



**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 February 3, 2020 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.

Legal counsel for the Program, Hugh Cross, read the statement of necessity into the record.

Roxana Gumucio, Executive Director, called roll. The following members were present: Kelly Barger, Anita Charlton, Ron Gillihan, Yvette Granger, Patricia Parsons, Amy Tanksley and Susan Witcher. Not in attendance Nina Coppinger, Frank Gambuza, Judy McAllister and Becky Russel. Participating telephonically Janie Ross, Mona Sappenfield.

Others present were Roxana Gumucio, Executive Director, Hugh Cross, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the December 9, 2019 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve the December, 2019 minutes. Motion carried by roll call.

2020 Legislative and Rule Updates:

Legal counsel for the Program, Hugh Cross, update the board on Rules that were worked on over a year ago and need to be brought before the board for rule making hearing. The rules for apprenticeship are pulled because they do not match the law. This will be worked on to try to have it match the cosmetology discipline and then continue the rule making process. Rules regarding the equipment and everything else that has been approved by the Attorney General's office will be properly notified so the 52 days are met.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve rule making hearing at the April 6, 2020 board meeting. Motion carried by roll call.

Legal counsel for the Program, Hugh Cross, updated the board on three bills filed as of January 31, 2020. HB1970, HB1944 and HB1945 which impact the industry. The board had concerns about HB1945 and suggested individuals contact their representatives. Ms. Gumucio explained that bills change and could be finalized before the board meets again in April they need to stay on top of the legislative process.

APPEAR BEFORE THE BOARD-

Urban Beauty Barber Institute – New Cosmetology School

Mr. Tim Burns appeared before the board for a new cosmetology school. The school is located in Memphis. The school is 5,145 sq. ft. This facility was previously presented to the board at the October 2019 for consideration of a barber school license. The business license, curriculum, blank contract, floor plan, contingency plan, application and fee were all received.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to approve new school pending an inspection by a field inspector. Motion carried by roll call.

Franklin Academy – School Name Change

Mr. Mike Smith appeared before the board for a name school change. The school is located in Cleveland, Tennessee. The new school name will be Brillare Beauty Institute, Inc.

MOTION made by Amy Tanksley and seconded by Janie Ross to approve the name change. Motion carried by roll call.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Whitney Benton, Nickolas Fox, Kelsey McCarter and Aimee McPherson. The applicants have felonies within the last three years and/or are currently incarcerated. The request to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

Motion made by Amy Tanksley and seconded by Patricia Parsons to approve application for examination with a signed Agreed Order. Motion carried by roll call.

Request approval of online manicure curriculum for Brittany Stewart. Ms. Stewart is unable to attend a traditional school due to her medical condition. She provided medical information as well as details from the online school located in Canada. TAOND, The Academy of Nail Design, presented all their certification information for the boards review. They answered questions about course work, online program and the total 600 hours that will be taught. Ms. Stewart is anxious to start her education but only after it is approved and she knows she'll be able to test. Ms. Stewart will present her medical paperwork to PSI for additional time in testing and any other needs she has.

Motion made by Patricia Parsons and seconded by Yvette Granger to approve the online education. Motion carried by roll call.

Request waiver of practical exam for Ms. Morgen-Ray Wirtjes. Ms. Wirtjes completed her cosmetology education in Minnesota but did not obtain a licensure therefore she does not qualify for reciprocity. She passed the Tennessee exam in November 2019. She asked for waiver of the practical stating she was told to take it at the school in Minnesota and that would be acceptable. She also explained that she is running out of time and money.

Motion made by Kelly Barger and seconded by Yvette Granger to deny request as the practical exam cannot be waived. Motion carried by roll call.

Request approval of previously revoked license: Ms. Anh Thi Kim Nguyen was presented to the board at the December board meeting. The board asked that she appear to answer questions about her hours. Ms. Nguyen participated telephonically. Her license was revoked in November 2019, she completed manicure hours in 2004 and again in 2017 while her license was active. The board asked questions and focused on the fact that she passed the practical exam in September 2019.

Motion made by Amy Tanksley and seconded by Patricia Parsons to approve her license. Motion carried by roll call.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of hairdresser license from Alaska for Kristen Benson. Certification shows initial licensure in July 2017 with 1,650 hours and both exams.

Recommendation - is that the applicant take the practical exam.

MOTION made by Amy Tanksley and seconded by Patricia Parsons to approve recommendation. Motion carried by roll call.

Application for reciprocity of cosmetology license from Illinois for Elaine Lawther. Certification shows initial license date of February 1993 with 1,500 hours and both exams. Ms. Lawther is also licensed in Florida since June 2017. The license from Illinois was revoked between 2010 – 2016 for malpractice, incompetence and unprofessional conduct. Ms. Lawther provided the documents regarding the case as well as a detailed letter. Because this discipline resulted in a revocation of her license, the board may consider denying the license. No other discipline has taken place and Ms. Lawther has a current active license in both States.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Amy Tanksley and seconded by Kelly Barger to approve recommendation. Motion carried by roll call.

