



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

## **MINUTES**

The State Board of Cosmetology and Barber Examiners held a meeting December 6, 2021 at 9:00 a.m. in person in Room 1A and via WebEx.

The Meeting was called to order by Chairman Ron Gillihan.

Chairman Ron Gillihan welcomed everyone to the Board meeting.

Roxana Gumucio, Executive Director, called roll. The following members participated: John Cagle, Ron Gillihan, Monica Lemons, Judy McAllister, Patricia Parsons, Janie Ross, Becky Russell, Mona Sappenfield and Amy Tanksley. Participating telephonically: Yvette Granger.

Not available: Anita Charlton and Frank Gambuzza

Other participants: Roxana Gumucio, Executive Director; Hugh Cross, Attorney for the Board; and Betty Demonbreun, Administrative Assistant.

### **MINUTES-**

Minutes for the August 2021 board meetings were submitted for changes and/or approval.

Motion made by Mona Sappenfield and seconded by Patricia Parsons to approve the August 2021 minutes. The motion carried unanimously.

### **PRESENTED BEFORE THE BOARD-**

#### **Master Educators Academy – New Specialty Instructor School**

Ms. Ameerah Jones participated to answer questions for the Board. The school application was presented at the August board meeting and the members asked for several updates. The revisions were all received timely. The Board requested clarification to the refund policy.

MOTION made by John Cagle and seconded by Patricia Parsons to approve the new school pending updated documents and an inspection by a field inspector and board member. The motion carried unanimously.

### **Mid-South Cosmetology and Barber Association – New Barber Apprenticeship School**

Ms. Shadonna Banks participated to answer questions for the Board. The school is currently already licensed as a cosmetology school 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 Yvette Granger to deny and re-present at the February board meeting. The motion carried unanimously.

### **DCI Academy of Cosmetology – School Extension**

Ms. Destiny Cox participated to answer questions for the Board. The school is in Memphis. The school is adding more classroom space within the same complex. None of this impacts the services offered to the public.

MOTION made by John Cagle and seconded by Mona Sappenfield to approve the extension. The motion carried unanimously.

### **Blossom Nail Academy – New Specialty Manicure School**

Ms. Be Nguyen 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 school plans to be apprenticeship only. The Board requested several updates and corrections.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons to deny and re-present at the February board meeting. The motion carried unanimously.

### **K.O. Barber Academy – New Barber School**

Mr. Robert Johnson participated to answer questions for the Board. The school is 1,600 sq. ft. and located in Morristown. The new school application, curriculum, blank enrollment agreement, catalog, floor plan, and contingency plan were all received timely.

MOTION made by John Cagle and seconded by Monica Lemons to approve the new school pending an inspection by a field inspector and board member. The motion carried unanimously.

### **Highland Styling Academy – Change in Location**

Ms. Jean Meyer participated to answer questions for the Board. The school is in Chattanooga. The application and new floor plan were received timely.

MOTION made by Mona Sappenfield and seconded by John Cagle to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

### **Tristar Beauty Academy – New Specialty Aesthetics School**

Ms. Tricia Reutebuch participated to answer questions for the Board. The school is in Goodlettsville. 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 approve the new school pending required updates and an inspection by a field inspector and board member. The motion carried unanimously.

### **Center Stage Beauty Academy – Change in Location**

Ms. Amber Belt and Ms. Tiffany Lynch were not able to participate virtually. The school is in Knoxville. The application and new floor plan were received timely.

MOTION made by Mona Sappenfield and seconded by Patricia Parsons to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

### **P.P.G. Academy of Artistry, LLC – New Cosmetology School**

Ms. Anjanae Burns participated to answer questions for the Board. The school application was presented at the August board meeting and the members asked for several updates. The Board requested additional changes and corrections.

MOTION made by John Cagle and seconded by Janie Ross to deny and re-present at the February board meeting. The motion carried unanimously.

## **Trotter Luster Academy – New Specialty Natural Hair Styling School**

Ms. Tomika Lisenby and Ms. Nicole Trotter were not able to participate virtually. The school is in Clarksville. The new school application, curriculum, blank enrollment agreement, floor plan, catalog and contingency plan were all received timely.

MOTION made by Becky Russell and seconded by John Cagle to approve the new school pending required updates and an inspection by a field inspector and board member. The motion carried unanimously.

### **2022 Continued Education Seminar Requests:**

The University of Tennessee, Knoxville UT Conference Center submitted the information for the instructor continuing education seminar. They are requesting to have the session on Sunday, July 17 and Monday, July 18, 2022. The session is planned to be in person.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve the 2022 session and requested dates. Motion carried unanimously.

The Educator's Success sessions: Ms. Stephanie Brown submitted the information for the instructor continuing education seminar for three (3) virtual sessions: March 6 and 7, June 5 and 6 and October 23 and 24, 2022.

Motion made by John Cagle and seconded by Judy McAllister to approve the 2022 session and requested dates. Motion carried unanimously.

PBC Inc. session: Ms. Pearl Walker and Ms. Celeste Harris submitted their information for the instructor continuing education seminar on September 18 and 19, 2022.

Motion made by Patricia Parson and seconded by Yvette Granger to approve the 2022 session and requested dates. Motion carried unanimously.

Making of a Master, KINCC Education Group: Ms. Kimberly Anderson submitted the information for the instructor continuing education seminar for a total of five (5) sessions.

Four (4) virtual sessions: January 22 and 23, July 23 and 24, August 20 and 21, and October 1 and 2, 2022.

One in person session at Paul Mitchell in Memphis on June 12 and 13, 2022.

Motion made by Patricia Parsons and seconded by Judy McAllister to approve the 2022 session and requested dates. Motion carried unanimously.

#### **APPLICATIONS FOR EXAMINATION-**

Applications for examination for: Frederick Alexander, Marcel Armstrong, Isaiah Blue, Christopher Branch, Virgil Casteel, Kermitt Craig, Brittany Fields, Kevin Forman, Brennan Jones, Dimecos Jones, Ladarius Lockhart, Elvis Marsh, DeAngelo Norton, Tyrone Owens, Tut Tut and Deleveuntaye Williams. The applicants have felonies within the last three (3) 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 (2) years as prepared by legal counsel.

Motion made by Amy Tanksley and seconded by Patricia Parsons to approve applications for examination with a signed Agreed Order. The motion carried unanimously.

Request from Ms. Ashlee Austin for her hours taken while in High School between 2007 and 2008. The school never submitted a transfer release form from Franklin County High School. Reports more than ten (10) years old are no longer kept by the Division. The current instructor was not comfortable preparing the form to release the hours but could confirm 1,215 hours were done. Ms. Austin has 372 from Coffee County.

Motion made by John Cagle and seconded by Amy Tanksley to approve the hours and approve Ms. Austin for examination. The motion carried unanimously.

#### **APPLICATIONS FOR RECIPROCITY-**

Application for reciprocity of cosmetology license from Florida for Sally Green. Certification shows initial license was issued in August 2016 with 1,200 hours and no practical exam. Ms. Green provided a written explanation that she cannot submit proof of work experience for a full year but that she an experienced stylist. She completed her education in 2009 and had a license in 2010 but because it expired the past license history could not be pulled.

Recommendation – Ms. Green was required to pass the practical exam. This request was approved by the Director given the October meeting was canceled.

MOTION made by Amy Tanksley and seconded by Judy McAllister to confirm the Director's decision. The motion carried unanimously.

Application for reciprocity of cosmetology instructor credentials from New York for Tammy Lawrence. Ms. Lawrence received her cosmetology license via reciprocity from New York on September 10, 2021. She requested the instructor education be accepted. She provided proof of work experience teaching since 2009 along with the transcript. New York does not separately license instructors.

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

MOTION made by Patricia Parsons and seconded by Mona Sappenfield to approve recommendation. The motion carried unanimously.

Application for reciprocity of manicurist license from Florida and North Carolina for Kelly Director. Certification shows initial license in Florida was issued in 1990 with 240 hours and no exams. She obtained her North Carolina license in 2008 and they did not require her to test. Ms. Director requested both exams be waived since this has been her career for 30 years.

Recommendation – approve applicant for reciprocity.

MOTION made by Judy McAllister and seconded by Amy Tanksley to approve recommendation. The motion carried unanimously.

Application for reciprocity of manicure license from Texas for Duy Vo. Certification shows initial license was issued in August 2004 with 600 hours and both exams. The school Mr. Vo attended is one of the nine (9) Texas schools that had disciplinary issues and the Board decided to not accept those hours. Mr. Vo provided a letter explaining his move to Tennessee and that he has been in the industry for 18 years. His education is before the audit period and disciplinary concerns.

Recommendation – approve applicant for reciprocity.

MOTION made by Amy Tanksley and seconded by Patricia Parsons to approve recommendation. The motion carried unanimously.

## **MISCELLANEOUS REQUESTS –**

### **Request for Waivers, Reconsiderations and Extensions:**

Request by Mr. Adam Clark to accept his bachelor's in education and master's degree and waive the 300 instructor hours. Mr. Clark is a licensed cosmetologist since 1998. His request along with

supporting documents were presented at the August 2021 board meeting. He would still be required to pass both theory and practical exams. The Board asked legal counsel to research the statute to make sure they had the authority to approve such a request. The research was presented to the Board.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve the request and submit Mr. Clark for the instructor exams. Motion carried unanimously.

