7) Respondent is allowing students to pay tuition and not come to school to earn their hours.
- (8) Respondent is allowing students to pose as receptionists in the wax studio but actually perform services.
- (9) When Complainant returned to school after a personal leave of absence, Respondent made Complainant take out a new loan without any detailed contractual paperwork; Complainant was never provided any paperwork that was generated on the new school loan.
- (10) Complainant was never provided an intake form to fill out.
- (11) Respondent made students pack and help move the school to their new location.
- (12) Respondent gave students hours to hang out at school and then go home while waiting for renovations to be completed at new school location.
- (13) Respondent school owner is close friends with inspector and was passed by the inspector to get into the new school location earlier.
- (14) Respondent charges students for copies of notes or work they need for class.

Respondent school states as follows:

- (1) Complainant was indeed expelled for the altercation and was informed that the office of financial aid will get in touch with her to release information after a review. The Respondent school agreed to transfer/release all incurred hours that Complainant has paid for and the remainder will be released when the remaining tuition is paid. This is a contractual matter.
- (2) Respondent school does not practice or perform any services that go past the skin surface.
- (3) Complainant signed a Release of Liability form regarding receiving services and provided a copy of same.
- (4) Respondent is observing mask usage and social distancing.
- (5) Each class has a daily schedule that teachers and the director of education enforce diligently and follow exactly.
- (6) Angela Sinis (licensed esthetician) is teaching as an instructor trainee while she was obtaining her instructor license while under the supervision of a licensed instructor.
- (7) The alleged students dropped out in 2019 due to difficulties making their payments and still owe a balance to the school.
- (8) Not addressed (students can perform services as they learn to work in a shop).

- (9) When Complainant returned to re-enroll, the tuition had increased and Complainant chose to use her financial aid funds; a copy of the new financial aid agreement was provided with Complainant's signature.
- (10) Not addressed.
- (11) Students were not used to move to the new school location.
- (12) No students were in the school from March 12, 2020 until July 6, 2020 due to the pandemic.
- (13) The school inspection was performed as it normally would without any gimmicks.
- (14) Charging for copies is not true.

Recommendation: Closure.

Decision: Approved

21. Case No.: COS- 2020075701

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-27-20 consumer complaint alleges unlicensed individual activity from an unlicensed salon. Inspector went to shop address listed in complaint and observed a shop that was once in operation but since abandoned. Inspector left a card in the door.

Recommendation: Closure.

Decision: Approved

22. Case No.: COS- 2020076901

First License Obtained: 05/12/2000

License Expiration: 05/31/2022

Complaint History: None

This 9-28-20 annual inspection revealed Respondent designated manager of a shop was permitting an unlicensed individual to practice. Respondent designated manager was also cited for failure of responsibilities of owner or manager of a shop. A Notice of Violation was issued. Please see Item #23 below regarding the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

23. Case No.: COS- 2020076881

First License Obtained: 05/05/2008

License Expiration: 04/30/2022

Complaint History: 2011024811, closed by Consent Order and payment of \$1,000 civil penalty; 2013012791, closed by Consent Order and payment of \$500.00 civil penalty;

Please see 9-28-20 fact pattern for Item #22 above regarding the designated manager. This is the Respondent shop that permitted an unlicensed individual to practice (\$1,000.00).

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

24. Case No.: COS- 2020076501

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 9-30-20 competitor complaint alleges unlicensed individual activity with no specific physical address, no telephone number or e-mail address listed for Respondent individual. Inspector performed an internet search and found a possible telephone number for Respondent individual; inspector left several voicemail messages that were not returned.

Recommendation: Closure.

Decision: Approved

25. Case No.: COS-2020077071

First License Obtained: 04/21/2016

License Expiration: 04/30/2022

Complaint History: None

This 10-1-20 administrative complaint alleges Respondent individual committed a sexual battery on a customer while performing services at a client's home due to the pandemic. Respondent individual was arrested for same and is out on bail while going through the criminal court process. Respondent agreed to a temporary suspension of his license at the board meeting of October 5, 2020 and was allowed the opportunity to provide any countervailing evidence he may have through his attorney at the board meeting of December 7, 2020 while his matter proceeds through the criminal court process. Disciplinary Counsel has been in contact with Respondent individual's attorney, who has informed Disciplinary Counsel that Respondent individual's criminal matter has now been "bound over" to the local grand jury for an indictment which occurred on November 30, 2020. Respondent individual's attorney anticipates setting the matter in March, 2021 for a jury trial after the discovery process has been exhausted.