Application for reciprocity of cosmetology license from Florida for Brittany Schaefer. Certification shows initial license was issued in June 2011 with 1,200 hours and no practical exam. Ms. Schaefer provided a written explanation that she only does nails as that has been her passion. All her proof of work experience is in manicuring. She does not have confidence in passing the cosmetology practical exam so she is asking to test as a manicurist.

Recommendation - is that the applicant takes the Tennessee manicure exams.

MOTION made by Amy Tanksley and seconded by Yvette Granger to approve recommendation. Motion carried by roll call.

The board considered these requests, to downgrade a license, and authorized the Executive Director to approve then going forward if all other requirements are met.

MOTION made by Patricia Parsons and seconded by Janie Ross to approve recommendation. Motion carried by roll call.

Application for reciprocity of hairdresser license from Massachusetts for Sidney Sacks. Certification shows initial license date of June 11, 2019 with 1,000 hours and both exams. Ms. Sacks is active military and qualifies for an expedited license. Because she has been licensed less than one year, the board considered all her qualifications as well as the fact that the active license reflects a different name for the cosmetology license but appears to be treated the same. The board agreed to give special consideration to the military status.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Patricia Parsons and seconded by Yvette Granger to approve recommendation. Motion carried by roll call.

MISCELLANEOUS 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. Yen Nguyen did not have current documents as a qualified alien when she passed her practical exam in July 2018. She let her permanent resident card expire. She requested the board waive the need for her to retest given this was outside of her control.

MOTION made by Amy Tanksley and seconded by Janie Ross to approve extension and approve her license. Motion carried by roll call.

Request for consideration of professional education in lieu of the approved instructor continued education from cosmetology instructor Sandy Roberson. 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. Roberson explained she pursued her education as a nurse and believes those hours should count toward her required instructor continued education. The board discussed how beneficial the medical curriculum is but that it has nothing to do with teaching methodology which is the requirement for instructors.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to deny the request. Motion carried by roll call.

DIRECTOR'S REPORT:

The financial numbers for fiscal year 2020, between July and December, an additional \$14,665 was added to the surplus putting the board at 912,523.

Ms. Gumucio presented licensing numbers the board requested at the December meeting showing an increase in new licensing in almost every category.

The board members passed around the 2020 instructor approved continued education list. Each member signed up for a session closest to them when they are available to attend. The signup list will be emailed to members since they attend on behalf of the board to evaluate sessions and provide feedback.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 9:00 to review the allegations of 79 complaints and make recommendations to the Board.

Attending were Board members, Ron Gillihan, Patricia Parsons and Amy Tanksley.

COSMETOLOGY CASES

1. Case No.: COS-2019057851

First License Obtained: 06/22/2018

License Expiration: 05/31/2020

Complaint history: None

This consumer complaint alleged unlicensed activity. Follow-up inspection revealed no illegal activity. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

2. Case No.: COS-2019071841

First License Obtained: 03/10/2008

License Expiration: 02/28/2010

Complaint history: None

This is a consumer complaint alleging unsanitary conditions which led to the consumer developing an infection. The consumer provided no medical proof that the infection was caused by the services received at the salon.

Recommendation: Closure with request for inspection.

Decision: Approved

3. Case No.: COS-2019073301

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. Complaint indicates that this Respondent works out of a shop and complaint lists an address.

Recommendation: Closure with request for inspection.

Decision: Approved

4. Case No.: COS-2019073381

First License Obtained: 02/01/2013

License Expiration: 12/31/2020

Complaint history: None

This is a consumer complaint alleging unlicensed activity and unsanitary conditions. Follow-up inspection revealed the Respondent shop possessed all equipment required to properly run the shop and utilizes proper sterilization materials and procedure. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

5. Case No.: COS-2019073751

First License Obtained: 09/06/2019

License Expiration: 09/30/2021

Complaint history: None

This is a consumer complaint alleging unlicensed activity. Follow-up inspection revealed that the Respondent shop owner is licensed and is the only person practicing. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

6. Case No.: COS-2019074761

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging the Respondent is a cosmetology student operating an unlicensed cosmetology shop from their residence, including advertising for services on social media. Respondent stated they are a cosmetology student; however, they only provide services for family and close friends.

Recommendation: Closure.

Decision: Approved

7. Case No.: COS-2019074481

First License Obtained: 07/20/2010

License Expiration: 04/30/2021

Complaint history: 2011019431 & 2011030531, closed by Consent Order and payment of \$500.00 civil penalty; 2013006721, closed with a Letter of Warning; 2014012141, closed by Consent Order and payment of \$1,000 civil penalty

This is a consumer complaint alleging that Complainant contracted an infection from receiving services at the Respondent shop. Follow-up inspection revealed proper sanitation procedure and no violation was found. Respondent shop received a perfect score on the inspection. Further, no medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure.

