



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting August 2, 2021 at 9:02 a.m. in person in Room 1A and via WebEx.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

Roxana Gumucio, Executive Director, called roll. The following members participated: Frank Gambuzza, Ron Gillihan, Monica Lemons, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield, Amy Tanksley and Susan Witcher.

Not available: Anita Charlton, John Cagle and Yvette Granger.

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

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 Judy McAllister. The motion carried by unanimous roll call vote.

MINUTES-

Minutes for the June 7, 2021 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the June 2021 minutes. The motion carried by unanimous roll call vote.

PRESENTED BEFORE THE BOARD-

Jenny Lea Academy of Cosmetology – School in Ownership, Cosmetology and Barber

Mr. John Rogers, the former school owner, Ms. Virginia Lewis and the new owners TC Beauty participated to answer any questions for the board. The school is in Johnson City, Tennessee. The school is 15,000 sq. ft. The applications for a cosmetology school and barber school, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were received timely for both school types.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to approve the new ownership pending an inspection by a field inspector. The motion carried by unanimous roll call vote.

Hunts Barber Academy – New Barber School

Mr. Brannon Hunt was not available to participate. The school is 1,900 sq. ft. The new school application was previous presented at the February and April 2021 board meetings. The board asked for several changes and the catalog to be represented. The school was forced to move the location to the suite next door due to damages to the original location therefore it was not ready for the June meeting.

MOTION made by Amy Tanksley and seconded by Monica Lemons to approve the new school pending an inspection by a field inspector and board member. The motion carried by unanimous roll call vote.

Barber School 1 – New Barber School

Mr. Lamar Hobson participated to answer questions on his revised application. The school is 2,200 sq. ft and located in Jackson, Tennessee. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely. The 15 student contacts are no longer required.

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

Master Educators Academy – New Specialty Instructor School

Ms. Ameerah Jones participated to answer questions for the board. The school is located in Memphis. The new school application, curriculum, blank enrollment agreement, floor plan, catalog and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by Judy McAllister to table until October Board meeting pending required updates. The motion carried by unanimous roll call vote.

Legacy Master Barber Academy – New Barber School

Mr. Wakius Hereford participated to answer questions for the board. The school is 3,350 sq. ft. and located in Nashville. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely. The 15 student contacts are no longer required.

MOTION made by Patricia Parsons and seconded by Monica Lemons to approve the new school pending an inspection by a field inspector and board member. The motion carried by unanimous roll call vote.

P.P.G. Academy of Artistry – New Cosmetology School

Ms. Anjanae Burns participated to answer questions for the board. The school is 3,300 sq. ft. and located in Memphis. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to table until October Board meeting pending required updates. The motion carried by unanimous roll call vote.

Professional Beauty College – New Specialty Natural Hair Styling School

Ms. Celeste Harris participated to answer questions for the board. The school is in Memphis. The new school application, curriculum, blank enrollment agreement, floor plan, catalog and contingency plan were all received timely. The five student contracts are no longer needed but they were provided.

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

Cure Advanced Aesthetics – School Extension

Ms. Malia Hendrix participated to answer questions for the board. The school is in Memphis. The school is adding more classroom space one floor above the existing school location. None of this impacts the services offered to the public.

MOTION made by Amy Tanksley and seconded by Patricia Parsons to approve the extension. The motion carried by unanimous roll call vote.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 67 complaints and make recommendations to the Board.

1. Case No.: COS- 2021022651

First License Obtained: 07/09/2019
License Expiration: 06/30/2023 – REVOKED
Complaint History: 202000667, closed with Letter of Warning
2020038221, closed with Letter of Warning
2020065241, closure 2020097341, closure; 202009661,
Consent Order Sent for \$1,500 civil penalty;
202101361, closed by Consent Order for the
voluntary revocation of Respondent’s shop license

This 3-23-21 consumer complaint alleges mainly unlicensed activity. Inspection revealed unsanitary conditions and no shop owner/manager present. A Notice of Violation was issued. Respondent recently submitted a voluntary revocation of the shop license in May 2021 and should no longer be operating a business under this cosmetology shop license.

Recommendation: Closure and re-inspect to see if shop still operating at same location/license number.

Decision: Approved

2. Case No.: COS- 2021030231

First License Obtained: 08/13/2019
License Expiration: 08/31/2021
Complaint History: 2020081691, closure

This 4-13-21 inspection revealed an expired shop license (expiration 3-31-20) at the Respondent’s shop. A Notice of Violation was issued. This civil penalty was already assessed against the shop at the June 7, 2021 Board Meeting – this Respondent is the owner of the shop.

Recommendation: Closure.