Recommendation: Place Respondent individual's case/file in litigation monitoring until the criminal court process has been concluded. Then, determine if license should be reinstated or be submitted for revocation hearing.

Decision: Approved

26. Case No.: COS- 2020078301

First License Obtained: 01/02/2014

License Expiration: 12/31/2021

Complaint History: None

This 10-5-20 anonymous complaint alleges unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued. Further, a massage shop falls outside the scope of the board's jurisdictional authority.

Recommendation: Closure.

Decision: Approved

27. Case No.: COS- 2020078661

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-6-20 roommate complaint alleges Respondent individual is operating an unlicensed shop from home while individually unlicensed. Inspector went to the premises and no one was home; inspector left his card for a return call. Respondent individual called inspector back and notified

inspector she is a full-time student and only does friend's/schoolmate's hair. Respondent individual was counselled on providing services while a student. A Notice of Violation was not issued.

Recommendation: Letter of warning.

Decision: Approved

28. Case No.: COS-2020079291

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 10-8-20 neighbor complaint alleges unlicensed individual activity from an unlicensed home. Inspector received witness information that Respondent individual may be a Florida cosmetologist who uses the home as a Bed & Breakfast as well as occasionally cut hair while unlicensed from the same location when in town. Inspector presented to Respondent individual's home on three (3) occasions and Respondent individual was not at home. Inspector left a card on the door to contact him; Respondent individual never did. Inspector states when he does receive a call from Respondent individual, he will counsel Respondent individual on the proper licensing required for an in-home cosmetology shop. A Notice of Violation was not issued.

Recommendation: Letter of Warning.

Decision: Approved

29. Case No.: COS- 2020079381

First License Obtained: 09/12/1995

License Expiration: 09/30/2021

Complaint History: None

This 10-8-20 consumer complaint alleges Respondent individual is refusing to provide services to complainant as a continuing client after an unsuccessful hair extension service. Respondent individual states Complainant did not follow her signed and attached maintenance contract regarding hair extension follow-up appointments, allowing too much time between maintenance appointments. This is a contractual matter outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

30. Case No.: COS-2020079601

First License Obtained: 05/20/2020

License Expiration: 05/31/2022

Complaint History: None

This 10-9-20 consumer complaint alleges Respondent individual is providing services (frontal install) outside the scope of her license (hair braiding). Inspection revealed no evidence to substantiate the Complainant's allegation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

31. Case No.: COS- 2020079871

First License Obtained: 08/14/2018

License Expiration: 08/31/2022

Complaint History: None

This 10-9-20 consumer complaint alleges Respondent shop will not honor a gift certificate over one year since its issue and gifted to a friend by text message. Respondent shop states they will only honor gift certificates that are “in hand” at the time of redemption; they have been duped in the past on “copied” gift certificates sent to multiple people/customers. Complainant states that her gift certificate has a number assigned to it which cannot be “copied.” This is a contractual matter (gift certificate) that is outside the scope of the board’s authority.

Recommendation: Closure.

Decision: Approved

32. Case No.: COS- 2020080591

First License Obtained: 11/06/2020

License Expiration: 11/30/2020

Complaint History: None

This 10-13-20 consumer complaint alleges unlicensed individual activity from an unlicensed home as well as unsanitary conditions. Inspector went to the address listed on the complaint and spoke personally to Respondent individual, who stated she does not perform services at the home. Inspector counselled Respondent individual on the law and procedure to obtain a license to practice. A Notice of Violation was not issued.

Recommendation: Letter of instruction for licensure application process.

Decision: Approved

33. Case No.: COS- 2020081061

First License Obtained: 12/08/2006

License Expiration: 09/01/2020

Complaint History: 2007054751, Dismissed; 2007064711, closed with a letter of warning; 2009018991 closed with no further action; 2009020141, closed with no action; 2009022401 closed with no action; 2010009261, closed with no action; 2010016101, closed with no action; 2012016541 closed by consent order and \$500 civil penalty 2016067441, closed; 2017015651, closure; 2017066681, closure; 2020013471, closure

This 10-14-20 student complaint alleges Respondent school is not sending persons home who are exhibiting coronavirus symptoms without testing/screening of teachers/students nor sanitizing used spaces. Respondent school states since they re-opened in May, 2020 they take temperature checks, mandate mask usage, and anyone showing symptoms is not allowed in the building and are instructed to get tested and show the school a negative test result to enter the building; they have consulted with the local health department on the proper protocols to use and the proper cleaning to perform. Students who do not feel safe are permitted to take a leave of absence without penalty.