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 (6) months but for only up to a year and for good cause. Ms. Tierra LeBeauf provided an explanation that she attempted repeatedly to get copies of her passing scores and never received them. She passed the practical exam on March 4, 2020. This request was approved by the Director given the October meeting was canceled.

MOTION made by John Cagle and seconded by Judy McAllister to confirm the Director's decision and approve the license. The motion carried unanimously.

#### **NEW BUSINESS:**

The Cosmetology and Barber Examiners Board had a sunset hearing on September 15, 2021. Chairman Ron Gillihan, the Director, Legal Counsel and the Assistant Commissioner, Alex Martin, all attended the hearing. The board was approved to continue for six (6) more years which sets the next sunset as June 30, 2028.

#### **LEGAL REPORT- STAFF ATTORNEY**

Attorney Michael Underhill presented the legal report and made recommendations. The State Board of Cosmetology and Barber Examiners met to review the allegations of 142 complaints:

#### **COSMETOLOGY CASES**

**1. Case No.: COS- 2021046161**

**First License Obtained:** 04/28/2014

**License Expiration:** 03/31/2020

**Complaint History:** None

This 6-4-21 annual inspection revealed an expired shop license (expiration 3-31-20) and failure of responsibilities for the designated manager for same. A Notice of Violation was issued. The shop license remains expired.

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

**Decision:** Approved

**2. Case No.: COS- 2021046181**

**First License Obtained:** 01/21/2010

**License Expiration:** 01/31/2022

**Complaint History:** None

Please see fact pattern for Item #1 above. This Respondent is the designated manager cited for failure of responsibilities.

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

**Decision:** Approved

**3. Case No.: COS- 2021048641**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 6-10-21 annual inspection revealed a new owner/new shop name, and thus, an unlicensed shop. A Notice of Violation was issued. Respondent shop owner paid the civil penalty by agreed citation (on his personal name as owner) received by the department on August 20, 2021.

**Recommendation:** Closure.

**Decision:** Approved

**4. Case No.: COS- 2021049591**

**First License Obtained:** 01/23/2014

**License Expiration:** 01/31/2020

**Complaint History:** None

This 6-11-21 annual inspection revealed an expired shop license (expiration 1-31-20) and no owner or manager present. A Notice of Violation was issued. The shop license remains expired.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$600.00.

**Decision:** Approved

**5. Case No.: COS- 2021048241**

**First License Obtained:** 03/12/2021

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

**Complaint History:** None

This 6-13-21 consumer complaint alleges false imprisonment/assault due to dissatisfaction with a service that led to the involvement of the local police. This complaint mirrors one that was from the 8-2-21 legal report (against the shop/owner) and which was closed with a letter of warning for unprofessional conduct. Further, the complaint does not state with specificity what the named Respondent did that warranted this specific complaint against this specific Respondent.

**Recommendation:** Closure.

**Decision:** Approved

**6. Case No.: COS- 2021051471**

**First License Obtained:** 06/11/1999

**License Expiration:** 06/30/2017



**Complaint History:** None

A 6-18-21 annual inspection revealed Respondent was practicing on an expired license (expiration 6-30-17). A Notice of Violation was issued. The license remains expired.

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

**Decision:** Approved

**7. Case No.:** COS- 2021052931

**First License Obtained:** 08/17/2021

**License Expiration:** 08/31/2023

**Complaint History:** None

This 6-30-21 competitor complaint alleges unlicensed activity with alleged social media in support. Inspection revealed no direct evidence to substantiate the complaint; however, Respondent cosmetology student was counseled on individual and shop licensure for the future.

**Recommendation:** Closure.

**Decision:** Approved

**8. Case No.:** COS- 2021054001

**First License Obtained:** 04/06/2011

**License Expiration:** 04/30/2023

**Complaint History:** 2019051851, closed by Agreed Citation and payment of \$100.00 civil penalty

This 7-8-21 re-inspection revealed owner/manager working without a nametag as well as an ultraviolet sanitizer that was not working. A Letter of Warning was sent on the nametag issue.

**Recommendation:** Letter of Warning (ultraviolet sanitizer offense).

**Decision:** Approved

**9. Case No.:** COS- 2021054231

**First License Obtained:** 07/23/2021

**License Expiration:** 07/31/2023

**Complaint History:** None

This 7-8-21 inspection revealed an unlicensed shop. A Notice of Violation was issued. The shop obtained a cosmetology shop license two weeks later that is now current through 7-31-23.

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

**Decision:** Approved

**10. Case No.:** COS- 2021054181

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 7-10-21 consumer complaint alleges unlicensed activity. Inspector went to address listed, which was a previous address of Respondent, but is no longer. Inspector went to Respondent's work (restaurant) but Respondent was not working that day; inspector left a card for a return telephone call. Respondent never returned the call. Inspector was able to locate some social

media (of services) on Respondent, but it did not list an address. A Notice of Violation was not issued.

**Recommendation:** Close and flag (no address).

**Decision:** Approved

**11. Case No.: COS- 2021054201**

**First License Obtained:** 10/28/2014

**License Expiration:** 09/01/2022

**Complaint History:** 2019075281, closure

This 7-11-21 anonymous complaint alleges an unvaccinated co-owner of the school has Covid and is transmitting it to other staff/students. Respondent school states they are complying with CDC guidelines. The affected co-owner was diagnosed on 7-1-21 and did not return to the school until 7-14-21. The school has since returned to mandatory mask usage inside the school for all students, staff, and clients. Local health department issues are not within the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**12. Case No.: COS-2021054771**

**First License Obtained:** 01/07/2015

**License Expiration:** 01/31/2023

**Complaint History:** None

This 7-14-21 consumer complaint alleges unlicensed individual activity (expired license). Respondent admits her license expired on 1-31-21 and since renewed same through 1-31-23.

**Recommendation:** Letter of warning (expired individual license).

**Decision:** Approved

**13. Case No.: COS- 2021055031**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 7-15-21 anonymous complaint alleges unlicensed activity. Inspection revealed Respondent (cosmetology student) providing services in the shop while unlicensed and not from home for free. 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

**14. Case No.: COS- 2021054931**

**First License Obtained:** 03/16/2017

**License Expiration:** 12/31/2022

**Complaint History:** None

This 7-15-21 consumer complaint alleges unlicensed activity and not distributing cash tips to the stylists. Inspection revealed no evidence of unlicensed activity. A Notice of Violation was not issued. Distribution of tips is outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**15. Case No.:** COS- 2021055101

**First License Obtained:** 11/01/2007

**License Expiration:** 10/31/2021

**Complaint History:** 2017009051, closed by Agreed Citation and payment of \$1,000 civil penalty

This 7-16-21 consumer complaint alleges a dispute over cost of services performed and unprofessional conduct. Respondent states complainant understood the cost associated with the services to be performed, was disrespectful to the employees, and requested a discount. Eventually, complainant did not pay the total price, which initiated a local police matter and which Respondent believes was the genesis of this complaint. Complainant rebuts although prices are stated in writing, they are quoting a different price to her orally, and that is the price she agreed to for the services performed. Pricing/cost issues are outside the scope of the Board's authority.

**Recommendation:** Letter of warning (unprofessional conduct).

**Decision:** Approved

**16. Case No.:** COS- 2021055091

**First License Obtained:** 06/26/2020

**License Expiration:** 09/01/2022

**Complaint History:** 2021034521, closed with Letter of Warning

This 7-16-21 former student complaint alleges the following about the Respondent school:

- a. Students were required to take laundry home each clinic day.
- b. There were 6 workstations for seven-plus students.
- c. Insufficient instructional floor space.
- d. Two open laundry baskets in the back for soiled towels/wraps/robes.
- e. School did not provide dry sanitary compartments at student stations.
- f. Students were not instructed on facial steamer operation.
- g. There was no light-based device for hair removal/skin enhancement.
- h. No instruction was provided on laser or IPL treatment.
- i. There was no electronic brushing device/sonic brushing device.
- j. No instruction was provided on electronic brushing device/sonic brushing device.
- k. School did not provide aesthetic kits, only cleanser/toner/mask/moisturizers.
- l. No instruction was provided on product ingredients, only in-house products.
- m. School's sole focus is eyelash extensions; no instruction was provided for certain body waxing, galvanic, laser hair removal, body scrubs/facials/wraps and the majority of advanced treatments.
- n. School teaches unnecessary spray tanning.
- o. School makes students take clients before 150 hours.

- p. School makes students switch from full-time to apprentice mid-program.
- q. Students serviced clients without an instructor present.
- r. School offered decreased tuition to students who would work in owner's shops after graduation.
- s. School rushed students to finish their hours so next student could start the program.
- t. School offered little to no instruction to prepare students for either state board examination.