Decision: Approved

3. Case No.: COS- 2021030281

First License Obtained: 04/10/1985
License Expiration: 09/01/1990
Complaint History: None

This 4-15-21 anonymous complaint alleges unlicensed individual activity from an unlicensed home with social media in support; there was no mention in the complaint or social media of a physical address. Inspector was able to get in touch with Respondent by telephone; Respondent denied the allegations. A Notice of Violation was not issued.

Recommendation: Closure (no address).

Decision: Approved

4. Case No.: COS- 2021031731

First License Obtained: 08/12/2016

License Expiration: 08/31/2022

Complaint History: None

This 4-15-21 annual inspection revealed a licensed master barber operating in a non-dual cosmetology shop. A Notice of Violation was issued. This Respondent is the designated manager cited for offering or performing services not authorized by license and failure of responsibilities of owner or manager of a shop.

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

Decision: Approved

5. Case No.: COS- 2021034621

First License Obtained: 02/06/2019

License Expiration: 02/28/2023

Complaint History: None

This 4-27-21 consumer complaint alleges a bad service, unsanitary conditions and unlicensed activity. Inspector went to address provided by the Complainant and did not find Respondent actively working there to assess licensure/sanitary practices; a search in CORE shows Respondent is a validly licensed cosmetologist. A Notice of Violation was not issued.

Respondent did provide a response stating Complainant was pleased with the service at its conclusion, providing a tip/hug for same; no bleach/lightener was applied during the service to cause a chemical burn. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

6. Case No.: COS- 2021042501

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact pattern for Item #5 above. This Respondent is the shop. Inspection revealed no unsanitary conditions but there was no shop license displayed. A Notice of Violation was issued for an unlicensed shop. Agreed Citation was returned for "insufficient address."

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

Decision: Approved

7. Case No.: COS- 2021036941

First License Obtained: 10/10/2016

License Expiration: 09/30/2018

Complaint History: None

This 5-5-21 anonymous complaint alleges unlicensed shop activity. Inspection revealed an ongoing business operation that was not open at the time of inspection. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed shop) and re-inspect.

Decision: Approved

8. Case No.: COS- 2021037481

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-6-21 consumer complaint alleges a negligent service and unlicensed individual activity from an unlicensed apartment. Inspector went to the apartment listed on several occasions and could not make successful contact. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed individual/shop) and flag.

Decision: Approved

9. Case No.: COS- 2021040981

First License Obtained: 11/22/2000

License Expiration: 11/30/2022

Complaint History: None

This 5-13-21 shop inspection revealed Respondent designated manager was allowing an expired shop license (expiration 8-31-20). A Notice of Violation was issued. The shop license was renewed days after the inspection and it is notated in CORE the shop is now closed for business.

Recommendation: Closure (shop closed).

Decision: Approved

10. Case No.: COS- 2021039561

First License Obtained: 01/04/2006

License Expiration: 08/31/2021

Complaint History: None

This 5-12-21 anonymous complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

11. Case No.: COS- 2021041451

First License Obtained: 07/12/2016

License Expiration: 07/31/2022

Complaint History: 2019074901, closed by Consent Order and payment of \$500.00 civil penalty

This 5-14-21 annual inspection revealed Respondent shop owner was practicing on an expired individual license (expiration 11-30-20), and thus, shop owner was “not present” during the inspection. A Notice of Violation was issued. Please see Item #12 below.

Recommendation: Closure.

Decision: Approved

12. Case No.: COS- 2021042351

First License Obtained: 12/01/2000

License Expiration: 11/30/2022

Complaint History: None

Please see fact pattern for Item #11 above. This Respondent is the shop owner cited for the expired individual license and not being “present” at the time of inspection. The individual license has since been renewed through 11-30-22 which was the underlying basis for not being present at the time of inspection.

Recommendation: Letter of warning (expired individual license).

Decision: Approved

13. Case No.: COS- 2021041231

First License Obtained: 09/23/2009

License Expiration: 09/30/2021

Complaint History: 2012016521, closed by Consent Order and payment of \$500.00 civil penalty; 2013022441, closed by Consent Order and payment of \$1,000 civil penalty

This 5-18-21 consumer complaint alleges fraud (using a language barrier to upcharge clients on services). Respondent states there was no language issue and was given the service asked for; client was not charged for the service at issue.

Recommendation: Closure.

Decision: Approved

14. Case No.: COS- 2021041511

First License Obtained: 06/12/2019

License Expiration: 09/01/2021

Complaint History: None

This 5-19-21 consumer complaint alleges student at Respondent school denied a service regarding a small child. Respondent school submits a general denial and states the matter/complaint is not within the statutory jurisdiction of the Board.

Recommendation: Closure.