Recommendation: Closure.

Decision: Approved

34. Case No.: COS- 2020082811

First License Obtained: 11/04/2019

License Expiration: 10/31/2021

Complaint History: None

This 10-21-20 consumer complaint alleges dissatisfaction with services performed at Respondent shop. Respondent shop states he offered complainant a limited discount and it was refused by the Complainant. This is a contractual matter outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved

35. Case No.: COS- 2020084301

First License Obtained: 04/07/1987

License Expiration: 06/30/2022

Complaint History: None

This 10-22-20 annual inspection revealed Respondent individual's license was expired (expiration 6-30-20) and thus the shop owner was not "present" at the time of inspection. A Notice of Violation was issued for both infractions. Respondent individual's personal license has since been renewed through 6-30-22, which was the underlying basis of Respondent individual (shop owner) not being present at the time of inspection. Please see Item #36 below regarding the shop.

Recommendation: Letter of warning.

Decision: Approved

36. Case No.: COS- 2020084321

First License Obtained: 11/08/1991

License Expiration: 05/31/2021

Complaint History: None

Please see fact pattern for Item #35 above regarding the individual shop owner. This Respondent is the shop. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved

37. Case No.: COS- 2020084011

First License Obtained: 02/19/2020

License Expiration: 02/28/2022

Complaint History: 202006408, closed by Agreed Citation and payment of \$1,000 civil penalty

This 10-25-20 competitor complaint alleges Respondent shop is using unlicensed students to perform services for compensation. Inspection revealed no evidence of unlicensed individual activity at Respondent shop. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

38. Case No.: COS- 2020085491

First License Obtained: 08/25/2014

License Expiration: 08/31/2022

Complaint History: None

This 10-28-20 annual inspection revealed Respondent owner/manager was allowing an unknown individual to practice in Respondent's shop without a license (\$1,000.00). A Notice of Violation was issued for same as well as for failure of responsibilities of owner or manager of a shop. Please see Item #39 below regarding the shop.

Recommendation: Closure. This would be a duplicitous penalty against the owner and the shop.

Decision: Approved

39. Case No.: COS- 2020085471

First License Obtained: 04/16/2019

License Expiration: 10/31/2022

Complaint History: None

Please see fact pattern for Item #38 above regarding the shop owner. This is the Respondent shop that was issued a Notice of Violation for having an unlicensed person performing services (\$1,000.00).

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

40. Case No.: COS- 2020085551

First License Obtained: 07/29/2008

License Expiration: 07/31/2020

Complaint History: None

A 10-28-20 annual inspection revealed Respondent shop owner was practicing with an expired individual license (expiration 7-31-20) (\$100.00). A Notice of Violation was issued for this infraction. Please see Item #41 below regarding the designated manager and Item #42 below regarding the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

41. Case No.: COS-2020085571

First License Obtained: 11/27/2002

License Expiration: 11/30/2022

Complaint History: 201706354, closed by Agreed Citation and paid of \$1,000 civil penalty

A 10-28-20 annual inspection revealed Respondent designated manager was allowing an individual (owner) to practice with an expired license. A Notice of Violation was issued for this infraction, as well as for failure of responsibility of an owner or manager of a shop. Please see Item #40 above regarding the shop owner and Item #42 below regarding the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

42. Case No.: COS- 2020085521

First License Obtained: 07/22/2010

License Expiration: 06/30/2020

Complaint History: 201706163, closed by Agreed Citation and payment of \$1,000 civil penalty; 2018037451, closed and sent for inspection

A 10-28-20 annual inspection revealed an expired shop license (expiration 6-30-20) (\$100.00). A Notice of Violation was issued for this infraction. Please see Item #40 above regarding the shop owner and Item #41 above regarding the designated manager.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.

Decision: Approved

43. Case No.: COS-2020086361

First License Obtained: 06/16/2015

License Expiration: 06/30/2021

Complaint History: None

This 11-3-20 consumer complaint alleges dissatisfaction with Respondent individual's service performed as well as for unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

44. Case No.: COS- 2020086811

First License Obtained: 04/27/2018

License Expiration: 09/01/2021

Complaint History: None

This 11-4-20 student complaint alleges Respondent school is not allowing a refund for supplies ordered since student decided to withdraw within 3 days of starting school pursuant to contract. Respondent states any supplies ordered by the student are non-refundable once ordered pursuant to contract. This is a contractual matter outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved

BARBER CASES

45. Case No.: BAR- 2020060371

First License Obtained: 07/06/2018

License Expiration: 07/31/2022

Complaint History: None

This 8-5-20 annual inspection revealed Respondent individual was practicing with an expired license (expiration 7-31-20). A Notice of Violation was issued. The Respondent's license has since been renewed through 7-31-22.