Decision: Approved

8. Case No.: COS-2019074501

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint, also referred to in 63—BAR-2019075921, alleges unlicensed activity. Follow-up inspection revealed the Respondent shop owner practicing with a revoked license (revoked due to a fine being due and unpaid since 08/20/2014). Respondent shop also did not have a license posted. A notice of violation was issued to the Respondent shop and owner.

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

Decision: Approved

9. Case No.: COS-2019074701

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges Respondent was conducting unlicensed activity from her residence. Follow-up inspection revealed no unlicensed activity being conducted at the address listed in the complaint, and it is likely that the Respondent no longer lives in the state of Tennessee.

Recommendation: Closure.

Decision: Approved

10. Case No.: COS-2019075281

First License Obtained: 10/28/2014

License Expiration: 09/01/2020

Complaint history: None

This consumer complaint alleges the Respondent school failed to submit student hours. Respondent stated they did not release Complainant's hours due to an outstanding tuition balance at the time Complainant left the school and decided to pursue a different career path. Respondent stated that the Complainant's hours could not be released until Complainant satisfied the tuition balance. However, Complainant and Respondent have since resolved the matter; the Respondent forgave the tuition balance due to Complainant's current financial difficulties.

Recommendation: Closure.

Decision: Approved

11. Case No.: COS-2019075811

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges the Respondent is operating an unlicensed cosmetology shop from their residence. Follow-up inspection revealed no evidence of a cosmetology shop being operated as alleged. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

12. Case No.: COS-2019077231

First License Obtained: 06/09/2011

License Expiration: 05/31/2021

Complaint history: 2012018731, closed by Consent Order and payment of \$500.00 civil penalty; 2013015261, closed by Letter of Warning

This consumer complaint alleges unsanitary conditions of the Respondent shop, alleging insects present during Complainant's visit.

Recommendation: Closure with request for inspection.

Decision: Approved

13. Case No.: COS-2019077391

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges unlicensed activity. Respondent provided a response and states that she does not work in cosmetology or otherwise provide cosmetology services.

Recommendation: Closure.

Decision: Approved

14. Case No.: COS-2019077851

First License Obtained: 06/13/2019

License Expiration: 06/30/2021

Complaint history: None

This consumer complaint alleges the Respondent provided inadequate services, and the Complainant seeks a refund of payment. Seeking a refund for allegedly inadequate services is outside department jurisdiction.

Recommendation: Closure.

Decision: Approved

15. Case No.: COS-2019078021

First License Obtained: 07/13/2017

License Expiration: 04/30/2021

Complaint history: None

This consumer complaint alleges the Respondent wrongfully termination, incorrect new hire paperwork, and that Respondent shop owner has been illegally using Complainant's cosmetology license number as their own. Further, Complainant states they left behind property after her employment was terminated, and Respondent refused to return those items. The wrongful termination and employment issues are outside the scope of our jurisdiction. As to the allegation regarding illegal use of Complainant's license, a cosmetology shop owner is not required to have a cosmetology license and denies improper use the former employee's license.

Recommendation: Closure.

Decision: Approved

16. Case No.: COS-2019078711

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, also referred to in 18—COS-2019078671, this complaint alleges unlicensed activity. The inspector provided video of the unlicensed person providing manicure services. A notice of violation was issued to Respondent.

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

Decision: Approved

17. Case No.: COS-2019079201

First License Obtained: 02/23/2011

License Expiration: 02/28/2021

Complaint history: None

Pursuant to inspection, also referred to in 20—COS-2019079151, this complaint alleges that Respondent was operating their shop with an expired shop license. Respondent stated this was their first violation, and they were unaware that the manager on duty had the responsibility to make sure the Respondent shop license was current. Respondent has since renewed their license.

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

Decision: Close with a Letter of Warning.

18. Case No.: COS-2019078671

First License Obtained: 10/19/2016

License Expiration: 10/31/2020

Complaint history: 2017027791, closure; 2017064291, closure; 2017075271, closure; 2017075301, closure with request for re-inspection; 201806578, closed by Agreed Citation and payment of \$1,000 civil penalty

Pursuant to inspection, also referred to in 16—COS-2019078711, this complaint alleges unlicensed activity. The inspector provided video of the unlicensed person providing manicure services. A notice of violation was issued to Respondent shop.

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

Decision: Approved

19. Case No.: COS-2019079091

First License Obtained: 05/16/2017

License Expiration: 07/31/2020

Complaint history: None

Pursuant to inspection, this complaint alleges that Respondent shop is operating with an expired license. A notice of violation was issued. Respondent has since renewed their license.

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

Decision: Close with a Letter of Warning.