Respondent school replies as follows:

- a. Laundry facilities were not required at inspection; laundry "may" be performed on the premises.
- b. Students on clinic floor were provided with a station to perform services at all times. Straight back chairs were provided for each student; there are 10 chairs.
- c. Desks/table were arranged on lecture days – scheduled on different days than clinic days. Eight students were never lectured in separate, smaller room. This separate space was available for multipurpose uses such as spray tans, waxing, or private study if a student did not have a client in clinic.
- d. The original closed hamper was worn out and replaced in a timely fashion – soiled linens are placed in the closed hamper.
- e. Each station has a dry UV sterilizer and a sharps container.
- f. The school is equipped with two facial steamers; due to Covid, they were not used in clinic. Steamers were reviewed in the facial machines chapter.
- g. The program is not a medical or advanced aesthetics program. It is also a specialty aesthetics program which can be exempt from excessive costly equipment. The advanced facial technology chapter was lectured on. The school has a machine that has four LED-colored lights for treatments.
- h. Please see answer above.
- i. Per the initial inspection, a facial brush is available in the student clinic and was reviewed in the facial chapter.
- j. Please see the answer above.
- k. Each student was provided a product kit of the listed required full-size products as well as disposable supplies; in addition, each student was provided a skateboard kit at the expense of the school.
- l. Please see the answer below.
- m. A lash class was given as part of the program as stated in the student curriculum presented to the Board. Students were given the option to purchase a lash kit. If they did not wish to, they were offered to borrow the tools needed from the school. If the student chose to

purchase a kit, it was billed separately from tuition at the cost of its contents. Students were not charged for the lash class itself. All curriculum in the milady text as well as the curriculum presented to the board was covered as part of the program. Brazilian wax was not done as a live demonstration due to the private nature of the service. Body waxing, sugar hair removal, spray tans, make-up and several other additional services not offered at the Skin and Brow shops were covered and outside professionals were brought in who specialize in these high demand services at the expense of the school. The advanced skincare technology chapter was covered as part of the program. Students who personally wanted spray tans were asked to pay for the overhead of the cost of the spray tan solution.

- n. Please see answer above.
- o. Outside volunteers came when students were unable to procure their own practice models at no charge to the model. No community clients were taken prior to a student's 150 hours.
- p. Students who were offered apprentice options signed the appropriate contract.
- q. This issue was addressed on a recent inspection from a similar complaint on the last legal report.
- r. It was a business decision to offer tuition credit as well as gainful employment for those students who struggled financially or showed exceptional aesthetics skills and professionalism.
- s. Students were expected to stay on point with their hours a minimum of 30 each week for full-time per each individual student's signed contract.
- t. State board prep was offered routinely for each student close to testing dates; if students did not attend those days, it was their personal choice.

Respondent provided an evaluation form (no name given on the evaluation) where complainant allegedly gave the school high marks.

**Recommendation: Closure.**

**Decision: Approved**

**17. Case No.: COS- 2021055461**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 7-20-21 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed Respondent is a receptionist at a salon and was not observed performing a service on a client. Respondent is a cosmetology student who is about to graduate. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**18. Case No.: COS- 2021056041**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 7-22-21 consumer complaint alleges negligence, unsanitary conditions, and unlicensed activity. Inspector went to apartment address listed in complaint and could not make contact with the Respondent; left a card on the door. Respondent called inspector back and denied providing services from the apartment. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**19. Case No.: COS- 2021056241**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 7-23-21 alleges unlicensed individual activity from an unlicensed shop. Inspector went to address listed, and it was locked; inspector left a card on the door. Respondent called inspector back – Respondent is a student performing cosmetology at a wedding store. Respondent was counseled regarding having an individual license and a shop license to practice in current situation. Respondent assured inspector she would cease operations. A Notice of Violation was not issued.

**Recommendation: Letter of warning (individual/shop licenses).**

**Decision: Approved**

**20. Case No.: COS- 2021056391**

**First License Obtained:** 02/14/2020

**License Expiration:** 02/28/2022

**Complaint History:** None

This 7-26-21 anonymous complaint alleges deceptive advertising and a negligent service. Respondent states Complainant told Respondent that Complainant’s hair extension/coloring persons refuse to cut Complaint’s hair since Complainant is “picky;” Respondent knew then that Complainant would be a “problem client.” Complainant told Respondent that Complainant loved her hair/service and tipped the Respondent; the next day, Complainant texted Respondent to state Complainant’s hair was ruined and hated it. Complainant rebuts Respondent failed to listen to Complainant as to what Complainant wanted done or look at any pictures of what the Complainant wanted done. Negligence actions are outside the scope of the Board’s authority.

**Recommendation: Closure.**

**Decision: Approved**

**21. Case No.: COS- 2021056471**

**First License Obtained:** 03/10/2011

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

**Complaint History:** None

This 7-27-21 consumer complaint alleges Respondent is practicing on an expired license. Inspection revealed Respondent renewed her license on 7-28-21. A Notice of Violation was not issued.

**Recommendation:** Letter of warning (expired individual license).

**Decision:** Approved

**22. Case No.: COS- 2021056561**

**First License Obtained:** 07/22/2013

**License Expiration:** 07/31/2021

**Complaint History:** 2016014371, closed and sent an inspector to observe pedicure practices

This 7-27-21 consumer complaint alleges the Respondent shop not being licensed in the proper name. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**23. Case No.: COS- 2021056761**

**First License Obtained:** 07/29/2021

**License Expiration:** 07/31/2023

**Complaint History:** None

This 7-28-21 consumer complaint alleges embezzlement for charging a cancellation fee when complainant did not cancel an appointment. Respondent states she tried to find out why the booking site charged Complainant a cancellation fee but has yet to be successful. Criminal matters are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**24. Case No.: COS- 2021057141**

**First License Obtained:** 01/25/2007

**License Expiration:** 01/31/2023

**Complaint History:** None

This 7-29-21 alleges a negligent service with pictures in support. Respondent states the service was not negligent, the client was satisfied and did not claim dissatisfaction at the time of the service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**25. Case No.: COS- 2021057321**

**First License Obtained:** 04/09/2013

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

**Complaint History:** 2019013861, closed by Agreed Citation and payment of \$100.00 civil penalty

This 7-30-21 consumer complaint alleges a negligent service. Respondent shop states they do not recall this issue occurring with a customer but are willing to rectify the issue. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**26. Case No.: COS-2021057881**

**First License Obtained:** 10/27/2015

**License Expiration:** 10/31/2021

**Complaint History:** None

This 8-3-21 family member complaint alleges unlicensed individual activity from an unlicensed home shop. Inspector went to address listed and could not make personal contact; left a card on the door. Received return call from Respondent – she only does hair braiding at the home. Inspector counseled Respondent on proper licensure if cosmetology services are rendered in the future. A Notice of Violation was not issued.

**Recommendation:** Letter of warning (hair braiding certificate/shop license).

**Decision:** Approved

**27. Case No.: COS-2021058021**

**First License Obtained:** 07/06/2018

**License Expiration:** 07/31/2022

**Complaint History:** None

This 8-4-21 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed home shop with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure (no evidence).

**Decision:** Approved

**28. Case No.: COS-2021058191**

**First License Obtained:** 04/17/2020

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-5-21 consumer complaint alleges unlicensed individual activity from an unlicensed home shop. Inspector went to address listed and could not make personal contact; left a card on the door. Received return call from Respondent – she only does hair braiding. Respondent provided copies of her sanitation certificate and state-issued hair braider card. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**29. Case No.: COS-2021058171**

**First License Obtained:** 11/13/2017

**License Expiration:** 11/30/2021



**Complaint History:**

**2019057251, Closure with request proof that animal is service dog for our records within 30 days. Respondent provided requested proof**

This 8-5-21 competitor complaint alleges Respondent salon refused to refund booth rental deposit and rent for booth complainant was not allowed to use. Respondent did not address the booth rental deposit but did state any unused rent was refunded to the complainant. General sessions matters are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Approved**

**30. Case No.: COS-2021058351**

**First License Obtained: 09/25/2020**

**License Expiration: 09/30/2022**

**Complaint History: None**

This 8-6-21 alleges unprofessional behavior and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**31. Case No.: COS- 2021058411**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 8-6-21 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**32. Case No.: COS-2021058371**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

This 8-6-21 consumer complaint alleges unlicensed individual activity from an unlicensed shop with alleged social media in support. Inspector went to address listed; Respondent denied practicing cosmetology. There was no further evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Letter of warning (individual/shop licenses) and flag (see below – multiple complaints).**

**Decision: Approved**

**33. Case No.: COS-2021058381**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint History: None**

Please see fact pattern for Item #32 above. This 8-10-21 consumer complaint alleged the same facts as above. Same inspection above covered this second, identical complaint.

**Recommendation:** Closure.

**Decision:** Approved

**34. Case No.: COS- 2021058781**

**First License Obtained:** 07/16/2015

**License Expiration:** 07/31/2023

**Complaint History:** 2021045021, closed by Agreed Citation and payment of \$2,500 civil penalty

This 8-9-21 inspection revealed Respondent designated manager allowed an inspection sheet not displayed in the shop and for failure of responsibilities. A Notice of Violation was issued.

**Recommendation:** Letter of warning (inspection sheet not displayed).

**Decision:** Approved

**35. Case No.: COS- 2021058811**

**First License Obtained:** 06/17/2020

**License Expiration:** 05/31/2022

**Complaint History:** None

This 8-10-21 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

**36. Case No.: COS- 2021058911**

**First License Obtained:** 04/21/2015

**License Expiration:** 03/31/2022

**Complaint History:** None

This 8-11-21 consumer complaint alleges unlicensed laser removal activity. Respondent states no cosmetology law has been broken.

**Recommendation:** Closure.

**Decision:** Approved

**37. Case No.: COS- 2021059061**

**First License Obtained:** 03/10/1993

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-12-21 anonymous complaint alleges an unlicensed home shop. Inspector went to address listed and met with Respondent; Respondent did not allow the inspector in the home due to health concerns. Inspector did not see any customers at the residence. Respondent states she had stopped providing services and is in the process of obtaining a shop license for the home. Respondent was counseled for same. A Notice of Violation was not issued.