Decision: Approved

15. Case No.: COS- 2021041581

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-20-21 consumer complaint alleges unsanitary conditions, drug use, and child neglect on behalf of the Respondent. Inspection revealed Respondent is a cosmetology student; the address listed is a residence. Inspector attempted contact at the residence but had to leave a business card behind; Respondent contacted inspector and denied she practiced cosmetology services from the home. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved

16. Case No.: COS- 2021041831

First License Obtained: 10/16/2020

License Expiration: 09/01/2021

Complaint History: 2021020601, closure

This 5-20-21 student complaint alleges the student (and others) contracted CoVid at the school (possibly from an instructor) with the school's knowledge and the school needs to be shut down. Respondent school states they called the students/ instructors together and informed them to get tested if they felt they needed to; do not come back to school if symptomatic. If others were symptomatic, they did not let the school know; they knew of two (2) students. Complainant was not around the instructor for approximately one (1) week; but Complainant does work with the elderly. Respondent school has not been provided with proof/expert statement that there was a causal connection with the school and the Complainant's CoVid contraction. Respondent school utilizes pandemic guidelines of sanitization and mask availability. Local public health matters are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

17. Case No.: COS- 2021042991

First License Obtained: 11/24/1986

License Expiration: 03/31/2023

Complaint History: None

A 5-21-21 shop inspection revealed Respondent had an expired individual license (expiration 3-31-21). A Notice of Violation was issued. The individual license has since been renewed through 3-31-23.

Recommendation: Letter of warning (expired individual license).

Decision: Approved

18. Case No.: COS- 2021042591

First License Obtained: 02/09/2017

License Expiration: 01/31/2023

Complaint History: None

This 5-24-21 consumer complaint alleges pain/irritation to a foot from hot water. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

19. Case No.: COS- 2021042841

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-25-21 neighbor complaint alleges unlicensed activity. Inspector went to address listed on complaint and was unable to make contact; left a card on the door for a return phone call.

Inspector received a phone call from Respondent; Respondent occasionally does nails for friends/family for no compensation. Respondent was counselled regarding licensure should matters change. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

20. Case No.: COS- 2021042861

First License Obtained: 02/20/2018

License Expiration: 01/31/2021

Complaint History: None

This 5-25-21 consumer complaint alleges unsanitary conditions. Inspection revealed some correctable unsanitary conditions; a Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

21. Case No.: COS- 2021043801

First License Obtained: 04/26/2011

License Expiration: 03/23/2023

Complaint History: 2014022231, closed with Letter of Warning;
201500511, closed by an Agreed Citation and payment
of \$500.00 civil penalty

This 5-26-21 consumer complaint alleges rudeness and an infected fingernail. Inspection revealed no evidence to substantiate the complaint of infection. A Notice of Violation was not issued.

Recommendation: Letter of Warning (unprofessional conduct).

Decision: Approved

22. Case No.: COS- 2021044811

First License Obtained: 12/21/2011

License Expiration: 12/31/2021

Complaint History: None

This 5-27-21 inspection revealed the designated manager not present. A Notice of Violation was issued. Respondent states the designated manager for the aesthetics side of the business was indeed present and the inspector spoke with same – it was a misunderstanding.

Recommendation: Closure.

Decision: Approved

23. Case No.: COS- 2021044161

First License Obtained: 02/06/2020

License Expiration: 02/28/2022

Complaint History: None

This 5-27-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

24. Case No.: COS- 2021044411

First License Obtained: 11/04/2004

License Expiration: 09/30/2021

Complaint History: None

This 5-28-21 consumer complaint alleges unsanitary conditions. Inspection revealed some correctable storage issues. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

25. Case No.: COS- 2021044591

First License Obtained: 07/27/1964

License Expiration: 03/21/2023

Complaint History: None

This 5-29-21 consumer complaint alleges discrimination in Respondent not providing a service. Respondent states she retired from cosmetology in March 2020 due to the pandemic and advanced age.

Recommendation: Closure.

Decision: Approved

26. Case No.: COS- 2021044571

First License Obtained: 12/19/2016

License Expiration: 09/01/2021

Complaint History: 2017070461, closure; 2019055641, closure;
2019067251, closure

This 5-29-21 student complaint alleges fraud/discrimination/conspiracy to withhold a cosmetology license; further alleges identity theft/fraud of an electronic device. Respondent school states they have no knowledge of such claims made by the Complainant; Complainant was a student at the school from August 2019 through March 2020. Complainant withdrew from the program with 356.74 earned hours of the 1,500-hour requirement; Complainant's hours were not released due to non-payment of tuition (per school policy) and Complainant's account was turned over to collections. In support, Respondent school provided a copy of the executed Enrollment Contract. This contractual matter is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

27. Case No.: COS-2021044671

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-30-21 consumer complaint alleges unlicensed activity, unsanitary conditions and a bad service with a screenshot of Respondent pricing. Inspection revealed social media correlating to performing services for compensation from Respondent; inspector went to premises listed and spoke with Respondent's mother who is a licensed cosmetologist with a licensed shop outside of the home. Respondent's mother stated that Respondent had performed services on friends for free; Respondent's mother was counselled on proper licensing and Respondent's mother stated she would talk to Respondent and inquire further about the social media. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed individual/shop) and flag.