20. Case No.: COS-2019079151

First License Obtained: 06/12/2003

License Expiration: 10/31/2020

Complaint history: None

Pursuant to inspection, also referred to in 17—COS-2019079201, this complaint alleges that Respondent was operating their shop with an expired shop license. Respondent stated this was their first violation, and they were unaware that the manager on duty had the responsibility to make sure the Respondent shop license was current. Respondent has since renewed their license.

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

Decision: Close with a Letter of Warning.

21. Case No.: COS-2019078891

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this complaint alleges Respondent was providing manicure services from their residence without a license. Follow-up inspection revealed Respondent is a cosmetology student whom is providing manicure services without a license. Respondent stated they were not aware of the laws regarding cosmetology students and thought cosmetology students could provide manicure services from their residence. The inspector provided photos of the Respondent advertising manicure services on social media. A notice of violation was issued. Respondent refused to sign the notice of violation.

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

Decision: Approved

22. Case No.: COS-2019078921

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges unlicensed activity. Follow-up inspection resulted in the inspector being unable to contact Respondent after attempting to visit the Respondent shop on two (2) occasions.

Recommendation: Close and flag.

Decision: Approved

23. Case No.: COS-2019079421

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges unlicensed activity. Follow-up inspection revealed the Respondent appears to be providing manicure services; however, Respondent does not appear to be charging for services or practicing their manicurist skills on clients. Respondent stated they do not practice on clients, but practices “on herself only.”

Recommendation: Close and flag as insufficient information to go forward with litigation.

Decision: Approved

24. Case No.: COS-2019079611

First License Obtained: 07/31/2017

License Expiration: 07/31/2021

Complaint history: None

This consumer complaint alleges unlicensed activity. Follow-up inspection revealed the Respondent was providing cosmetology services from her residence; however, Respondent does not charge for these services. Respondent invited the inspector into their residence, and the inspector did not observe signage or other indication of unlicensed activity being conducted. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

25. Case No.: COS-2019080661

First License Obtained: 04/17/2007

License Expiration: 04/30/2021

Complaint history: None

Pursuant to inspection, this complaint alleges the Respondent shop is operating with an expired license. A notice of violation was issued. Respondent has since renewed their license.

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

Decision: Close with a Letter of Warning.

26. Case No.: COS-2019080841

First License Obtained: 02/23/2017

License Expiration: 02/28/2021

Complaint history: 2017079321, closure with request for inspection

This is a consumer complaint alleging that Complainant contracted an infection from receiving services at the Respondent shop. Follow-up inspection found no violations. Further, no medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure.

Decision: Approved

27. Case No.: COS-2019081791

First License Obtained: 10/24/2007

License Expiration: 10/31/2021

Complaint history: None

This consumer complaint alleges unlicensed activity, also referred to in 28—COS-2019081801. Follow-up inspection revealed an unlicensed individual with no ID appearing to provide eyelashes services. This Respondent is the shop owner.

Recommendation: Closure

Decision: Approved

28. Case No.: COS-2019081801

First License Obtained: 09/17/2015

License Expiration: 09/30/2021

Complaint history: None

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

29. Case No.: COS-2019082241

First License Obtained: 08/04/2010

License Expiration: 07/31/2020

Complaint history: None

Pursuant to inspection, a notice of violation was issued for sanitation violations, no manager present, and one person who was providing services but whose identity could not be confirmed.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$500.00 civil penalty as no proof of unlicensed activity can be substantiated at a hearing. Letter of warning has been issued by program for sanitation issues.

Decision: Approved

30. Case No.: COS-2019082851

First License Obtained: 10/16/2002
License Expiration: 10/31/2020
Complaint history: 2019061461, closure

This consumer complaint alleges unlicensed activity being conducted from a residence. Follow-up inspection revealed that no person with the name of the Respondent lives at the residence listed in the complaint.

Recommendation: Closure.

Decision: Approved

31. Case No.: COS-2019082921

First License Obtained: 09/05/2017
License Expiration: 08/31/2021
Complaint history: None

Pursuant to inspection, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and an expired shop license. A notice of violation was issued to Respondent shop and owner. This is Respondent's first violation. Respondent has since renewed both licenses.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty. Owner paid by Agreed Citation for individual license.

Decision: Close with a Letter of Warning.

32. Case No.: COS-2019083051

First License Obtained: 11/28/1984
License Expiration: 03/31/2021
Complaint history: 2014027831, dismissed

Pursuant to inspection, also referred to in 33—COS-019082991, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent. Respondent has since renewed both licenses.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with a \$100.00 civil penalty to the individual who is also the shop owner.

Decision: Close with a Letter of Warning.

33. Case No.: COS-2019082991

First License Obtained: 08/08/1997
License Expiration: 07/31/2020
Complaint history: 2014027821, closed by Letter of Warning

Pursuant to inspection, also referred to in 32—COS-2019083051, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent. Respondent has since renewed both licenses.

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

Decision: Close with a Letter of Warning.