Recommendation: Letter of warning.

Decision: Approved

46. Case No.: BAR- 2020064391

First License Obtained: 02/11/2020

License Expiration: 02/28/2022

Complaint History: None

This 8-20-20 annual inspection revealed Respondent shop was permitting an unlicensed individual to practice (\$1,000.00) and for failure of responsibilities of owner or manager of a

shop. A Notice of Violation was issued. Please see Item #8 above regarding the owner/manager of the shop.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

47. Case No.: BAR- 2020070301

First License Obtained: 12/19/2019

License Expiration: 12/31/2021

Complaint History: 2019091031, closed by Consent Order to pay \$1,000 civil penalty

Please see 8-26-20 fact pattern for Item #48 below regarding the shop. This Respondent is the owner/manager of the shop who failed her responsibilities of owner or manager of a shop for unlicensed individual activity. A Notice of Violation was issued for same.

Recommendation: Closure. This would be a duplicitous penalty against the owner and the shop.

Decision: Approved

48. Case No.: BAR- 2020065551

First License Obtained: 11/26/2019

License Expiration: 11/30/2021

Complaint History: None

This 8-26-20 anonymous complaint alleges unlicensed individual activity in the Respondent shop. Inspection revealed one (1) person practicing while unlicensed (\$1,000.00). A Notice of Violation was issued. Please see Item #47 above regarding the shop owner/manager.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

49. Case No.: BAR-2020068561

First License Obtained: 04/01/2011

License Expiration: 04/30/2015

Complaint History: None

This 8-29-20 administrative complaint alleges unlicensed individual activity. Inspection revealed Respondent individual was practicing on a suspended barber license (\$1,000.00). A Notice of Violation was issued for unlicensed activity.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

50. Case No.: BAR- 2020071591

First License Obtained: 06/10/2019

License Expiration: 04/30/2021

Complaint History: None

This 9-10-20 anonymous complaint alleges Respondent shop is helping to obtain a diploma from a Nashville school in a fraudulent manner to help their apprentice who does not attend the school. Investigation was requested and revealed alleged apprentice received the necessary

hours (1500) to graduate (completion 1-24-20) from a school in Nashville but was unable to get licensed during the pandemic. Co-owner of the Respondent shop did not provide an apprenticeship agreement for the alleged apprentice. Co-owner of the Respondent shop spoke with investigator and admitted that alleged apprentice was performing services for compensation (\$1,000.00) so alleged apprentice could provide for his family while attempting to procure his master barber license. Further, alleged apprentice was present in the shop at the time of investigation and was performing services on a client.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved

51. Case No.: BAR-2020086761

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-4-20 administrative complaint alleges unlicensed individual activity. Inspection revealed Respondent individual was not present at the shop at the time of inspection. Inspector counselled shop owner against allowing unlicensed individuals to practice for compensation. A Notice of Violation was not issued.

Recommendation: Letter of warning.

Decision: Approved

REPRESENTS

52. Case No.: COS-2020065111

First License Obtained: 12/22/1997

License Expiration: 09/30/2021

Complaint History: 200502085, closed by Consent Order and payment of \$400.00 civil penalty

This matter was previously presented to the Board at its October 5, 2020 meeting as follows This consumer complaint alleges Respondent shop is being “passed” without an actual inspection and apprentice students are paying Respondent for services to get their school “hours” at the salon. An annual inspection performed two (2) months earlier revealed a 100 score with the shop license to expire on 9-30-21 even though internal research (CORE) revealed a shop license expiration date of 9-30-19. No Notice of Violation was issued.

Recommendation: Closure.

Decision: Defer to the next Board meeting.

Update: The shop license has now been updated in CORE to show an expiration date of 9-30-21.

New Recommendation: Closure.