**Recommendation:** Letter of warning (shop license.)

**Decision:** Approved

**38. Case No.: COS- 2021059461**

**First License Obtained:** 01/08/2021

**License Expiration:** 12/31/2022

**Complaint History:** None

This 8-15-21 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**39. Case No.: COS- 2021059481**

**First License Obtained:** 02/11/2004

**License Expiration:** 01/31/2022

**Complaint History:** None

This 8-16-21 complaint alleges unlicensed shop activity. Inspection revealed a closed shop but was advertising openings for a stylist and manager. CORE shows the shop is closed; however, inspector included pictures of an ongoing operation inside of a mall. A Notice of Violation could not be issued due to these conditions. The shop license now shows an expiration date of 1-31-22.

**Recommendation:** Closure.

**Decision:** Approved

**40. Case No.: COS- 2021059541**

**First License Obtained:** 12/03/1999

**License Expiration:** 02/28/2022

**Complaint History:** 2006025711, closed by Consent Order and paid \$3000 civil penalty; 2006034421, closed with Letter of Warning; 2009005301, closed by Consent Order and paid \$2000 civil penalty; 2011025761, closed by Consent Order and paid \$1000 civil penalty: The above cases were under a former owner. 2014006001, closed with a Letter of Warning and re-inspection; 20150226241, Close. Send an inspector to observe sanitation practices.

This 8-16-21 consumer complaint alleges a negligent service. Respondent was unaware of the client's dissatisfaction with the service and will contact the complainant to see if the issue can be rectified. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**41. Case No.: COS- 2021059801**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 8-16-21 consumer complaint alleges an unlicensed shop. Inspector went to address listed in the complaint; no one answered so a card was left on the door. Inspector saw no signage.

Inspector texted Respondent, but when Respondent found out the texts were about a complaint, Respondent stopped texting with inspector. A Notice of Violation was not issued.

**Recommendation:** Letter of Instruction (personal license/shop license) and flag.

**Decision:** Approved

42. Case No.: COS- 2021060131

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 8-16-21 anonymous consumer complaint alleges unlicensed individual activity from an unlicensed home. Inspection revealed a vacant home. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

43. Case No.: COS- 2021059821

**First License Obtained:** 02/23/2021

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

**Complaint History:** None

This 8-17-21 consumer complaint alleges a negligent service with pictures in support.

Respondent states a general denial of negligence. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

44. Case No.: COS- 2021060351

**First License Obtained:** 09/05/2019

**License Expiration:** 09/30/2021

**Complaint History:** None

This 8-19-21 consumer complaint alleges unsanitary conditions, a negligent service, unprofessional conduct, and unlicensed activity with alleged social media in support. Inspector went to listed address which was a home; no one answered, and a card was left on the door. An unknown female called the inspector back; there are no cosmetology services being performed at the address. A search in CORE shows Respondent has a personal license; lists the same address as the address in the complaint documents.

**Recommendation:** Letter of warning (unprofessional conduct and shop license).

**Decision:** Approved

45. Case No.: COS- 2021060091

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 8-19-21 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**46. Case No.:** COS- 2021057781

**First License Obtained:** 05/03/2017  
**License Expiration:** 05/31/2023  
**Complaint History:** 2017046681, closure; 2018028481, closed,  
2018044351, closure, 2019057751, closure;  
2021026311, closure

This undated, 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

**47. Case No.:** COS-2021057821

**First License Obtained:** 06/22/2018  
**License Expiration:** 05/31/2022  
**Complaint History:** 2019057851, closure; 2021042081, closed by  
Agreed Citation and payment of \$2,100 civil  
penalty

This undated, anonymous complaint alleges unlicensed individual activity. Inspection revealed the previous inspection sheet was not displayed and four employees were not wearing nametags. A Notice of Violation was issued. This is Respondent's second offense for employee's not wearing their nametags.

**Recommendation:** Letter of warning (inspection sheet). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00 (four infractions/ violations).

**Decision:** Approved

**48. Case No.:** COS-2021057841

**First License Obtained:** 05/08/2020  
**License Expiration:** 04/30/2022  
**Complaint History:** 2021026201, closure

This undated, 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

**49. Case No.:** COS-2021055731

**First License Obtained:** 04/01/2015  
**License Expiration:** 02/28/2023  
**Complaint History:** 2015055731, closed by an Agreed Citation and  
payment of \$100.00 civil penalty

This 7-16-21 shop inspection revealed an unlicensed individual practicing and failure of responsibilities on behalf of the owner/manager. 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

**50. Case No.:** COS- 2021055751

**First License Obtained:** 05/26/2005

**License Expiration:** 05/31/2023

**Complaint History:** 2015022311, closed by an Agreed Citation and payment of \$100.00 civil penalty

Please see fact pattern for Item #49 above. This Respondent is the owner/manager of the shop. This would be a duplicitous penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved

**51. Case No.:** COS- 2021057951

**First License Obtained:** 11/22/2011

**License Expiration:** 04/30/2023

**Complaint History:** None

This 8-3-21 annual inspection revealed an expired shop license (expiration 4-30-21). A Notice of Violation was issued. The shop license has since been renewed through 4-30-23.

**Recommendation:** Letter of warning (expired shop license).

**Decision:** Approved

**52. Case No.:** COS- 2021058611

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 8-6-21 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

**53. Case No.:** COS- 2021060261

**First License Obtained:** 04/13/2016

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-19-21 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**54. Case No.:** COS- 2021060271

**First License Obtained:** 04/13/2016

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-19-21 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**55. Case No.:** COS- 2021060381

**First License Obtained:** 04/13/2016

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-20-21 consumer complaint alleges theft of a service deposit and requests a refund. Criminal actions/refunds are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**56. Case No.:** COS- 2021060571

**First License Obtained:** 04/13/2016

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-20-21 consumer complaint alleges a negligent service and fraud. Inspector went to address listed and was unable to make contact; left a card with a young boy who answered the door because Respondent was asleep. Respondent never called inspector back.

**Recommendation:** Letter of warning (unprofessional conduct).

**Decision:** Approved

**57. Case No.:** COS- 2021060581

**First License Obtained:** 04/13/2016

**License Expiration:** 04/30/2022

**Complaint History:** None

This 8-20-21 consumer complaint alleges a negligent service and unsanitary conditions. Inspector attempted to get in contact with Respondent but was unsuccessful; inspector left a card and received no return phone call on the unsanitary conditions complaint. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure (no evidence).

**Decision:** Approved

**58. Case No.:** COS- 2021061021

**First License Obtained:** 02/08/2005

**License Expiration:** 06/30/2023

**Complaint History:** None

This 8-24-21 anonymous complaint alleges Respondent is an unlicensed cosmetology instructor and engaging in unprofessional behavior with students/clients. Inspection revealed Respondent is attending classes to earn hours so he can upgrade his license to an instructor license. No further inspection or other evidence of unprofessional conduct was noted by the inspector. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**59. Case No.:** COS- 2021061071

**First License Obtained:** N/A

**License Expiration:** N/A  
**Complaint History:** None

This 8-24-21 consumer complaint alleges unlicensed individual activity from an unlicensed home with alleged social media in support. Inspection revealed no customers or signage at the home; Respondent stated she does not perform services out of the home. Respondent was counseled on individual/home licensure. A Notice of Violation was not issued.

**Recommendation:** Close and flag.

**Decision:** Approved

**60. Case No.:** COS- 2021061111

**First License Obtained:** 12/16/2009

**License Expiration:** 09/01/2022

**Complaint History:** 2018004191, closure and sent out for inspection; 2019048401, closure with request for inspection; 2020072951, closure

This 8-25-21 complaint alleges unlicensed instructors and money laundering. Inspection revealed no evidence to substantiate either complaint. An inspection was performed of both Respondent's cosmetology and barber schools. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**61. Case No.:** COS- 2021061251

**First License Obtained:** 03/28/2011

**License Expiration:** 09/01/2022

**Complaint History:** 2005031451, dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation; 2018043371, closure; 2018078111, closure; 2019099911, Closure with referral to authorities regarding drug distribution; 2020009291, close; 2020011861, close

This 8-25-21 student complaint alleges (1) inadequate instruction with (2) inadequate supplies as well as (3) unprofessional conduct. Respondent school states (1) the instructor-in-training's lesson plans are supervised and outlined, (2) there are adequate supplies, and (3) any other concerns are being addressed with the student. The student rebuts that the teaching structure still



is not desirable, and any school supplies are kept in a locked closet where the students do not have access; school supplies remain an issue.

**Recommendation: Closure.**

**Decision: Approved**

**62. Case No.: COS- 2021061601**

**First License Obtained: 11/09/2017**

**License Expiration: 09/01/2022**

**Complaint History: 2017075791, closure with request for inspection regarding sanitation issues.**

This 8-26-21 anonymous complaint (identity now known) states the same substantive information contained in Item #117 below. Specifically,

- (a) An alleged co-owner of the school is using federal and/or state funds to purchase televisions for personal use or to sell to others.
- (b) The Respondent school does not care whether students (using federal funds for tuition) complete the coursework or not.
- (c) The alleged co-owner of the school has rental property where tenants pay cash only so alleged co-owner can avoid paying taxes.