34. Case No.: COS-2019082251

First License Obtained: 02/21/2013

License Expiration: 09/01/2020

Complaint history: None

This is a complaint from a former student alleging that Respondent school does not provide adequate equipment to students, such as not giving students their own mannequin for practice, that the restroom has been out of operation for an extended period of time, as well as stating that students are not given adequate breaks. No proof was provided to substantiate the alleged. Respondent school noted in their response that adequate equipment is provided, and that there are currently twenty (20) mannequins available for students; however, to date, no students have requested to take a mannequin home to practice. Respondent states equipment continues to be monitored. Respondent stated there was a plumbing issue with the restroom; however, that plumbing issue has since been resolved. Further, Respondent states that students are given one (1) hour for lunch and other breaks throughout the day. Respondent also provided documentation to show the daily lunch breaks.

Recommendation: Closure.

Decision: Approved

35. Case No.: COS-2019083541

First License Obtained: 08/27/2004

License Expiration: 08/31/2020

Complaint history: None

Pursuant to inspection, also referred to in 38—COS-2019083521, this complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent. Respondent has since renewed the cosmetology license, but the shop license has not been renewed.

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

Decision: Close with a Letter of Warning.

36. Case No.: COS-2019081951

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges bad result with manicure services and seeks a refund. Respondent stated they gave the Complainant a discount due to the Complainant's dissatisfaction. Follow-up inspection resulted in a perfect score for Respondent shop. This appears to be a contract dispute among the parties involved, which is outside department jurisdiction.

Recommendation: Closure.

Decision: Approved

37. Case No.: COS-2019082611

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges unlicensed activity by providing cosmetology services from the Respondent's residence. Respondent stated they are only providing services for family and close friends.

Recommendation: Closure.

Decision: Approved

38. Case No.: COS-2019083521

First License Obtained: 11/14/2016

License Expiration: 10/31/2018

Complaint history: None

Pursuant to inspection, also referred to in 35—COS-2019083541, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent. Respondent has since renewed the cosmetology license, but the shop license has not been renewed.

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

Decision: Approved

39. Case No.: COS-2019083311

First License Obtained: 02/07/2018

License Expiration: 02/29/2020

Complaint history: None

This anonymous consumer complaint alleges insanitary conditions. Follow-up inspection resulted in the inspector reviewing sanitation, licenses, and an interview with the Respondent shop owner. The inspector issued a perfect score for the inspection.

Recommendation: Closure.

Decision: Approved

40. Case No.: COS-2019083421

First License Obtained: 10/17/2018

License Expiration: 10/31/2020

Complaint history: None

This anonymous consumer complaint alleges that the Respondent is a registered sex offender and has recently been found guilty of violating the sex offender registry.

Recommendation: Legal has requested additional information from Knox County Criminal Court. Authorize complaint to be placed in litigation monitoring pending receipt of documents. TBI information indicates Respondent currently incarcerated.

Decision: Approved

41. Case No.: COS-2019083791

First License Obtained: 07/31/2019

License Expiration: 07/31/2021

Complaint history: None

This consumer complaint alleges unlicensed activity and bad result from manicurist services. Follow-up inspection revealed unlicensed individuals performing manicure services. A notice of violation was issued to Respondent shop.

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

Decision: Approved

42. Case No.: COS-2019083961

First License Obtained: 03/08/2017

License Expiration: 02/28/2021

Complaint history: None

Pursuant to inspection, also referred to in 49—COS-2019089271, 50—COS-2019089291, and 71—BAR-2019083981, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent shop and owner.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty to the shop as this is the shop complaint.

Decision: Close with a Letter of Warning.

43. Case No.: COS-2019083951

First License Obtained: 07/31/2017

License Expiration: 07/31/2021

Complaint history: None

This consumer complaint alleges Respondent was conducting unlicensed activity from the residence. Respondent denies running a business out of her home.

Recommendation: Closure.

Decision: Approved

44. Case No.: COS-2019083891

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges unlicensed activity. Follow-up inspection reveals all employees in question had the proper licensing or certificates. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

45. Case No.: COS-2019085301

First License Obtained: 10/16/2019

License Expiration: 10/31/2021

Complaint history: None

This consumer complaint alleged unlicensed activity. Follow-up inspection resulted in multiple individuals immediately leaving the Respondent shop as soon as they saw the inspector enter. This Respondent was one of the individuals cited for unlicensed activity.

Recommendation: Closure as the shop paid a \$3500.00 civil penalty for this violation via Agreed Citation and this individual is now licensed.

Decision: Approved

46. Case No.: COS-2019085131

First License Obtained: 06/29/2018

License Expiration: 06/30/2020

Complaint history: 2019031561, Letter of Warning

Pursuant to inspection, this complaint alleges a shop owner or manager was not present during inspection. The inspector attached multiple photos to substantiate the allegation. A notice of violation was issued to the Respondent shop.