Decision: Approved

53. Case No.: COS- 2018071681

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its January 29, 2019 meeting as follows: *This is a consumer complaint alleging unlicensed activity. Based on the information provided the Respondent is attempting to teach cosmetology techniques without a license.*

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

Decision: *Approved*

Update: **Complainant never listed a telephone number. The address listed in the complaint was not an actual address on the internet. An e-mail sent to complainant's e-mail account requesting complainant testify at a hearing in this matter came back as a defunct e-mail account. This will be a proof issue at a hearing.**

New Recommendation: Closure.

Decision: Approved

54. Case No.: COS-2019081801

First License Obtained: 09/17/2015

License Expiration: 09/30/2021

Complaint history: None

This matter was previously presented to the Board at its February 3, 2020 meeting as follows: *This consumer complaint alleges unlicensed activity, also referred to in 27—COS-2019081791. Follow-up inspection revealed an unlicensed individual with eyelashes in their hand appearing to work on a client. This Respondent is the shop.*

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

Decision: *Approved*

Update: **The inspector did not actually see the unlicensed “helper” apply eyelashes to the client. This will be a proof issue at a hearing.**

New Recommendation: Closure.

Decision: Approved

55. Case No.: COS-2019099911

First License Obtained: 03/28/2011

License Expiration: 09/01/2020

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; 2019035211, closure

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: *This is a complaint from a current student alleging that Respondent school does not provide adequate equipment to students, such as not giving the Complainant their required student kit. Complainant also alleges they requested the Respondent to mail any expected financial aid package refund payment directly to the Complainant; however, the Respondent school did not honor this request and otherwise had the refund payment mailed to the Respondent school to be provided to the Complaint in-person. The Complainant also submitted additional information alleging illegal activity, such as narcotics distribution and theft being prevalent on the campus. No proof was provided to substantiate the alleged. In response to the alleged complaint, the Respondent school noted they held a meeting with the Complainant to discuss the financial aid package, process, and forms signed upon enrollment, as well as confirming that they allow refund payments to be mailed to the students only upon request. However, according to the*

Respondent, it was determined that the Complainant did not initially request their refund payment to be mailed directly. Further, the Respondent stated that the Complainant appeared satisfied and did not ask additional questions after the meeting to discuss the financial aid package and other concerns. The allegation regarding lack of adequate equipment was not directly addressed in the response. The allegation regarding illegal activity was not directly addressed in the response.

Recommendation: *Closure with referral to authorities regarding drug distribution.*

Decision: *Approved*

Update: There is no submitted evidence/proof of drug distribution activity at the school.

New Recommendation: Closure without referral to authorities regarding drug distribution due to lack of evidence from the Complainant.

Decision: Approved

56. Case No.: COS-2019100171

First License Obtained: 08/16/2018

License Expiration: 08/31/2020

Complaint history: 2018075341, \$1,000 civil penalty assessed via Consent

**Order – Sent to collection for failure to pay assessed
civil penalty**

This matter was previously presented to the Board at its June 1, 2020 meeting as follows: Pursuant to inspection three individuals were found to be providing services in the Respondent shop without a license. The unlicensed individuals left the shop before the inspector could make contact. There was also no manager present. A notice of violation was issued to the Respondent shop.

Recommendation: *Authorize formal hearing. Authorize settlement by consent order with \$3,500.00 civil penalty.*

Decision: *Approved*

Update: A drive-by performed on 10-20-20 revealed the barber shop is closed/out of business. All furnishings taken out of the premises.

New Recommendation: Closure.

Decision: Approved

57. Case No.: COS-2020022921

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its August 3, 2020 meeting as follows: Pursuant to inspection, the inspector found Respondent applying eyelashes to a client. Respondent could not produce a Tennessee Cosmetology license. Respondent was counseled on the application process and a Notice of Violation was issued for the unlicensed activity.

Recommendation: *Authorize formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty.*

Decision: *Approved*

Update: Certified mail and regular mail to address on Respondent's Georgia driver's license were returned undelivered.

New Recommendation: Closure due to unable to locate.

Decision: Approved

58. Case No.: COS-2020038951

First License Obtained: 03/21/2019

License Expiration: 03/31/2021

Complaint History: 202000669, closed by Agreed Citation and payment of \$500.00 civil penalty; 202003851, closed by Agreed Citation and payment of \$1,000 civil penalty

This matter was previously presented to the Board at its October 5, 2020 meeting as follows: *Pursuant to inspection, Respondent (owner) was allowing two (2) persons to perform services while unlicensed. A Notice of Violation was issued for same as well as for failure of responsibilities of owner or manager of shop.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.