Decision: Approved

28. Case No.: COS- 2021044721

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 5-31-21 consumer/student complaint alleges Respondent is operating an unlicensed lash technician class and is requesting a refund of tuition. Inspection revealed the lash technician class was performed at a licensed salon (the address listed in the complaint); inspector contacted salon owner and inquired about Respondent's class being held at the salon; salon owner was unaware that such a service required licensure. Salon owner was counselled on licensure and

assured inspector no further classes of Respondent would be conducted at the premises. A Notice of Violation was not issued.

Recommendation: Close and flag.

Decision: Approved

29. Case No.: COS- 2021044941

First License Obtained: 03/28/2016

License Expiration: 03/31/2022

Complaint History: None

This 6-1-21 consumer complaint alleges race discrimination against the Respondent shop owner regarding whether or not Respondent instituted and enforced a mask usage policy at the shop. Respondent states the incident was not about race discrimination, but rather instituting/enforcing a mask policy that protects all customers. This public health matter is outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

30. Case No.: COS- 2021044901

First License Obtained: 02/19/2020

License Expiration: 02/28/2022

Complaint History: 2020084011, closure, 202006408, closed by an Agreed Citation and payment of \$1,000 civil penalty

This 6-1-21 consumer complaint alleges a bad service and use of a cheese grater tool. Respondent states any service dissatisfaction was not initially made to the management and provided a picture of the tool used (and widely used by other salons in the area). Complainant responded by providing pictures of the alleged service rendered. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

31. Case No.: COS- 2021045741

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-4-21 anonymous consumer complaint alleges unlicensed activity with social media in support. Inspector went to address listed and could not establish contact; left a card on the mailbox for return phone call. Inspector never received a return phone call. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed individual) and flag.

Decision: Approved

32. Case No.: COS- 2021046011

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-5-21 anonymous complaint alleges unsanitary conditions and unlicensed activity; anonymous complaint did not provide a full address for inspection.

Recommendation: Closure.

Decision: **Approved**

33. Case No.: COS- 2021046121

First License Obtained: **02/09/2021**

License Expiration: **02/28/2023**

Complaint History: **None**

This 6-6-21 consumer complaint alleges Respondent is an uncertified/registered hair braider. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved**

34. Case No.: COS- 2021046231

First License Obtained: **08/19/1994**

License Expiration: **03/31/2023**

Complaint History: **None**

This 6-7-21 anonymous complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved**

35. Case No.: COS- 2021046711

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint History: **2021032361, closure; 2021034681, closed with Letter of Warning;**

This 6-8-21 landlord complaint alleges unsanitary conditions (MMA acrylic use and fumes) and unlicensed activity. This Respondent had two (2) previous complaint on the 6-7-21 legal report; both inspectors were not able to get face-to-face contact/return telephone calls from the Respondent. A Letter of Warning was sent to the Respondent's apartment address regarding unlicensed activity.

Recommendation: **Close and flag.**

Decision: **Approved**

36. Case No.: COS- 2021046691

First License Obtained: **04/30/2015**

License Expiration: **09/01/2021**

Complaint History: **2018025411, close with no action**

This 6-8-21 student complaint alleges (1) Respondent school is charging a late fee regarding a tuition payment plan; (2) Respondent is also charging chore fees - 3 chore fees lead to an unexcused absence; and (3) Respondent is also charging for mannequin heads that are apparently part of the tuition payments. A copy of the student/school contract is not provided. Respondent states (1) they offer in-house financing, so there will be discretionary late charges; (2) the issue of chore fees was not addressed by the Respondent; and (3) students get one doll head in their kits and one for advance hair, additional doll heads could be purchased through the school. Student/school contractual matters are outside the scope of the Board's authority.

Recommendation: **Closure.**

Decision: **Approved**

37. Case No.: COS- 2021046701

First License Obtained: 04/30/2015

License Expiration: 09/01/2021

Complaint History: 2018025411, close with no action

This 6-8-21 student alleges Respondent school is charging fees for chores, tardiness/unexcused absences/uniform violations; student alleges none of the charges are in the contract (no contract provided). Respondent states the chargers/rules/regulations are in the student handbook, which is discussed with the students; the students sign an acknowledgment that they have read the handbook. Student handbooks/contractual matters are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved

38. Case No.: COS-2021047141

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-9-21 anonymous consumer complaint alleges Respondent cosmetology student is operating an unlicensed salon while individually unlicensed and is also cheating on tests/stealing school supplies; complainant did not provide an address for the unlicensed salon, and thus, an inspection was not performed.

