



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 October 3, 2022, at 9:05 a.m. in person in Room 1A and via Teams.

The Meeting was called to order by Chairman Ron Gillihan.

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

Roxana Gumucio, Executive Director, called roll. The following members participated: Anita Charlton, Frank Gambuzza, Ron Gillihan, Monica Lemons, Judy McAllister, Jeffery Moran, Patricia Parsons, Layne Petty, and Amy Tanksley.

Not available: Mona Sappenfield, Kimberly Ray and Becky Russell.

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

Director Gumucio introduced Ms. Layne Petty, the new cosmetologist board member who replaced Janie Ross' expired term.

MINUTES-

Minutes for the August 2022 board meetings were submitted for changes and/or approval.

Motion made by Patricia Parsons and seconded by Amy Tanksley to approve the August 2022 minutes. The motion carried unanimously.

PRESENTED BEFORE THE BOARD-

Career Beauty College – Change in Ownership

Ms. Kelly McMasters participated to answer questions for the board. The school is in Lawrenceburg. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Patricia Parsons and seconded by Judy McAllister to approve the change in ownership pending an inspection by a field inspector. The motion carried unanimously.

Love Beauty School – Change in Ownership

Ms. Tonya Liles participated to answer questions for the board. The school is in Manchester. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve the change in ownership pending an inspection by a field inspector. The motion carried unanimously.

Jacqui’s Global Cosmetology & Barber Academy – New Instructor School

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

MOTION made by Amy Tanksley and seconded by Jeffrey Moran to approve the new school pending required updates and an inspection by a field inspector. The motion carried unanimously.

Global Beauty and Barber Institute – Change in Location

Ms. Ciara Gordon participated to answer questions for the board. The new school location is in Hermitage. The applications, updated enrollment agreement, catalog, and floor plan were all received timely for the cosmetology and barber school licenses. These will be an apprenticeship only school.

MOTION made by Patricia Parsons and seconded by Jeffrey Moran to approve the change in location pending an inspection by a field inspector. The motion carried unanimously.

Online CE Provider – Know your Personality

Ms. Amanda Manigault participated to answer questions for the board. Ms. Manigault presented the request at the August board meeting and was deferred so board members could review the full presentation and at least one member could take test the actual 16-hour session.

MOTION made by Patricia Parsons and seconded by Frank Gambuzza to deny CE, resubmit application and be present at the December meeting to answer questions. The motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

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

1. Case No.: COS- 2022022581

First License Obtained: 12/19/2016
License Expiration: 09/01/2021
Complaint History: 2017070461, closure; 2019055641, closure.
2019067251, closure; 2021044571, closure

This 6-3-22 student complaint alleges they were dismissed from the school and requests a refund. Respondent states student was dismissed for gross misconduct, belligerent verbal outbursts and not participating visually in online education. Refunds are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

2. Case No.: COS- 2022024631

First License Obtained: 12/18/2018
License Expiration: 03/31/2022
Complaint History: None

This 6-16-22 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed an expired shop license (expiration 3-31-22) only. 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.

3. Case No.: COS- 2022025191

First License Obtained: 06/17/2015
License Expiration: 06/30/2023
Complaint History: None

Please see fact pattern for Item #2 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

4. Case No.: COS- 2022027011

First License Obtained: 09/09/2011

License Expiration: 09/30/2023

Complaint History: None

This 7-3-22 consumer complaint alleges a negligent service with alleged pictures in support. Respondent submits a general denial as well as the complainant would not let Respondent finish the process. Negligence actions are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

5. Case No.: COS- 2022027551

First License Obtained: 09/16/2021

License Expiration: 07/31/2023

Complaint History: None

This 7-6-22 annual inspection revealed an unlicensed individual working on a client and the owner/manager was not present during the operation of the shop. 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.

6. Case No.: COS- 2022027591

First License Obtained: 04/13/2017

License Expiration: 04/30/2023

Complaint History: None

This 7-7-22 inspection revealed an inspection sheet not displayed, an identification tag not worn, and sanitary violations (no enclosed/labeled storage area for clean towels; no covered/labeled container for soiled towels; dirty tools/implements). A Notice of Violation was issued only for the inspection sheet not displayed. A letter of warning was issued for the inspection sheet not displayed. Alleged Respondent received the letter of warning and states their shop was never inspected by a state inspector and the signature at the bottom of the Notice of Violation is not the Respondent/owner. The state inspector acknowledges the error.