Decision: Approved

Update: Please see fact pattern in Item #1 above. The same \$2,500.00 civil penalty is being assessed to the shop in COS-2020051461. This Respondent is the owner of the shop and thus it would be a duplicitous penalty.

New Recommendation: Closure.

Decision: Approved

59. Case No.: COS-2020065241

First License Obtained: 07/09/2019

License Expiration: 06/30/2021

Complaint History: 202000667, closed with Letter of Warning;

This matter was previously presented to the Board at its October 5, 2020 meeting as follows: *This consumer complaint alleges Respondent shop is not promoting social distancing and smells dirty. Inspection revealed two (2) individuals practicing while unlicensed and the owner or manager of the shop not present. A Notice of Violation was issued for each of these infractions.*

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.

Decision: Approved

Update: Please see fact pattern in Item #1 above. The same \$2,500.00 civil penalty is being assessed to the shop in COS-2020051461 in Item #1 above regarding the same 7-14-20 inspection/NOV. This would be a duplicitous penalty.

New Recommendation: Closure.

Decision: Approved

60. Case No.: BAR- 2020059851

First License Obtained: 12/09/2013

License Expiration: 11/30/2021

Complaint History: 2017035331, closure; 2018071081, closed by Consent Order and payment of \$500.00 civil penalty

This matter was previously presented to the Board at its October 5, 2020 meeting as follows: *Pursuant to inspection, it was revealed that the Respondent was allowing an individual (owner) to practice while unlicensed. A Notice of Violation was issued for person without valid license practicing (owner) and no owner/manager present (owner).*

Recommendation: Closure.

Decision: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00.

Update: The \$1,500.00 civil penalty was already addressed/assessed to the owner/manager of the shop in BAR-2020059871 at the board meeting of October 5, 2020. This would be a duplicitous penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved

61. Case No.: BAR-2019002511

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its April 1, 2019 meeting as follows: *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

Update: A Notice of Hearing and Charges (NOHC) was filed with the Administrative Procedures Division (APD) on 10-8-2020 and an Administrative Law Judge (ALJ) was assigned to the case. Disciplinary Counsel attempted personal service of the NOHC on the Respondent and was unable to do so.

New Recommendation: File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

Decision: Approved

62. Case No.: BAR- 2019060811

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2019002511, Formal Charges Authorized

This matter was previously presented to the Board at its December 9, 2019 meeting as follows: *This is a complaint alleging unlicensed activity. The Respondent has another complaint in litigation. No Notice of violation was issued as this complaint was referred directly to legal.*

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

Decision: Approved

Update: A Notice of Hearing and Charges (NOHC) was filed with the Administrative Procedures Division (APD) on 10-8-2020 and an Administrative Law Judge (ALJ) was assigned to the case. Disciplinary Counsel attempted personal service of the NOHC on the Respondent and was unable to do so.

New Recommendation: File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

Decision: Approved

63. Case No.: COS-2018041291

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This matter was previously presented to the Board at its November 5, 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 Notice of Hearing and Charges (NOHC) was filed with the Administrative Procedures Division (APD) on 10-8-2020 and an Administrative Law Judge (ALJ) was assigned to the case. Disciplinary Counsel attempted personal service of the NOHC on the Respondent and was unable to do so.

New Recommendation: File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

Decision: Approved

64. Case No.: COS- 2016041621

First License Obtained: 08/23/2011

License Expiration: 08/31/2017

Complaint history: 2013010281, close the case. Certification of licensure received from reciprocal state.

This matter was previously presented to the Board at its October 3, 2016 meeting as follows:
This is a case involving the fraud perpetuated under Texas licensing laws. This individual was one of the students that purportedly attended the school and received student hours that were not actually accrued. As a result of these illegitimate hours, this individual has engaged in fraud in procuring a license and unprofessional conduct. This individual submitted a letter with a significant amount of details regarding his alleged school attendance along with receipts from Texas establishments during the alleged enrollment period. The individual admits there were no utility bills in his/her name.

Recommendation: *Authorize case for formal hearing. Authorize settlement by consent order assessing revocation of license.*

Decision: *Approved*

Update: The licensee's original reciprocity application was submitted to the board offices; however, it could not be located. Without the original reciprocity application, we will not be able to proceed in a formal hearing because the licensee's application for reciprocity is necessary to be entered into documentary evidence at the hearing.

New Recommendation: Close.