Respondent school states:

- (a) The alleged co-owner (owner's brother) of the school is not a co-owner (separately confirmed in CORE); he is the "facilities manager" for the school. The school uses CARES Act funds to purchase equipment for distance learning due to the pandemic. The alleged co-owner is not in charge of purchasing for the school and has not sold equipment belonging to the school.
- (b) This allegation is not specifically addressed by the Respondent school, but generally states the allegations are baseless and without evidence submitted to prove same.
- (c) The Respondent school cannot attest to rental properties of the alleged co-owner that are not part of the school.

Potential federal/state criminal investigations/audits and actions (fraud/abuse of federal funds, unpaid federal/state taxes, etc.) are outside the scope of the Board's authority.

**Recommendation: Since the alleged co-owner/owner's brother is an employee of the school (facilities manager), send a referral letter to appropriate federal agency for their consideration of investigation/audit to confirm/deny the allegations of federal funds abuse/fraud. Refer complainant (identity now known) to appropriate agency for consideration of investigation on the unrelated alleged school co-owner's rental properties issue. Please see Item #117 below.**

**Decision: Approved**

**63. Case No.: COS- 2021061871**

**First License Obtained: 11/15/2019**

**License Expiration: 11/30/2021**

**Complaint History: 2020009661, closure**

This 8-28-21 consumer complaint alleges a negligent service and unsanitary conditions. Inspection revealed minor unsanitary condition (minimal nail dust on a tool). A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

**Recommendation: Letter of Warning (nail dust).**

**Decision: Approved**

**64. Case No.: COS-2021061981**

**First License Obtained: 08/31/2021**

**License Expiration: 08/31/2023**

**Complaint History: None**

This 8-30-21 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**65. Case No.: COS-2021062471**

**First License Obtained: 06/24/2020**

**License Expiration: 06/30/2022**

**Complaint History: None**

This 9-1-21 anonymous complaint alleges Respondent is unlicensed and stealing items from a cosmetology school and anonymous complainant. Inspection revealed the complaint arose over money owed from a booth rental lease agreement; there was no unlicensed individual and all items/equipment were returned to the complainant. A Notice of Violation was not issued.

**Recommendation: Closure.**

**Decision: Approved**

**66. Case No.: COS-2021062841**

**First License Obtained: 12/01/1994**

**License Expiration: 05/31/2022**

**Complaint History: 2011026051, closed by Consent Order and payment of \$500.00 civil penalty; 2012002281, closed by Consent Order and payment of \$250.00 civil penalty**

This 9-1-21 inspection revealed an expired shop license (expiration 5-31-20), the shop owner-manager not present due to an expired individual license, and there was a workstation set up for waxing services with no client being serviced. A Notice of Violation was issued for same. The shop license has since been renewed through 5-31-22.

**Recommendation: Letter of warning (expired shop license). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00 for shop owner/manager not present (\$500.00) and offering services not authorized by shop license (\$500.00).**

**Decision: Approved**

**67. Case No.: COS-2021062631**

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

This 9-3-21 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**68. Case No.:** COS- 2021062741

**First License Obtained:** 09/05/2014  
**License Expiration:** 08/31/2023  
**Complaint History:** None

This 9-3-21 consumer complaint alleges Respondent's stylists do not wear masks. Respondent states there is not a local mask mandate and the stylists do wear a mask upon request or if the customer comes in with a mask to put the customer at ease.

**Recommendation:** Closure.

**Decision:** Approved

**69. Case No.:** COS- 2021062651

**First License Obtained:** 03/28/2011  
**License Expiration:** 09/01/2022  
**Complaint History:** 2005031451, dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation; 2018043371, closure; 2018078111, closure; 2019099911, Closure with referral to authorities regarding drug distribution; 2020009291, close; 2020011861, close

This 9-3-21 student complaint alleges unprofessionalism/inadequate education of the Respondent school and the student handbook does not state that school transcripts will not be released until student balances are paid. Respondent school state they have spoken with complainant/ addressed all concerns and complainant has chosen to finish her program at the Respondent school.

**Recommendation:** Closure.

**Decision:** Approved

**70. Case No.: COS- 2021062981**

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

This 9-7-21 consumer complaint alleges unlicensed individual activity from an unlicensed apartment, a negligent service and fraud/requesting a refund with alleged social media in support. Inspector went to apartment listed and could not make contact; left a card on the door. Respondent never called back. Negligence/fraud/refund issues are outside the scope of the Board's authority.

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

**Decision:** Approved

**71. Case No.: COS- 2021062851**

**First License Obtained:** 07/29/2014  
**License Expiration:** 07/31/2022  
**Complaint History:** 2015020121, closed by Consent Order and payment of \$500.00 civil penalty; 20150224841, closed with request for inspection; 2017069311, closed by Consent Order and payment of \$500.00 civil penalty

This 9-7-21 consumer complaint alleges unprofessional conduct and unsanitary conditions. Inspection revealed no evidence of unsanitary conditions. A Notice of Violation was not issued.

**Recommendation:** Letter of warning (unprofessional conduct).

**Decision:** Approved

**72. Case No.: COS- 2021063161**

**First License Obtained:** 03/28/2016  
**License Expiration:** 03/31/2022  
**Complaint History:** None

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

**Recommendation:** Closure.

**Decision:** Approved

**73. Case No.: COS- 2021063371**

**First License Obtained:** 09/01/2021  
**License Expiration:** 09/30/2023  
**Complaint History:** None

This 9-8-21 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**74. Case No.: COS- 2021063421**

**First License Obtained:** N/A  
**License Expiration:** N/A

**Complaint History:** None

This 9-8-21 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**75. Case No.: COS- 2021063611**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 9-9-21 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**76. Case No.: COS- 2021063651**

**First License Obtained:** 10/16/2018

**License Expiration:** 08/31/2022

**Complaint History:** None

This 9-9-21 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**77. Case No.: COS- 2021064031**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 9-10-21 Attorney General/Consumer Affairs referral alleges unlicensed activity and unprofessional conduct. Inspector went to Respondent's address listed and door was locked with lights on; business had a different name listed at the premises and no business hours were posted.

**Recommendation:** Closure.

**Decision:** Approved

**78. Case No.: COS-2021063931**

**First License Obtained:** 05/31/2018

**License Expiration:** 09/01/2022

**Complaint history:** 2018027341, closed with Letter of Instruction; 2019036461, closure; 2019059191, closure; 2020064201, closed with Letter of Warning

This 9-10-21 administrative complaint alleges Respondent school allowed a cosmetology student to move 350 hours to the aesthetics discipline; the statute allows for general hours to be transferred once between different cosmetology disciplines. In this case, aesthetics only requires 150 hours; that is all that would be required to be transferred. The student thus was finished with the curriculum and started testing without having had the time to complete the required/pending

600 hours. Executive Director spoke with school owner; this was a mistake. Student passed both exams and was approved for licensure.

**Recommendation:** Letter of instruction (statute allowing general hours to be transferred once between different cosmetology disciplines).

**Decision:** Approved

**79. Case No.: COS- 2021064161**

**First License Obtained:** 09/16/2021

**License Expiration:** 09/30/2023

**Complaint History:** None

This 9-12-21 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed Respondent is a registered hair braider. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**80. Case No.: COS- 2021064941**

**First License Obtained:** 08/23/2018

**License Expiration:** 08/31/2022

**Complaint History:** None

This 9-15-21 annual inspection revealed an unlicensed individual practicing and no owner/manager present at the time of inspection. A Notice of Violation was issued for these infractions.

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

**Decision:** Approved

**81. Case No.: COS- 2021064961**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

Please see fact pattern for Item #80 above. This Respondent is the unlicensed individual practicing. Respondent paid the civil penalty but did not sign the Agreed Citation.

**Recommendation:** Authorize formal hearing. Authorize settlement by signed consent order only since civil penalty of \$1,000.00 has already been paid.

**Decision:** Approved

**82. Case No.: COS- 2021064811**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 9-16-21 consumer complaint alleges unlicensed shop activity with alleged social media in support. Inspector went to address listed in the complaint and could not find the unlicensed shop in question.

**Recommendation:** Closure.

**Decision:** Approved

**83. Case No.: COS- 2021065041**

**First License Obtained:** 02/14/1996

**License Expiration:** 02/28/2022

**Complaint History:** None

This 9-16-21 annual inspection revealed an expired shop license (expiration 4-30-21). A Notice of Violation was issued. This Respondent is the designated manager cited for failure of responsibilities.

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

**Decision:** Approved

**84. Case No.: COS-2021065201**

**First License Obtained:** 05/12/2020

**License Expiration:** 03/31/2022

**Complaint History:** None

This 9-17-21 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**85. Case No.: COS- 2021064831**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** 2021024571, Formal Hearing Heard

This 9-17-21 consumer complaint alleges unlicensed individual activity from an unlicensed home. Inspector went to address listed but was unable to make contact with Respondent; left a card on the door. Respondent never contacted inspector. A Notice of Violation was not issued. Respondent had a disciplinary hearing on November 17, 2021 for previous unlicensed activity from a salon and was assessed a \$1,000.00 civil monetary penalty from the court.

**Recommendation:** Closure (no evidence). Referral to local law enforcement agency/district attorney's office for consideration of investigation/prosecution for impersonation of licensed professional.