Recommendation: Closure.

Decision: Approved.

7. Case No.: COS- 2022027611

First License Obtained: 10/04/2012

License Expiration: 10/31/2024

Complaint History: None

Please see the fact pattern for Item #6 above. This Respondent is the alleged owner of the shop cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

8. Case No.: COS- 2022027891

First License Obtained: 06/30/2016
License Expiration: 06/30/2022
Complaint History: 2022022921, closure

This 7-8-22 inspection revealed an expired shop license (expiration 6-30-22) and offering services outside of its license (waxing). A Notice of Violation was issued. The shop license remains expired. Respondent states the waxing machine the inspector found in a storage area was not in use and unplugged (pictures confirm this) and there is not a bed on the premises for this machine to even be in use. The waxing machine was in the storage area to be sold to a person who ultimately did not want the machine. Respondent requests the performing services outside of its license violation/fine be waived.

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

Decision: Approved.

9. Case No.: COS- 2022027911

First License Obtained: 10/13/2016
License Expiration: 10/31/2024
Complaint History: None

Please see fact pattern for Item #8 above. This Respondent is the designated manager cited for failure of responsibilities. The shop license remains expired.

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

Decision: Approved.

10. Case No.: COS- 2022027741

First License Obtained: 09/16/2009
License Expiration: 09/01/2023
Complaint History: 2010006241, close; 2010002681, close; 2016070001, close

This 7-10-22 student complaint alleges “retaliation, verbal abuse, discrimination, false accusations and school violence, etc.” (with specificity) by the Respondent against the student. Student acknowledges local law enforcement has been contacted regarding the criminal component of her complaint against the Respondent. Respondent states student did not avail themselves of the Respondent’s grievance procedure and “open door” policies; further, student is rude/yells during the same verbal abuse interactions with the Respondent’s staff and that Respondent only wanted student to calm down so respectful dialogue could take place. Retaliation/discrimination/false accusations are outside the scope of the Board’s authority.

Recommendation: Letter of warning (unprofessional conduct/verbal abuse).

Decision: Approved.

11. Case No.: COS- 2022027821

First License Obtained: 12/02/2021
License Expiration: 09/01/2023
Complaint History: None

This 7-11-22 consumer complaint alleges a negligent service from a student in the Respondent's clinic. Respondent states they are aware of the situation and are using same as a coaching and educational example. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

12. Case No.: COS- 2022028421

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 7-13-22 consumer complaint alleges unlicensed activity/unsanitary conditions from an unlicensed home with alleged screenshots/pictures in support. Inspector went to address listed (an apartment) and spoke with Respondent; Respondent would not provide inspector with their last name and further stated they only did their own nails at the apartment. A Notice of Violation was not issued.

Recommendation: Letter of warning (individual license/shop license).

Decision: Approved.

13. Case No.: COS- 2022028641

First License Obtained: 07/06/2018

License Expiration: 07/31/2024

Complaint History: None

This 7-14-22 former employee complaint alleges Respondent's manager was (1) making stylists work on "infected, contagious heads" or the employees will "lose their license," (2) the former employee was falsely making a report of absenteeism on the complainant to lay a pretext to terminate the complainant's employment, and (3) the pregnant former employee was being forced to work more hours outside of her doctor's restrictions. Respondent summarily answers all allegations by stating they meet or exceed all health, safety and sanitation guidelines as directed by the state board. Apart from requesting legal advice on labor law issues, complainant states the Respondent still misrepresents to employees that they will lose their licenses for not working on customers with potential public health issues. Labor law/labor standards issues are outside the scope of the Board's authority. Public Health issues are outside the scope of the Board's authority. Potential fraudulent and/or negligent misrepresentation actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

14. Case No.: COS- 2022029721

First License Obtained: 05/24/2012

License Expiration: 05/31/2024

Complaint History: 2014014491, closed with Letter of Warning

This 7-15-22 annual inspection revealed an expired shop license (expiration 5-31-22). A Notice of Violation was issued. The shop license has since been renewed through 5-31-24.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

15. Case No.: COS- 2022029741

First License Obtained: 08/21/2008

License Expiration: 08/31/2024

Complaint History: 2014014511, closed with Letter of Warning

Please see the fact pattern for Item #14 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty between the shop and its owner.