Decision: Approved

65. 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

This matter was previously presented to the Board at its April 1, 2019 meeting as follows:
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

Update: A Notice of Hearing and Charges (NOHC) was filed with the Administrative Procedures Division (APD) on 9-1-20 and an Administrative Law Judge (ALJ) was assigned to the case. Disciplinary Counsel attempted personal service of the NOHC on the Respondent and was unable to do so.

New Recommendation: File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

Decision: Approved

66. Case No.: COS-2018039521

67. 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

68. Case No.: COS-2018039571

First License Obtained: 03/16/2000

License Expiration: 03/31/2022

Complaint history: 2017016851, closure

These matters were previously presented to the Board at the August 5, 2019 meeting as follows:

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: Approved

Update: A Notice of Hearing and Charges (NOHC) was filed with the Administrative Procedures Division (APD) on 10-30-2020 and an Administrative Law Judge (ALJ) was assigned to the case. Disciplinary Counsel attempted personal service of the NOHC on the Respondent and was unable to do so. Respondent is still operating a shop although she intermittently comes to the shop to perform services on clients. Nonetheless, this will be a service issue at a hearing.

New Recommendation: File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

Decision: Approved

69. Case No.: BAR-2019044431

First License Obtained: 08/25/2016

License Expiration: 06/30/2018

Complaint history: 2017055111, Settled

70. Case No.: BAR- 2019044451

First License Obtained: 01/09/2007

License Expiration: 01/31/2019

Complaint history: 2018021431, closed with Letter of Warning;
2018020661, Settled

These matters were previously presented to the Board at the October 7, 2019 meeting as follows:
Pursuant to inspection, the shop license was found to be expired, the owner/manager's license was found to be expired and no manager present and an inspection sheet was not displayed. Further, Respondent was uncooperative and rude with inspectors in front of Respondent's customers. There were numerous sanitation and facility infractions including: trash in the floor, discarded beer containers, lack of barbicide in the barbicide containers, lack of containers for clean and soiled towels, and lack of EPA compliant disinfectant for the tools.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty to the shop for expired shop license and no manager present and \$100.00 civil penalty to individual for expired individual license. Letter of warning for sanitation violations.

Decision: Authorize formal hearing. Authorize settlement by consent order with \$600.00 civil penalty to the shop for expired shop license and no manager present and \$100.00 civil penalty to individual for expired individual license. Letter of warning for sanitation violations and unprofessional behavior.

Update: A Notice of Hearing and Charges (NOHC) was filed with the Administrative Procedures Division (APD) on 10-8-2020 and an Administrative Law Judge (ALJ) was assigned to the case. Disciplinary Counsel attempted personal service of the NOHC on the Respondent and was unable to do so. Respondent was uncooperative/would not agree to meet with investigator to accept personal service of the NOHC, and informed the investigator that the shop has been closed since the pandemic started and may not even open "until the business with the Board is resolved." Further, Respondent stated he attempted to renew both of his licenses in April, 2020 and his credit card payment was rejected. Investigator noted a search of CORE revealed that \$225.00 had been labeled "insufficient money received." Nonetheless, this will be a service issue at a hearing.

New Recommendation: File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

Decision: Approved

71. Case No.: COS-2020020251

First License Obtained: 09/12/2018

License Expiration: 09/30/2020

Complaint History: None

This matter was previously presented to the Board at the August 3, 2020 meeting as follows:

Pursuant to inspection, the inspector found two (2) persons cutting hair while unlicensed (one could not produce an ID and the other immediately left the shop) as well as the Respondent shop manager for violation of responsibilities of manager of a shop. A Notice of Violation was issued for both violations. This Respondent is the shop manager.

Recommendation: *Authorize formal hearing. Authorize settlement by consent order with \$2,500.00 civil penalty.*

Decision: *Approved*

Update: Respondent contacted Disciplinary Counsel and denied being the manager at the time of the inspection of the shop; further, Respondent felt someone at the shop who said they were the manager at the time of inspection was using Respondent's identity. At Disciplinary Counsel's request, Respondent provided a copy of her Tennessee Driver's License with her photograph/signature. When compared to the picture/signature of the alleged manager at the time of inspection, they were not the same person. This will be a proof issue at a hearing.

New Recommendation: Closure.

Decision: Approved

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

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Molly Brown and Michael McCaul. The applicants have felonies within the last three years and/or are currently incarcerated. The request to take the Tennessee examination was submitted for the board's approval along with 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 Judy McAllister and seconded by Janie Ross to approve application for examination with a signed Agreed Order. The motion carried by unanimous roll call vote.