Recommendation: Closure.

Decision: Approved

39. Case No.: COS- 2021047881

First License Obtained: 02/12/2018

License Expiration: 02/28/2022

Complaint History: 2019031981, closed by Agreed Citation and payment of \$2,500 civil penalty

This 6-9-21 annual inspection revealed a person practicing without a license and the shop owner/manager was not present at the time of inspection. A Notice of Violation was issued to the Respondent shop. This is Respondent's second offense for the same infractions.

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

Decision: Approved

40. Case No.: COS- 2021047761

First License Obtained: 10/05/2007

License Expiration: 10/31/2021

Complaint History: None

This 6-11-21 consumer complaint alleges Respondent is practicing on a revoked license. Respondent showed proof of an active license with an expiration date of October 31, 2021.

Recommendation: Closure.

Decision: Approved

41. Case No.: COS-2021051011

First License Obtained: 01/19/2017

License Expiration: 01/31/2023

Complaint History: None

This 6-13-21 consumer complaint alleges dissatisfaction with a service/potential unlicensed individual activity (not regarding Respondent, but cites the license of the offending party) as well as unprofessional conduct and assault/false imprisonment by the Respondent. The local police department was contacted about the assault/false imprisonment allegation. Respondent states complainant was rude and an offer was made to complainant to rectify the service provided; when the complainant was confrontational, Respondent panicked and locked the shop's front door for less than a minute (in hope of rectifying the service provided). Respondent admits a momentary lapse in judgement but wanted the complaint to leave satisfied with the service performed.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved

42. Case No.: COS- 2021048321

First License Obtained: 03/03/2017

License Expiration: 03/31/2023

Complaint History: None

This 6-14-21 anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

43. Case No.: COS- 2021048591

First License Obtained: 12/14/2012

License Expiration: 05/31/2023

Complaint History: 2014025211, closed by Consent Order and payment of \$250.00 civil penalty via Consent Order

This 6-14-21 consumer complaint alleges a negligent service. Respondent shop states they properly use drills on acrylic nails and it is up to the customer to determine whether they do not want a drill to be used in the removal of acrylic nails. The "denting" of her nails could have been caused by the salon that applied the acrylic nails. Negligence actions are not within the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved

44. Case No.: COS- 2021050721

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-15-21 annual inspection revealed the previous owner passed away on 4-13-21 and the shop (according to the regional manager) was now owned by a new person; CORE showed the deceased owner as the current owner. A Notice of Violation was issued for an "unlicensed shop" due to the information of there now being a new owner. The alleged "new owner" states that CORE is correct, the regional manager is misinformed, the alleged "new owner" is still in the process of acquiring the shop and will change the licenses to reflect same once the shop has been acquired. Respondent wishes this matter to be closed based on the above facts.

Recommendation: Closure.

Decision: Approved

45. Case No.: COS- 2021050341

First License Obtained:

12/19/2006

License Expiration:

09/01/2021

Complaint History:

2007066651 & 2007070511, closed with Letter of Warning; 2009020391,200902531 & 2010029641 close with no action; 2013013761, close w/Letter of Instruction; 2013023611, closed with Letter of Warning

This 6-19-21 former student complaint alleges fraud, specifically:

- (1) Student had a medical issue (possible Covid) and was allowed to return to school on 2-10-21; student was given a test on that same day on uncovered subject matter. A test had been postponed for another student with family problems. Student was informed she would have 10 points deducted for not being Covid-positive;
- (2) Due to snow on 2-17-21, school was to be conducted virtually even though the school knew the student was not technologically able to do so;
- (3) Student was told to practice on a PSI kit even though the school had not issued one to the student;
- (4) Student was informed to take a test that the time limit had already expired on; student was deducted 10 points for the test being late;
- (5) Student was berated in front of the other students for a waxing accident; student had to leave the premises. Student informed school she would not be returning to school due to hostile environment.
- (6) Student received a letter from the school that charged student \$4.50 per hour for days missed/charging more than it would have cost to graduate from the school.

Respondent school pertinently states the following regarding to the specific allegations:

- (1) Curriculum/tests are laid out in advance/scheduled in advance. Unapproved leave of absences is deducted 10 points;
- (2) Students are taught how to use their tablets and associated software; student had taken previous exams and workbooks on her tablet using the software further proving student knew how to use same;
- (3) Because the student had missed class, she had not yet received her PSI kit – rather than having her miss hours for the day her educator allowed her to perform what clinicals she could use items from home in order to submit pictures of same and gain credit for hours earned;
- (4) The educator allowed student to go ahead and take the exam and because the student failed the exam making a 60 the 10 points were not deducted;

- (5) The issue was more about the student's aggressive/argumentative behavior to the client and educator regarding the waxing accident; the student was cautioned separately in the financial aid office with a witness present that the situation was inappropriate and not acceptable;
- (6) In the event a student does not submit a leave of absence form with their signature on it along with their documentation, they do not receive a leave of absence. These hours missed during this time are not excused and students are charged a fee of \$4.50 per hour which they have agreed to per their signed contract and their internet notification disclaimer.