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

Decision: Approved

47. Case No.: COS-2019086491

First License Obtained: 08/23/2017

License Expiration: 08/31/2021

Complaint history: 2017072761, closure

This consumer complaint alleges unsanitary practices. Follow-up inspection was made and there were no unsanitary practices found. A notice of violation was not issued.

Recommendation: Closure.

Decision: Approved

48. Case No.: COS-2019086421

First License Obtained: 01/19/2011

License Expiration: 12/31/2020

Complaint history: None

This consumer complaint alleges Respondent shop and owner were performing unlicensed activity. Follow-up inspection revealed the Respondent shop and owner had expired licenses; however, Respondent was not performing any services at the time of the inspection. Further, Respondent is not currently in operation due to a death in the family. Respondent stated to the inspector that they will renew both licenses prior to resuming operation. A notice of violation was not issued to Respondent shop and owner. Respondent has since renewed both licenses.

Recommendation: Closure.

Decision: Approved

49. Case No.: COS-2019089271

First License Obtained: 09/25/2017

License Expiration: 09/30/2021

Complaint history: None

Pursuant to inspection, also referred to in 42—COS-2019083961, 50—COS-2019089291, and 71—BAR-2019083981, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent shop and owner. This is Respondent's first violation. Respondent has since renewed their license.

Recommendation: Closure as this is duplicative complaint and shop license has been renewed.

Decision: Approved

50. Case No.: COS-2019089291

First License Obtained: 01/05/2000

License Expiration: 01/31/2020

Complaint history: None

Pursuant to inspection, also referred to in 42—COS-2019083961, 49—COS-2019089271, and 71—BAR-2019083981, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent shop and owner. Respondent has since renewed their license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty to owner for expired individual license.

Decision: Close with a Letter of Warning.

51. Case No.: COS-2019089871

First License Obtained: 03/05/2004

License Expiration: 03/31/2020

Complaint history: None

Pursuant to inspection, also referred to in 53—COS-2019089841, this complaint alleges an expired shop license. Respondent renewed their license the day following the initial inspection.

Recommendation: Closure.

Decision: Approved

52. Case No.: COS-2019089651

First License Obtained: 04/13/2018

License Expiration: 03/31/2020

Complaint history: None

This is a consumer complaint alleging that Complainant contracted an infection from receiving services at the Respondent shop. Photos submitted by complainant showed a green discoloration on nails. Respondent stated they follow proper sanitation protocol and believe the green discoloration was not the result of their services. Further, no medical proof was provided to substantiate that injury was a result of the service.

Recommendation: Closure with request for inspection.

Decision: Approved

53. Case No.: COS-2019089841

First License Obtained: 10/08/2007

License Expiration: 09/30/2021

Complaint history: None

Pursuant to inspection, also referred to in 51—COS-2019089871, this complaint alleges an expired shop license. Respondent stated they were embarrassed to learn they did not renew their license timely. Respondent renewed their license the day following the initial inspection.

Recommendation: Closure.

Decision: Approved

54. Case No.: COS-2019090221

First License Obtained: 08/07/2012

License Expiration: 06/30/2020

Complaint history: None

This consumer complaint alleges the Respondent is improperly reporting their sales and use business tax, as well as operating under an expired license. Complainant is a former employee of the Respondent. Improper payment of business taxes is outside department jurisdiction.

Recommendation: Closure as license is current.

Decision: Approved

55. Case No.: COS-2019091601

First License Obtained: 04/28/2017

License Expiration: 04/30/2021

Complaint history: None

This anonymous consumer complaint alleges unlicensed activity. During the follow-up inspection the inspector and Respondent contacted the department via telephone to ensure licensure and inspections were current and no violations were found.

Recommendation: Closure.

Decision: Approved

56. Case No.: COS-2019092711

First License Obtained: 12/07/2006

License Expiration: 12/31/2020

Complaint history: None

Pursuant to inspection, this complaint alleges the Respondent performing services with an expired license. A notice of violation was issued. Respondent has since renewed their license.

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

Decision: Close with a Letter of Warning.

57. Case No.: COS-2019092001

First License Obtained: 01/28/2000

License Expiration: 01/31/2022

Complaint history: 2016022661, closed by Consent Order and payment of \$1,000 civil penalty

This is a consumer complaint alleging that Complainant contracted an infection from receiving services at the Respondent shop. Follow-up inspection revealed proper sanitation procedure and no violation was found. Further, no medical proof was provided to substantiate that injury was a result of the service

Recommendation: Closure.

Decision: Approved

BARBER CASES

58. Case No.: BAR-2019074811

First License Obtained: 02/02/2018

License Expiration: 02/01/2020

Complaint history: 2019020891, closure, 2019021131, closed by Consent Order and payment of \$1,000 civil penalty

This is a complaint from a current student alleging that the Respondent has a high turnover rate for instructors making learning difficult and illegal narcotics are being sold on the premises, which makes Complainant feel unsafe. The Respondent did not provide a response to the complaint.