**Decision:** Approved

**86. Case No.: COS- 2021065031**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** 2021024571, Formal Hearing Heard

This 9-17-21 consumer complaint alleges unlicensed individual activity from an unlicensed home as well as a negligent service with pictures/social media in support. Inspector went to address listed but was unable to make contact with Respondent; left a card on the door. Respondent never contacted inspector. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority. Respondent had a disciplinary hearing on November 17, 2021 for previous unlicensed activity from a salon and was assessed a \$1,000.00 civil monetary penalty from the court.

**Recommendation:** Closure (no inspector evidence). Referral to local law enforcement agency/district attorney's office for consideration of investigation/prosecution for impersonation of licensed professional.

**Decision:** Approved

**87. Case No.:** COS- 2021065231

**First License Obtained:** 11/12/1998

**License Expiration:** 11/30/2022

**Complaint History:** None

This 9-19-21 consumer complaint alleges a negligent service and pricing issue. Respondent states the customer came in with an underlying "haircare" issue; the customer did not want to pay for the cost of remediation that occurred to service the hair. Negligence actions/pricing issues are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**88. Case No.:** COS-2021065261

**First License Obtained:** 07/14/1989

**License Expiration:** 06/30/2023

**Complaint History:** None

This 9-20-21 anonymous complaint alleges unlicensed activity from an unsanitary, unlicensed home. Inspector went to home address listed and could not make contact with Respondent; there was no signage indicating the presence of a cosmetology shop. A Notice of Violation was not issued.

**Recommendation:** Closure (no evidence).

**Decision:** Approved

**89. Case No.:** COS- 2021065531

**First License Obtained:** 11/04/1992

**License Expiration:** 01/31/2022

**Complaint History:** None

This 9-21-21 anonymous consumer complaint alleges Respondent had an employee present exhibiting CoVid symptoms. Respondent states she works alone and does not have an employee; she does not have CoVid. Local public health issues are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**90. Case No.:** COS- 2021065611

**First License Obtained:** 06/11/2021

**License Expiration:** 10/31/2022

**Complaint History:** 2021016231, closed by Consent Order and payment of \$1,000 civil penalty

This 9-22-21 consumer complaint alleges dissatisfaction with a service and requests a refund. General sessions matters/refunds are outside the scope of the Board's authority.



**Recommendation:** Closure.

**Decision:** Approved

**91. Case No.:** COS- 2021065751

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 9-22-21 consumer complaint alleges unlicensed activity from an unlicensed home. Inspector went to residence address and spoke to Respondent's mother – Respondent was doing braiding at the house but has since ceased and is applying for a hair braiding certificate. A Notice of Violation was not issued.

**Recommendation:** Letter of instruction (hair braiding certificate).

**Decision:** Approved

**92. Case No.:** COS- 2021066011

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 9-22-21 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

**93. Case No.:** COS-2021065911

**First License Obtained:** 10/04/2006

**License Expiration:** 09/01/2022

**Complaint History:** 2006042441, dismissed; 201002561, closed with no action; 20150131421, closed with no action

This 9-23-21 anonymous complaint states a student became Covid-positive and the school did not take appropriate steps to limit exposure of the entire school. Respondent school states they did take appropriate steps to limit exposure; as of 9-30-21, no students around the affected student have contacted the Respondent school to indicate they are Covid-positive as well. Local public health department issues are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**94. Case No.:** COS-2021065961

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 9-23-21 consumer complaint alleges unlicensed activity from an unlicensed home. Inspector went to apartment address listed and could not make contact; a card was left on the door. Respondent never called back. A Notice of Violation was not issued.

**Recommendation:** Closure (no evidence).

**Decision:** Approved

**95. Case No.: COS- 2021066081**

**First License Obtained:** 03/23/2018

**License Expiration:** 03/31/2022

**Complaint History:** None

This 9-24-21 consumer complaint alleges unprofessional conduct, a fee dispute, and an assault on a customer. Fee disputes/criminal matters are outside the scope of the Board's authority.

**Recommendation:** Letter of instruction (unprofessional conduct).

**Decision:** Approved

**96. Case No.: COS- 2021067301**

**First License Obtained:** 09/04/2019

**License Expiration:** 09/23/2023

**Complaint History:** None

This 9-25-21 consumer complaint alleges Respondent shop is discriminating against overweight clients and unprofessional conduct. Inspection revealed no evidence to substantiate the complaint; however, Respondent did state they had to put up a sign since an overweight patron had broken one of their chairs. A Notice of Violation was not issued. Discrimination issues are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**97. Case No.: COS- 2021066581**

**First License Obtained:** 08/05/2015

**License Expiration:** 09/30/2022

**Complaint History:** None

This 9-27-21 annual inspection revealed an expired shop license (expiration 9-30-20) and failure of responsibilities. A Notice of Violation was issued. The shop license has since been renewed through 9-30-22.

**Recommendation:** Letter of warning (expired shop license).

**Decision:** Approved

**98. Case No.: COS- 2021066601**

**First License Obtained:** 10/07/2013

**License Expiration:** 10/31/2023

**Complaint History:** None

Please see fact pattern for Item #97 above. This Respondent is the co-owner cited for failure of responsibilities. This would be a duplicitous penalty against the shop and its co-owner.

**Recommendation:** Closure.

**Decision:** Approved

**99. Case No.: COS- 2021066771**

**First License Obtained:** 08/24/2015

**License Expiration:** 09/30/2022

**Complaint History:** None

This 9-27-21 annual inspection revealed an expired shop license (expiration 9-30-20) and failure of responsibilities. A Notice of Violation was issued. This shop license has since been renewed through 9-30-22.

**Recommendation:** Letter of warning (expired shop license).

**Decision:** Approved

**100. Case No.: COS- 2021066791**

**First License Obtained:** 02/09/2012

**License Expiration:** 02/28/2022

**Complaint History:** None

Please see fact pattern for Item #99 above. This Respondent is the co-owner cited for failure of responsibilities. This would be a duplicitous penalty against the shop and its co-owner.

**Recommendation:** Closure.

**Decision:** Approved

**101. Case No.: COS- 2021066881**

**First License Obtained:** 04/24/2015

**License Expiration:** 04/30/2023

**Complaint History:** None

This 9-29-21 consumer complaint alleges a negligent service and unlicensed individual activity from an unlicensed rental home. Inspector went to rental home and spoke with a female who would not identify herself; unknown woman stated to inspector that Respondent does not live at address. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Close and flag.

**Decision:** Approved

**102. Case No.: COS- 2021066931**

**First License Obtained:** 03/28/2011

**License Expiration:** 09/01/2022

**Complaint History:** 2019008951, closure; 2019006161, closure;  
2020073161, closure; 2020093351, closure;  
2021033331 closure

This 9-29-21 student complaint alleges the night class has a junior instructor that is not supervised by a licensed instructor and the night class education is deficient due to this lack of qualified instruction. Respondent school states the student's issues were previously addressed; school offered to have a licensed instructor meet with student to go over any academic concerns and student never responded to the offer. Further, student was successfully able to switch to the day class.

**Recommendation:** Closure.

**Decision:** Approved

**103. Case No.: COS- 2021068261**

**First License Obtained:** 07/02/2020

**License Expiration:** 07/31/2022

**Complaint History:** None

This 10-6-21 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint, but Respondent shop owner was counseled regarding a shop license for the newly-opened shop. A Notice of Violation was not issued.

**Recommendation:** Letter of instruction (shop license).

**Decision:** Approved

**104. Case No.: COS- 2021068251**

**First License Obtained:** 06/22/2018

**License Expiration:** 05/31/2022

**Complaint History:** None

This 10-6-21 consumer complaint alleges a pet is present in the Respondent shop. Inspection revealed no dog, but a dog bed was present for an alleged certified therapy dog. Respondent was counseled regarding therapy dogs. There was an infraction for nametags not being worn, but a Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**105. Case No.: COS- 2021068721**

**First License Obtained:** 05/28/2019

**License Expiration:** 05/31/2023

**Complaint History:** 201903996, closed by an Agreed Citation and payment of \$1,000 civil penalty

This 10-7-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**106. Case No.: COS- 2021068711**

**First License Obtained:** 07/07/2021

**License Expiration:** 09/01/2022

**Complaint History:** None

This 10-7-21 former student complaint alleges:

- (1) school has not sent in her accrued hours to the state,
- (2) when complainant withdrew from Respondent school, the school said complainant owed \$685.00 when school owner stated complainant did not have to pay tuition,
- (3) the school claims to be a natural hair school but the teachers are licensed cosmetology teachers,
- (4) the student never received her books or kit,
- (5) tuition inexplicably went from \$1,500.00 to \$4,450.00,

- (6) there are no licenses/evaluations posted in the building, and
- (7) the owner has people working in the shop (at a different location) with no licenses.

The school responded:

- (1) this issue was not addressed by the school owner.
- (2) student was in a deferred program where she would work in a salon to pay for tuition; regrettably student did not do the work pursuant to a signed agreement.
- (3) this issue was not addressed by the school owner.
- (4) the kit and books were supplied pursuant to agreement.
- (5) please see answer to #2 above.
- (6) all documents required by the board of cosmetology and barber examiners for school operation are posted.
- (7) the owner's shop (separate from the school) is managed by a licensed operator with certified braiders.