Student rebuts that:

- (1) The Christmas discount did not have any contingency of completing the program when it was given; the school proved the evidence in the paperwork that they submitted.
- (2) The \$4.50 per hour fee is for unexcused absences; there is nothing in the documentation stating anything about a leave of absence for a short-term sickness (unless the document has been recently updated).
- (3) During virtual learning, the school instructed student to work on the PSI kit (it was not provided to student although school is still charging for it); school made a hostile learning environment for student by making statements (while showing different makeup styles) that student should not wear certain styles because student was too old.
- (4) Regarding the allegation of being argumentative, student states this is false and there is audio/video recording at the school to review.
- (5) Student makes a new allegation that an inspector needs to come to the school and inspect a potential fire trap (classrooms in the basement of the school).

Contractual matters are outside the scope of the Board's authority.

Recommendation: **Close and refer to fire prevention for an inspection of new allegation.**

Decision: **Approved**

46. Case No.: COS- 2021050351

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint History: **None**

This 6-19-21 consumer complaint alleges skin irritation from a negligent service (with pictures in support) and wants a partial refund; an allegation was also made of a possible unsanitary condition. Inspector went to residence address listed and had to leave a business card; Respondent called inspector and stated she was a cosmetology student and only works on family. A Notice of Violation was not issued.

Recommendation: **Letter of warning (unlicensed individual activity) and flag.**

Decision: **Approved**

47. Case No.: COS- 2021050741

First License Obtained: 10/16/2020
License Expiration: 09/01/2021
Complaint History: None

This 6-21-21 anonymous student complaint alleges:

A new classroom does not have a sink/running water and developed an eye infection from a facial; and

Anonymous student is dyslexic and school is offering tutoring for an extra price – a possible ADA violation.

Inspection revealed some correctible unsanitary conditions, but a Notice of Violation was not issued. Respondent owner believes the sink/running water issue is to be brought in front of the Executive Director/Board at a future board meeting; however, further research indicates the only issue to be brought up at the August 2, 2021 Board Meeting is an expansion of a theory-only classroom which does not require hot/cold running water. Potential ADA violations are outside the scope of the Board’s authority.

Recommendation: Closure.

Decision: Approved

48. Case No.: COS-2021051541

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

This 6-23-21 consumer complaint alleges unlicensed individual activity with social media in support. Inspection revealed Respondent was unlicensed, but had not performed services in months and was now employed in another occupation. Inspector did not observe any services being performed; counselled Respondent on the necessity of being licensed should she perform cosmetology in the future. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed individual).

Decision: Approved

49. Case No.: COS- 2021051581

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

This 6-23-21 consumer complaint alleges unlicensed individual activity. Inspector went to address listed, which was an office building. No signage was seen or services being performed was observed. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

50. Case No.: COS- 2021051741

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

This 6-24-21 consumer complaint alleges Respondent shop is unlicensed. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

51. Case No.: COS- 2021051841

First License Obtained: 04/20/2015

License Expiration: 03/31/2023

Complaint History: None

This 6-24-21 employee complaint alleges an unsanitary condition. Inspection revealed some of the evidence that was alleged; owner stated they have hired a company to correct the unsanitary condition but has not occurred yet. A Notice of Violation was not issued.

Recommendation: Letter of warning (unsanitary condition) and re-inspect.

Decision: Approved

52. Case No.: COS- 2021051881

First License Obtained: 10/18/2019

License Expiration: 10/31/2021

Complaint History: None

This 6-24-21 consumer complaint alleges an employee did not wash their hands nor sanitize their station before starting a service, dissatisfaction with a performed service, and a minor performing nail services. Respondent states all persons in the shop are licensed and provided the cosmetology licenses numbers for said persons.

Recommendation: Close and inspect for unsanitary conditions/licensed employees.

Decision: Approved

53. Case No.: COS- 2021052941

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 6-30-21 consumer complaint alleges unlicensed individual activity with social media in support. Inspection revealed Respondent was new to town and was not operating a salon suite; Respondent had done some hair braiding on occasion. Inspector counselled Respondent on education/registering as a hair braider. A Notice of Violation was not issued.

Recommendation: Letter of warning (hair braid certification/registration).