Recommendation: Closure with request for inspection and referral to authorities regarding drug distribution.

Decision: Approved

59. Case No.: BAR-2019076051

First License Obtained: 03/25/1976

License Expiration: 11/30/2020

Complaint history: None

This is a consumer complaint alleging a bad result from a haircut.

Recommendation: Closure.

Decision: Approved

60. Case No.: BAR-2019075751

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, also referred to in 61—BAR-2019075771, 62—BAR-2019075801, and 64—BAR-2019075721, this complaint alleges unlicensed activity.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop.

Decision: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop with a recommendation that the Respondent appear before the Board at its scheduled meeting on April 6, 2020.

61. Case No.: BAR-2019075771

First License Obtained: 09/11/2019

License Expiration: 09/30/2021

Complaint history: None

Pursuant to inspection, also referred to in 60—BAR-2019075751, 62—BAR-2019075801, and 64—BAR-2019075721, this complaint alleges unlicensed activity. Respondent is a barber student.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop.

Decision: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop with a recommendation that the Respondent appear before the Board at its scheduled meeting on April 6, 2020.

62. Case No.: BAR-2019075801

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, also referred to in 60—BAR-2019075751, 61—BAR-2019075771, and 64—BAR-2019075721, this complaint alleges unlicensed activity. Respondent is a barber student.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop.

Decision: Authorize formal hearing. Authorize settlement by consent order with \$1000.00 civil penalty against this Respondent who is one of the three unlicensed individuals found in the shop with a recommendation that the Respondent appear before the Board at its scheduled meeting on April 6, 2020.

63. Case No.: BAR-2019075921

First License Obtained: 07/03/2007
License Expiration: Revoked
Complaint history: 2013021411, closed by Consent Order and revocation of license and payment of \$1,000 civil penalty

This consumer complaint, also referred to in 8—COS-2019074501, alleges unlicensed activity. Follow-up inspection revealed the Respondent shop owner practicing with a revoked license (revoked due to a fine being due and unpaid since 08/20/2014). Respondent shop also did not have a license posted. A notice of violation was issued to the Respondent shop and owner.

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

Decision: Approved

64. Case No.: BAR-2019075721

First License Obtained: 05/23/2018
License Expiration: 05/31/2020
Complaint history: 2018077291, closure

Pursuant to inspection, also referred to in 60—BAR-2019075751, 61—BAR-2019075771, and 62—BAR-2019075801 three individuals were found to be providing services in the Respondent shop without a license. There was also no manager present.

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

Decision: Approved

65. Case No.: BAR-2019076061

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

1. This is an anonymous consumer complaint alleging unlicensed activity. Follow-up inspection resulted in the inspector finding the Respondent shop to be out of business.
2. The inspector attached multiple photos, which tend to show the Respondent shop is vacant and otherwise not currently in business.

Recommendation: Closure.

Decision: Approved

66. Case No.: BAR-2019079161

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

This is a consumer complaint alleging unlicensed activity and unsanitary conditions of the Respondent shop and the name of the shop was provided in the complaint with an address for same.

Recommendation: Closure with request for inspection.

Decision: Approved

67. Case No.: BAR-2019079901

First License Obtained: 04/07/2017

License Expiration: 04/06/2020

Complaint history: None

This is a complaint from a current student alleging that the Respondent school is improperly teaching its students, instructors are licensed cosmetologists (not licensed master barbers), and students are receiving their hours dishonestly (hours are being sold or given improperly). A follow-up inspection revealed the inspector recognizing the instructors present as being licensed master barbers from the area. A notice of violation was not issued.

Recommendation: Closure.

Decision: Closure with a follow up with the inspector to see if he checked the hours during the inspection, if not, request a re-inspection to check the students' hours.

68. Case No.: BAR-2019080411

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Pursuant to inspection, this complaint alleges unlicensed activity. Upon follow-up visit to the Respondent shop, the inspector found the shop closed and appearing to be out of business. The inspector attached multiple photos, which show the Respondent shop is vacant and otherwise not currently in business.

Recommendation: Closure.

Decision: Approved

69. Case No.: BAR-2019080591

First License Obtained: 03/01/1990

License Expiration: 07/31/2021

Complaint history: None

This is a consumer complaint alleging that the Respondent has occasional seizures while servicing clients, which allegedly affect his barbering services and make the Respondent turn hostile towards customers, as well as cause Respondent to engage in other unprofessional behavior. Respondent provided a letter from a medical doctor stating that the Respondent's neurologic condition does not affect his ability to provide barbering services.

Recommendation: Closure

Decision: Approved

70. Case No.: BAR-2019082841

First License Obtained: 06/15/2018

License Expiration: 02/28/2021

Complaint history: None

Pursuant to inspection, this complaint alleges unlicensed activity. The inspector entered Respondent shop to find an individual performing barber services on a suspended license. A notice of violation was issued to the Respondent shop.