Request for licensure by Ms. Melody Tereska for manicurist license. Ms. Tereska first applied by reciprocity in March 2020 with a Pennsylvania license and 1,250 hours. The certificate provided had been altered. The reviewing officer of professional affairs for Pennsylvania confirmed the information was altered and not accurate. Her license expired in 1998. Ms. Tereska then attended a school in middle Tennessee as an apprenticeship student. She passed her theory exam in July 2020. At that point she worked on her practical hours under a supervising professional. She took and passed the practical exam on October 1, 2020 before the practical hours were completed and provided to the school. The school owner communicated with the board explaining they had not approved the practical exam nor received completed hours. Ms. Tereska has passed both exams and completed all hours at this point.

Recommendation - applicant be approved for licensure.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons to approve recommendation. Ron Gillihan abstained form vote. The motion carried by unanimous roll call vote.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of manicurist license from Ohio for Amber Gooden Certification shows initial licensure in December 2014. Ms. Gooden answered the felony question and submitted Court documents regarding the case. She otherwise meets the requirements.

Recommendation - is that the applicant be given an Agreed Order for a two-year probationary license like other applicants with felonies in the last three years and be approved.

MOTION made by Judy McAllister and seconded by Patricia Parsons to approve recommendation. The motion carried by unanimous roll call vote.

Application for reciprocity of master barber license from New York for Dan Reiger. Certification shows initial licensure from at least September 2015 from New York and Cosmetology license from Virginia since 1999. Mr. Reiger states he has been licensed for 25 years. He never took the barber theory exam. His license was approved on November 12th given he substantially met the requirements and the Director did not want him to not work for three weeks. The board previously approved waiving the practical exam when an applicant has 10 years of licensure. This request is to waive the theory exam.

Recommendation – is to accept the license that was approved by the Director and to follow these guidelines for future applicants with 10 years of licensure and no theory exam.

MOTION made by Judy McAllister and seconded by Frank Gambuzza to approve the license. The motion carried by unanimous roll call vote.

Going forward, the board discussed accepting similar situations where the theory exam was not part of licensure in a particular State but if applicant has at least ten (10) years of licensure then they substantially meet reciprocity requirements.

MOTION made by Judy McAllister and seconded by Janie Ross to approve the license. The motion carried by unanimous roll call vote.

MISCELLANOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request to waive the need to retest pursuant to rule 0440-1-.10 which states an applicant must apply for and pay for the original license within six (6) months after passing the examination.

The Board may, for good cause, waive this requirement. The board previously authorized the Director to approve these extensions past the six months but for only up to a year and for good cause. Ms. Andrea Ellison provided an explanation that she was under financial struggles, death in the family and even sleeping in her car. She passed the practical exam on 4/3/2018.

MOTION made by Judy McAllister and seconded by Amy Tanksley to approve extension and approve her license/require she retest. The motion carried by unanimous roll call vote.

The board discussed Melanie Smith with similar delay in applying for the license after passing the exams two years ago. The board determined nothing could be reviewed without a case by case explanation of the unique circumstances.

Request for waiver of the reinstatement exam due to continued education requirement from cosmetology instructor Alisha McKay. 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. These requests are supposed to be presented before the license expires. Ms. McKay took the approved session on November 8 – 9, 2020, one week after her license expired. She explained that her son was born via emergency c-section in September and it caused her to lose track of the dates and requirement.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve the request. The motion carried by unanimous roll call vote.

Request by Mr. Logan Totty for waiver of shampoo bowls from the equipment list pursuant to 0440-02-.07(1)(a) a shop shall be equipped with at least one shampoo bowl with hot and cold running water. Mr. Totty explained that due to COVID19 he is not comfortable working in a salon and has many clients that are in the same situation. His business model is by appointment only and he only performs haircuts.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve the request. Motion carried by seven (7) votes in favor and four (4) votes against.

DIRECTOR'S REPORT:

The financial numbers for fiscal year 2020 show an ending balance of \$897,858. September financials add an additional \$75,091 to the surplus.

NEW BUSINESS:

Ms. Thy Cao requested permission from the board to continue taking the theory exam. She had been presented at the 12/9/2019 board meeting due to an incident with PSI. At that time the board decided she could not test for one year.

MOTION made by Judy McAllister and seconded by Janie Ross to approve the request. Motion carried unanimously by roll call vote.

Additional Questions:

Motion to adjourn

Meeting adjourned at 11:20 AM.

MOTION to adjourn made by Judy McAllister.