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

**Recommendation: Closure.**

**Decision: Approved**

**107. Case No.: COS- 2021069101**

**First License Obtained: 03/31/2020**

**License Expiration: 03/31/2022**

**Complaint History: None**

This 10-8-21 consumer complaint requests a refund for a hair braiding class where the Respondent did not sign the certificate of completion. Respondent states the situation was a misunderstanding. Refunds are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Approved**

**108. Case No.: COS-2021069211**

**First License Obtained: 03/28/2011**

**License Expiration: 09/01/2022**

**Complaint History: 2005031451, dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no**

action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning; 2015019931, closed and sent an inspector to evaluate sanitation; 2018043371, closure; 2018078111, closure; 2019099911, Closure with referral to authorities regarding drug distribution; 2020009291, close; 2020011861, close

This 10-11-21 student complaint alleges an unlicensed instructor. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

109. Case No.: COS- 2021069401

**First License Obtained:** 12/14/2016

**License Expiration:** 12/31/2022

**Complaint History:** 2019007871, closed by an Agreed Citation and payment of \$500 civil penalty

This 10-12-21 consumer complaint alleges a negligent service. Respondent states a willingness to rectify the matter and satisfy the client. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

110. Case No.: COS- 2021069931

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 10-14-21 consumer complaint alleges unlicensed individual activity from an unlicensed home. Inspector went to residence and encountered Respondent in the driveway; Respondent feigned an understanding of English and gave inspector a different name. Respondent could not produce a drivers' license for the inspector to verify Respondent's identity. Nonetheless, inspector counseled Respondent about unlicensed activity from a home.

**Recommendation:** Letter of instruction (personal license/shop license) and flag.

**Decision:** Approved

111. Case No.: COS-2021069711

**First License Obtained:** 06/05/2015

**License Expiration:** 05/31/2023

**Complaint History:** None

This 10-14-21 consumer complaint alleges Respondent shop is not cleaning their tools after use. Respondent states they use all proper sanitization protocols with their tool sets and wishes

complainant would have addressed this issue with them directly so they can show complainant these same protocols.

**Recommendation:** Closure and new inspection of alleged sanitary issue.

**Decision:** Approved

**112. Case No.: COS- 2021070601**

**First License Obtained:** 09/19/2019

**License Expiration:** 09/30/2023

**Complaint History:** None

This 10-15-21 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**113. Case No.: COS- 2021070771**

**First License Obtained:** 12/01/2016

**License Expiration:** 12/31/2022

**Complaint History:** None

This 10-20-21 consumer complaint alleges theft regarding an alleged unfinished service. Respondent states she did issue a partial refund even though she has a “no refund” policy. Criminal matters/general sessions matters are outside the scope of the Board’s authority.

**Recommendation:** Closure.

**Decision:** Approved

**114. Case No.: COS- 2021070891**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 10-21-21 anonymous complaint alleges unlicensed individual activity from an unlicensed home with unsanitary conditions. Inspection revealed Respondent is a student and only practicing on family/friends for no compensation. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**115. Case No.: COS- 2021071071**

**First License Obtained:** 05/05/2008

**License Expiration:** 04/30/2022

**Complaint History:** 2011024811, closed by Consent Order and payment of 1,000 civil penalty; 2013012791, closed by Consent Order and payment of \$500.00 civil penalty; 2020076881, closed by Consent Order and payment of \$1,000 civil penalty

This 10-21-21 annual inspection revealed an unlicensed individual practicing on a client and failure of responsibilities of owner/manager. A Notice of Violation was issued for both infractions. Respondent manager contacted disciplinary counsel after inspector left and stated

manager would produce a copy of the unlicensed person's Tennessee cosmetology license but did not do so. This is Respondent's second offense for an unlicensed individual practicing.

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

**Decision: Approved**

**116. Case No.: COS- 2021071111**

**First License Obtained: 05/12/2000**

**License Expiration: 05/31/2022**

**Complaint History: 2020076901, closed by Consent Order and payment of \$1,000 civil penalty**

Please see fact pattern for Item #115 above. This Respondent is the designated manager cited for failure of responsibilities. This is Respondent's second offense.

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

**Decision: Approved**

**117. Case No.: COS- 2021071331**

**First License Obtained: 11/09/2017**

**License Expiration: 09/01/2022**

**Complaint History: 2017075791, closure with request for inspection regarding sanitation issues.**

Please see fact pattern from Item #62 above. This 10-22-21 anonymous complaint (identity now known) alleges the following:

- (1) An alleged co-owner of Respondent school is recruiting students to the school and allegedly abusing federal funds/committing fraud in that the alleged co-owner does not care if the student using federal funds completes the cosmetology course;
- (2) The same alleged co-owner of Respondent school is allegedly using federal funds to purchase big-screen televisions for personal use/sell to third-parties;
- (3) The same alleged co-owner of Respondent school has non-school business ventures where alleged co-owner of Respondent school transacts in cash only "so nothing is turned in for taxes."
- (4) The same alleged co-owner of Respondent school has a son-in-law (who is a local law enforcement officer) with unregistered guns in the personal residence.

Respondent school concedes in #62 above that alleged co-owner of school (owner's brother) is connected to the school as the "facilities manager." Further, potential state/federal criminal investigations/audits and actions (fraud/abuse of federal funds, unpaid taxes, and unregistered firearms) are outside the scope of the Board's authority.

**Recommendation: Since the alleged co-owner/owner's brother is an employee of the school (facilities manager), send a referral letter to appropriate federal agency for their consideration of investigation/audit to confirm/deny the allegations of federal funds abuse/**



**fraud. Refer complainant (identity now known) to appropriate agency/agencies for consideration of investigation on the unrelated alleged school co-owner's rental properties issue and alleged co-owner's son-in-law's unregistered firearms in the home issue. Please see Item #62 above.**

**Decision: Approved**

**118. Case No.: COS- 2021071771**

**First License Obtained: 03/28/2011**  
**License Expiration: 09/01/2022**  
**Complaint History: 2019008951, closure; 2019006161, closure;  
2020073161, closure; 2020093351, closure;  
2021033331 closure**

This 10-25-21 student complaint alleges she is not receiving a proper education for the tuition she is paying. Respondent school states they use proper licensed instructors/junior instructors for classroom instruction; complainant has an 89% average with the practical/theory tests and a 59% attendance average.

**Recommendation: Closure.**

**Decision: Approved**

**119. Case No.: COS- 2021072541**

**First License Obtained: 06/18/2018**  
**License Expiration: 09/01/2022**  
**Complaint History: 2019036861, 2019055511, 2019050661,  
2019095181, 2019099931, closure; 2020084881,  
closure**

This 10-29-21 student complaint alleges a wrongful termination for an inability to pay monies owed regarding a suspension (accidentally missing a webinar). Respondent states, pursuant to policy and procedure, it is mandatory for students to return to school following a holiday and/or scheduled break or face a 3-day suspension which results in overage fees. When the overage fees are not paid, the next step is termination. The student has the option to re-enroll after 90 days pursuant to policy and procedure; when student threatened litigation, she became ineligible to re-enroll. Respondent provided copies of the policy and procedure in support. The student states the school did not work with the student regarding the payment of the suspension/overage fees. Contractual/chancery court matters are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Approved**

**120. Case No.: COS- 2021072431**

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

This 10-31-21 consumer complaint alleges unlicensed activity and a negligent service, requesting a refund. Inspector went to address listed in the complaint but could not locate the specific salon suite of the Respondent. A Notice of Violation was not issued. Negligence actions/refunds are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

121. Case No.: COS- 2021073011

**First License Obtained:** 04/24/2000

**License Expiration:** 04/30/2022

**Complaint History:** None

This 11-1-21 annual inspection revealed an expired shop license (expiration 4-30-20) and the shop owner/manager not present. A Notice of Violation was issued. Respondent owner states they never received a written notice regarding the renewal of shop licenses. The shop license has since been renewed through 4-30-22.

**Recommendation:** Letter of warning (expired shop license). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 for shop owner/manager not present.

**Decision:** Approved

122. Case No.: COS- 2021072871

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 11-2-21 Division of Consumer Affairs referral/complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

123. Case No.: COS- 2021074071

**First License Obtained:** 09/28/2018

**License Expiration:** 09/30/2022

**Complaint History:** None

This 11-10-21 anonymous complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint; however, the Respondent was counseled regarding licenses being posted/nametags being worn by employees. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

### **BARBER CASE**

124. Case No.: BAR- 2021044601

**First License Obtained:** 10/09/1967

**License Expiration:** 12/31/2021

**Complaint History:** None

This 5-29-21 consumer complaint alleges Respondent is not open to coloring or modern hair styling or chemicals at the barber shop. Complainant notes she has retained an attorney and has

filed a discrimination complaint with the local police department. Respondent submits a general denial of the allegations and further states he operates/complies with all rules and regulations of the Board. Discrimination matters/actions are outside the scope of the Board's authority.

**Recommendation: Closure.**

**Decision: Approved**

**125. Case No.: BAR- 2021051441**

**First License Obtained: 07/07/2008**

**License Expiration: 08/31/2023**

**Complaint History: None**

This 6-18-21 annual inspection revealed an employee practicing with an expired license (expiration 6-30-17) and failure of responsibilities. This Respondent is the owner of the shop, and the Notice of Violation was issued as well to the shop – this would be a duplicitous penalty against the shop and its owner. The civil penalty was paid by the shop.