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

Decision: Approved

71. Case No.: BAR-2019083981

First License Obtained: 12/08/2006

License Expiration: 12/31/2020

Complaint history: None

Pursuant to inspection, also referred to in 42—COS-2019083961, 49—COS-2019089271, and 50—COS-2019089291, the complaint alleges Respondent shop and owner were performing services with an expired cosmetology license and expired shop license. A notice of violation was issued to Respondent shop and owner. Respondent has since renewed their license.

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

Decision: Close with a Letter of Warning.

72. Case No.: BAR-2019085211

First License Obtained: 07/01/1969

License Expiration: 11/30/2018

Complaint history: None

Pursuant to inspection, also referred to in 73—BAR-2019085191, the complaint alleges the Respondent shop was operating with an expired shop license. A notice of violation was issued.

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

Decision: Approved

73. Case No.: BAR-2019085191

First License Obtained: 04/29/1994

License Expiration: 04/30/2020

Complaint history: None

Pursuant to inspection, also referred to in 72—BAR-2019085211, the complaint alleges the Respondent shop was operating with an expired shop license. The Respondent is the owner/manager.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$100.00 civil penalty to the shop for expired shop license.

Decision: Close with a Letter of Warning.

74. Case No.: BAR-2019087681

First License Obtained: 11/09/2012

License Expiration: Revoked

Complaint history: 2103021421, closed by Final Order and revocation of license and assessment of \$3,000

**civil penalty and \$225.00 hearing costs;
2017059061 close and flag**

This is a consumer complaint alleging the Respondent shop owner has two (2) unlicensed shops. Follow-up inspection resulted in the inspectors finding the first Respondent shop to be vacant and otherwise not in business. Inspectors were unable to locate the second Respondent shop from the information provided by Complainant.

Recommendation: Closure.

Decision: Approved

75. Case No.: BAR-2019091031

First License Obtained: 12/19/2019

License Expiration: 12/31/2021

Complaint history: None

This is a consumer complaint alleging unlicensed activity. Follow-up inspection resulted in the inspectors documenting an unlicensed shop and unlicensed activity. A notice of violation was issued to the unlicensed individual.

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

Decision: Approved

76. Case No.: BAR-2019093191

First License Obtained: 02/08/1999

License Expiration: 02/28/2019

Complaint history: None

Pursuant to inspection, a notice of violation was issued for expired shop license, unlicensed activity, and shop owner not present. Further, Respondent has two (2) complaints. Respondent has signed and paid \$2,600.00 for BAR-201909321; however, Respondent is appealing the \$1,600.00 for this complaint 76—BAR-201909319.

Recommendation: Closure as duplicative complaint.

Decision: Approved

77. Case No.: BAR-2019094771

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; 2019031341, \$1,000 civil penalty via Consent Order

This is a consumer complaint alleging unlicensed activity. Follow-up inspection in December 2019 resulted in the issuance of a Notice of Violation for operating a barber shop without a license, however, the shop has a license but has changed ownership. Therefore another complaint was opened. *See* Complaint No. 78 which is the correct complaint to have discipline.

Recommendation: Closure

Decision: Approved

78. Case No.: BAR-2020003081

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

79. Case No.: BAR-2020001041

First License Obtained: 04/26/2006

License Expiration: 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; 2019031361, referred to outside agency

Pursuant to inspection in January 2020 a notice of violation was issued for an unlicensed shop and an unlicensed owner who was providing services at the time of inspection. Complaint No. 78 is the shop and No. 79 is the owner providing services with revoked license.

Recommendation: Authorize formal hearing. Authorize settlement by consent order with \$2,000.00 civil penalty (\$1000.00 to shop and \$1000.00 to owner who was providing services.)

Decision: Approved

The meeting adjourned at 9:55 AM.

MOTION made by Amy Tanksley and seconded by Patricia Parsons for approval by the full board of the Legal Report as amended. Motion carried by roll call.

NEW BUSINESS:

Agreed Citation Process:

Ms. Gumucio and legal counsel, Pamela Spicer, presented the 2015 agreed citation schedule. The board considered making some changes based on changes to the complaints within the last five years. The schedule will be modified to meet their decisions and given to the Complaints Division for new complaints going forward.

MOTION made by Patricia Parsons and seconded by Kelly Barger for the revised Agreed Citation schedule to be used going forward. Motion carried by roll call.

PSI is holding their 2020 Cosmetology & Barbering Executive Directors Summit in April to be held in Chicago, Illinois. The board discussed the Director attending the session to participate with other State regulatory boards on issues facing the industry and needs to best protect the public.

MOTION made by Patricia Parsons and seconded by Kelly Barger for the Executive Director to attend one of those events. Motion carried by roll call.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Patricia Parsons and seconded by Amy Tanksley. Motion carried by roll call.