Decision: Approved

54. Case No.: COS- 2021053141

First License Obtained: 03/08/2017

License Expiration: 03/31/2023

Complaint History: None

This 7-1-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved

55. Case No.: COS- 2021053101

First License Obtained: N/A

License Expiration: N/A
Complaint History: None

This 7-1-21 consumer complaint alleges unlicensed activity with social media in support. Inspection revealed signage outside; shop was closed and inspector left a card. Respondent never called back; CORE did not reveal an active shop license. A Notice of Violation was not issued.

Recommendation: Letter of warning (unlicensed individual/shop) and re-inspect.
Decision: Approved

56. Case No.: COS-2021053551

First License Obtained: 09/19/2019
License Expiration: 09/30/2021
Complaint History: None

This 7-2-21 consumer complaint alleges unprofessional conduct and unlicensed activity. Inspection revealed no evidence to substantiate the allegations; however, inspector did counsel shop personnel that a sanitation certificate needs to be obtained for the services provided. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Approved

57. Case No.: COS- 2021053801

First License Obtained: 07/23/2013
License Expiration: 07/31/2021
Complaint History: None

This 7-7-21 consumer complaint alleges an unlicensed shop with social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Approved

58. Case No.: COS- 2021053941

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

This 7-8-21 consumer complaint alleges unlicensed activity. Inspector went to address listed and was unable to access the property due to a fence. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).
Decision: Approved

59. Case No.: COS- 2021054031

First License Obtained: 05/25/2016
License Expiration: 05/31/2022
Complaint History: 2018025061, closed with no action; 2018066211, closure

This 7-8-21 annual inspection revealed an expired shop license (expiration 5-31-20). A Notice of Violation was issued. The shop license has since been renewed through 5-31-22.

Recommendation: Letter of warning (expired shop license).
Decision: Approved

60. Case No.: COS- 2021054051

First License Obtained: 08/14/2001
License Expiration: 08/31/2023
Complaint History: None

Please see fact pattern for Item #59 above. This Respondent is the owner of the shop. This would be a duplicitous penalty against the shop and its owner.

Recommendation: Closure.
Decision: Approved

61. Case No.: COS- 2021054011

First License Obtained: N/A
License Expiration: N/A
Complaint History: 2021023001, closure

This 7-9-21 consumer complaint alleges unlicensed activity and unprofessional conduct. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.
Decision: Approved

BARBER CASES

62. Case No.: BAR- 2021047061

First License Obtained: 02/10/2020
License Expiration: 02/28/2022
Complaint History: None

This 6-4-21 annual inspection revealed unsanitary conditions regarding hair clippings on the floor and unclean tools. A Notice of Violation was issued to the Respondent designated manager, who is requesting a hearing on the matter for unspecified reasons.

Recommendation: Letter of warning (unsanitary conditions).
Decision: Approved

63. Case No.: BAR- 2021050591

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

This 6-21-21 complaint alleges an unlicensed activity from an unlicensed shop. Inspection revealed a barber shop sign in the window and a barber chair outside the structure; no performance of services was observed. Inspector contacted owner, who stated the shop is a man cave. Inspector counselled owner on the need to have an individual/shop license in order to perform services. A Notice of Violation was not issued.

Recommendation: Close and flag.
Decision: Approved

RE-PRESENTS

64. Case No.: COS-2021002911

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

This matter was previously presented to the Board at its April 5, 2021 meeting as follows: *This 1-7-21 annual inspection revealed an unlicensed shop. A Notice of Violation was issued. A new shop license has yet to be procured.*

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

Decision: Approved

Update: Inspector noted on 6-25-21 that shop was now empty.

New Recommendation: Closure.

Decision: Approved

65. Case No.: COS-2021022641

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its June 7, 2021 meeting as follows: *This 3-23-21 consumer complaint alleges a negligent service. Inspection revealed an unlicensed shop. 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.

Update: This Respondent was already assessed a civil penalty for an unlicensed shop regarding a 2-23-21 Notice of Violation; the present Notice of Violation is for the same unlicensed shop, but one month later. This would be a duplicitous penalty.

New Recommendation: Closure.

Decision: Approved

66. Case No.: COS-2017071231

First License Obtained: 09/14/2011

License Expiration: 09/30/2021

Complaint History: None

This matter was previously presented to the Board at its November 6, 2017 meeting where the Respondent's license was summarily suspension pursuant to Tennessee Code Annotated sections 4-5-320(c) and (d)(1)(A) as the Respondent was indicted on August 9, 2017 by the Grand Jury on two counts of sexual battery which is a Class Felony.

Update: The sentencing hearing has been continued several times over the last 12 months.

Recommendation: Place in Litigation Monitoring. When sentenced, take out of litigation monitoring. Authorize formal hearing for revocation. Authorize settlement by consent order for the voluntary revocation of individual license.