**Recommendation: Closure.**

**Decision: Approved**

**126. Case No.: BAR-2021051801**

**First License Obtained: 09/11/2019**

**License Expiration: 09/30/2021**

**Complaint History: None**

This 6-24-21 anonymous consumer complaint alleges unlicensed individual activity at the Respondent shop. Inspection revealed an unlicensed individual working in the shop as well as the owner/manager was not present at the time of inspection. A Notice of Violation was issued.

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

**Decision: Approved**

**127. Case No.: BAR- 2021054751**

**First License Obtained: 01/16/2018**

**License Expiration: 01/31/2022**

**Complaint History: None**

This 7-14-21 complaint states Respondent was arrested the previous day for four (4) counts of statutory rape of a local teenager, with a booking photo in support. The complaint does not state if the teenager was a client or not. Disciplinary counsel contacted the complainant for additional information by e-mail, and the e-mail was not responded to. Disciplinary counsel contacted the local police detective in charge for a copy of the incident/arrest report and confirmed that the victim was not a client. Respondent has retained a criminal defense attorney for the criminal matter.

**Recommendation: Place in litigation monitoring.**

**Decision: Approved**

**128. Case No.: BAR-2021058991**

**First License Obtained: 12/23/2020**

**License Expiration:** 12/31/2022  
**Complaint History:** 2021009541, closure

This 8-11-21 consumer complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**129. Case No.: BAR- 2021059811**

**First License Obtained:** 05/25/2018

**License Expiration:** 05/24/2022

**Complaint History:** None

This 8-17-21 administrative complaint states Respondent school failed to renew its school license on or before 5-24-21 and continued to teach for over two months on an expired license; the June 2021 report shows an instructor with an expired license. Respondent states/admits that he did not review all lines on the document when he sent it in and did not check the dates on all licenses; he assures this mistake will never happen again and will check every line every time. The school license has since been renewed through 5-24-22.

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

**Decision:** Approved

**130. Case No.: BAR- 2021060561**

**First License Obtained:** 06/03/2015

**License Expiration:** 06/30/2023

**Complaint History:** None

This 8-20-21 complaint alleges Respondent is selling drugs/engaging in prostitution from his mobile barber shop. Inspector met with/interviewed Respondent at his home and did not find any evidence to substantiate the complaint. Inspector inspected Respondent's barber kit and found no violations. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**131. Case No.: BAR- 2021061311**

**First License Obtained:** 04/07/2017

**License Expiration:** 04/06/2022

**Complaint History:** 2019079901, closure with request for inspection

This 8-25-21 student complaint alleges (1) students were asked to perform Covid cleaning of the school and given 7 hours for the day for roughly 1.5 hours of work; (2) the school did not report the student's hours for July 2021; (3) the school administrator threatens to take away student hours for disrespectful attitudes from students; and (4) an instructor is paying students for their services.

The Respondent school states (1) the allegation of giving students 7 hours was false; (2) the school hours for July were sent to the department on 8-7-21 at 1:53 p.m.; (3) this allegation is

false – the school docks hours for omission of certain participatory acts in school; and (4) the school is unaware of the allegation but does allow students to keep tips if the client leaves a tip.

**Recommendation:** Letter of warning (students receiving any compensation).

**Decision:** Approved

**132. Case No.: BAR-2021062261**

**First License Obtained:** 10/05/2018

**License Expiration:** 10/04/2022

**Complaint History:** None

This 9-1-21 consumer complaint alleges an unsanitary condition in the student clinic.

Respondent school states barber student was counseled and corrected on the correct sanitary procedure to use.

**Recommendation:** Closure.

**Decision:** Approved

**133. Case No.: BAR-2021062791**

**First License Obtained:** 02/22/2019

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

**Complaint History:** None

This 9-6-21 consumer complaint alleges unlicensed activity and unsanitary conditions with alleged social media in support. Inspection revealed no evidence to substantiate the complaints.

A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**134. Case No.: BAR- 2021066841**

**First License Obtained:** 01/16/2019

**License Expiration:** 01/31/2023

**Complaint History:** 202007799, closed by Agreed Citation and payment of \$500.00 civil penalty

This 9-29-21 competitor complaint alleges unlicensed individual activity and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint; however, it was noted that a valid shop license was not displayed, and the shop owner/manager was not present. A Notice of Violation was issued for these infractions; a letter of warning was issued for the valid shop license not being displayed.

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

**Decision:** Approved

**135. Case No.: BAR-2021068151**

**First License Obtained:** 06/28/2019

**License Expiration:** 06/30/2023

**Complaint History:** 202101477, closed by an Agreed Citation and payment of \$2,000 civil penalty

This 10-6-21 consumer complaint alleges Respondent shop is not wearing masks. Inspection revealed Respondent shop license not displayed. A Notice of Violation was not issued. Mask usage/local public health issues are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved

**136. Case No.: BAR-2021068571**

**First License Obtained:** 09/03/1992

**License Expiration:** 12/31/2022

**Complaint History:** None

This 10-6-21 annual inspection revealed an expired shop license (expiration 9-30-21). A Notice of Violation was issued. The shop license has since been renewed through 12-31-22.

**Recommendation:** Letter of warning (expired shop license).

**Decision:** Approved

**137. Case No.: BAR-2021069821**

**First License Obtained:** 01/31/2020

**License Expiration:** 01/31/2022

**Complaint History:** None

This 10-14-21 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved

**138. Case No.: BAR-2021070131**

**First License Obtained:** 08/08/2016

**License Expiration:** 06/30/2022

**Complaint History:** 201705780, closed by Agreed Citation and payment of \$1,500 civil penalty

This 10-15-21 consumer complaint alleges an unlicensed shop. Respondent provided a copy of the valid shop license.

**Recommendation:** Closure.

**Decision:** Approved

**139. Case No.: BAR- 2021070911**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint History:** None

This 10-19-21 competitor complaint alleges an unlicensed shop. Inspection revealed an unlicensed shop, an unlicensed person practicing on a client without a valid license, and no owner/manager present at the time of inspection. A Notice of Violation was issued for the unlicensed shop and unknown person practicing on a client without a valid license.

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

**Decision:** Approved

## REPRESENTS

### 140. Case No.: BAR- 2020090791

**First License Obtained:** 05/22/2012  
**License Expiration:** 04/30/2020  
**Complaint History:** 2013007431, closed by Consent Order and payment of \$500.00 civil penalty; 2016006431, closed by Consent Order and payment of \$125.00 civil penalty; 2018087851, File a Notice and Order of Voluntary Dismissal without prejudice with the APD and have the ALJ sign same, dismissing the NOHC. Then, closure.

This matter was previously presented to the Board at the June 7, 2021 meeting as follows:

*This matter was previously presented to the Board at its April 5, 2021 meeting as follows:*

*This matter was previously presented to the Board at its February 1, 2021 meeting as follows:*

*This 11-19-20 annual inspection revealed an expired shop license (expiration 4-30-20) and the shop owner was not present at the time of inspection. A Notice of Violation was issued. This is Respondent shop's second offense for an expired shop license (\$500.00) and the shop owner not being present at the time of inspection (\$1,000.00). The shop license remains expired.*

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

**Decision:** Approved

**Update:** The owner of the shop lives in Houston, Texas and service will be an issue.

**New Recommendation:** Refer to local law enforcement/district attorney office for prosecution of Respondent shop under Tennessee Nuisance Statute for businesses – Tennessee Code Annotated section 29-3-112; refer to Tennessee Department of Revenue for inspection/investigation of Respondent shop for unpaid business taxes.

**Decision:** Approved

**Update:** The civil nuisance statute is not criminal in nature.

**New Recommendation:** Refer to Attorney General's office for their consideration to pursue the civil nuisance statute for businesses (not local law enforcement/District Attorney's office).

**Decision:** Approved.

**Update:** A recent drive-by showed the barber shop has moved to a new location and is under new ownership; the new owner was counseled to procure a new shop license.

**New Recommendation:** Closure.

**Decision:** Approved

### 141. Case No.: BAR- 2021010221

**First License Obtained:** 04/13/2012  
**License Expiration:** 03/31/2022  
**Complaint History:** None

This matter was previously presented to the Board at its June 7, 2021 meeting as follows: *This 2-4-21 annual inspection revealed an expired shop license (expiration 3-31-20). A Notice of Violation was issued. The shop license remains expired.*

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

Decision: *Approved.*

**Update:** **The shop license was subsequently renewed through March 31, 2022.**

**New Recommendation:** **Letter of warning (expired shop license).**

**Decision:** **Approved**

**142. Case No.: BAR- 2021010251**

**First License Obtained:** **03/25/2019**

**License Expiration:** **03/31/2021**

**Complaint History:** **None**

This matter was previously presented to the Board at its June 7, 2021 meeting as follows: *Please see fact pattern for Item #80 above. This Respondent is the designated manager cited for failure of responsibilities (expired shop license).*

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

Decision: *Approved.*

**Update:** **The shop license was subsequently renewed through March 31, 2022.**

**New Recommendation:** **Letter of warning (expired shop license).**

**Decision:** **Approved**

MOTION made by Amy Tanksley and seconded by John Cagle for approval by the full board of the Legal Report as amended. Motion carried unanimously.

**Additional Questions:**

**Motion to adjourn**

MOTION to adjourn made by Judy McAllister and seconded by Mona Sappenfield to adjourn the meeting.

Meeting adjourned at 11:15 a.m.