Decision: Approved

67. Case No.: COS- 2021034521

First License Obtained: 06/26/2020

License Expiration: 09/01/2021

Complaint History: None

This matter was previously presented to the Board at its June 7, 2021 meeting as follows: *This 4-27-21 anonymous complaint alleges a licensed instructor is not on the premises at all times while the Respondent school is operating. Respondent states a junior instructor was present at the stated times. Inspection revealed only a junior instructor was present; Respondent owner/licensed*

instructor was contacted and counselled regarding the violation of the statute for same. 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.

Update: Respondent sent a letter, through her attorney, that stated she was never out-of-town on vacation as alleged by the anonymous complainant. Further, when the inspector came to the school for follow-up of the anonymous complaint, Respondent was at home (but available through computer meeting) quarantining with a Covid-positive child.

New Recommendation: Letter of Instruction (licensed instructor to be present on the premises when classes are being taught).

Decision: Approved

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

Summary Suspension – Last Minute Cuts licenses #92 & #29

Litigating attorney for the board, Michael Underhill, submitted a notice of summary suspension of Last Minute Cuts, Cosmetology School License #92, and Barber School License #29 on August 2, 2021. He explained the process to the board along with the detail of the charges, the response received after the board meeting started and facts for the board to act on.

Motion made by Frank Gambuzza and seconded by Monica Lemon to approve summary suspension and not allow students to test. The board approved the summary suspension by roll call vote unanimously.

Rule Updates

Legal counsel for the board, Hugh Cross, presented draft redline rules for the barber apprenticeship requirement and the barber instructor hours. Both updates presented are to be in compliance with law changes and have the rules match the law.

The board approved the summary suspension by roll call vote unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for: Brittany County, Jessica Morris and Teneka Rogers. 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.

Ms. County was approved prior to the board meeting based on previous board approval giving the director permission to complete the agreed order process and not delay individuals from joining the industry.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve application for examination with a signed Agreed Order. The motion carried by unanimous roll call vote.

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. Tiffany Hart provided an explanation that because of COVID19 the shop she was going to work at closed. She passed the practical exam on 2/26/2020.

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

APPLICATIONS FOR RECIPROCIITY-

No reciprocity applications were presented.

MISCELLANOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request by Mr. Adam Clark to accept his bachelor's in education degree and waive the 300 instructor hours. Mr. Clark is a licensed cosmetologist since 1998. He provided his college transcript showing more teaching methodologies and much more. He would still be required to pass both theory and practical exams.

MOTION made by Mona Sappenfield and seconded by Judy McAllister to table the request until the next Board meeting. The board asked legal counsel, Hugh Cross, to research the laws and rules further before they approve.

Request to accept continued education hours completed late by Ms. Debbie Fletcher Dalton. Ms. Fletcher Dalton is a licensed master barber instructor as well as a cosmetology instructor. The two separate instructor licenses ran into a problem in 2015 when she attended a session in July and the cosmetology instructor mandatory requirement was needed by June 30. She completed 16 hours of approved continued education not running into an issue until she moved to doing them on odd years during the summer. In 2015 she lost the instructor designation for her cosmetology license. She would like the reinstatement exams waived so she can use both her instructor licenses.

MOTION made by Patricia Parsons and seconded by Frank Gambuzza to approve request. The motion carried by unanimous roll call vote.

Request to consider all aesthetics hours completed by Ms. Laquita Hughes. Ms. Hughes completed the declaration of hours completed and states she attended Tennessee Academy of Cosmetology starting in October 2014 through the end of 2015. Office records for this closed school only show her through July 2015 with a final number of 556 hours. Ms. Hughes provided a letter explaining her situation, that she owed the school money and had health concerns. At this time she would like permission to test.

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

Request for approval of cosmetology license for Jenny Lam. Ms. Lam was licensed by reciprocity from Texas in 2011. That license was revoked in April 2013 for failure to obtain licensure as the statute requires. Since then she attended a school in Tennessee and passed both exams by April 2021.

MOTION made by Monica Lemons and seconded by Patricia Parsons to approve the license. The motion carried by unanimous roll call vote.

DIRECTOR'S REPORT:

The financial numbers through May 2021 were presented. The last three months had a surplus leaving the year-to-date net surplus at \$13,197. The fiscal year should close with a surplus and final numbers available by the October meeting.

NEW BUSINESS:

The Rule changes from June 2021 added specific equipment to the specialty schools. As a result of those changes, new school inspection forms were approved by General Services. All five specific school types have their own form. The board reviewed the new fillable forms.

MOTION made by Patricia Parsons and seconded by Monica Lemons to approve the new forms. The motion carried by unanimous roll call vote.

Additional Questions:

Motion to adjourn

Meeting adjourned at 1:10.

MOTION to adjourn made by Patricia Parsons and seconded by Judy McAllister to adjourn the meeting.