Recommendation: Closure.

Decision: Approved.

16. Case No.: COS- 2022029681

First License Obtained: 03/11/2019

License Expiration: 08/31/2021

Complaint History: None

This 7-15-22 inspection revealed an expired shop license (expiration 8-31-21). 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.

17. Case No.: COS- 2022028901

First License Obtained: 09/18/2019

License Expiration: 09/30/2023

Complaint History: None

This 7-16-22 consumer complaint alleges a negligent service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

18. Case No.: COS- 2022028891

First License Obtained: 12/14/2006

License Expiration: 12/31/2022

Complaint History: None

This 7-16-22 consumer complaint alleges Respondent is operating from an unlicensed home with no sink in the room. Inspector went to address listed and left a card on the door when no one answered, Respondent called inspector back and stated she is not operating a home shop. Respondent recently received a permit to turn her garage into a home shop; she will apply for a shop license upon completion.

Recommendation: Closure (no evidence).

Decision: Approved.

19. Case No.: COS- 2022028931

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 7-17-22 consumer complaint alleges unlicensed activity from an unlicensed home shop; this is identical to a similar complaint against the Respondent from the 8-1-22 legal report. The

alleged complainant contacted disciplinary counsel and stated she received a copy of the complaint from the Respondent; complainant informed disciplinary counsel that this complaint is a forgery and did not come from Respondent. Previous complaint from 8-1-22 legal report resulted in “closure” resulting from no evidence to substantiate the complaint.

Recommendation: Closure.

Decision: Approved.

20. Case No.: COS- 2022030271

First License Obtained: 07/05/2019

License Expiration: 06/30/2021

Complaint History: 2020001101, closure.

This 7-20-22 annual inspection revealed an expired shop license (expiration 6-30-21), the shop owner/manager was not present during the operation of the shop, and there was an unlicensed individual performing services on a customer. A Notice of Violation was issued for all infractions. The shop license remains expired. Respondent former owner contacted disciplinary counsel and informed same that she closed her shop due to the pandemic; the unknown male is a new tenant in the space and is not affiliated with her former salon.

Recommendation: Close and re-inspect for identity/licensure of unknown male.

Decision: Approved.

21. Case No.: COS- 2022030091

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 7-21-22 consumer complaint alleges a registered hair braider performed a negligent service/charged for a color and never performed the service (requests a refund) and was rude/belligerent. Complainant provides alleged screenshots in support. Inspection revealed a hair braiding shop with a proper license and not subject to inspection by the cosmetology board; inspector did not notice any chemicals at the location or any chemicals being used. A Notice of Violation was not issued. Negligence actions/ refunds are outside the scope of the Board’s authority.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved

22. Case No.: COS- 2022030451

First License Obtained: 07/28/1998

License Expiration: 07/31/2018

Complaint History: None

This 7-22-22 consumer complaint alleges unlicensed activity from an unlicensed home shop. When inspector arrived at the address, there was a car in the driveway with the garage door open and the front door ajar. When the inspector got out of the car, both doors were closed. No one would answer the front door and the inspector left a card on the door; the inspector was never contacted by the Respondent. There was no outside signage. A Notice of Violation was not issued.

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

Decision: Approved.

23. Case No.: COS- 2022030221

First License Obtained: 11/26/2007
License Expiration: 06/30/2019
Complaint history: 2010029631, closed by Consent Order and payment of \$1,000 civil penalty; 2013008521, closed by Consent Order and payment of \$1,000 civil penalty; 2014031971, closed by Consent Order and payment of \$1,000 civil penalty; 2017076481, closure

This 7-22-22 consumer complaint alleges sexual harassment of an underage customer by a technician. Respondent states they spoke with the complainant and the technician no longer works for the Respondent. Complainant requests the complaint be withdrawn.

Recommendation: Closure.

Decision: Approved.

24. Case No.: COS- 2022030661

First License Obtained: 01/11/2006
License Expiration: 01/31/2024
Complaint History: None

This 7-25-22 student complaint alleges unprofessional conduct (with specificity)/inadequate education from Respondent instructor. Respondent states the name of the complainant is not an enrolled student nor has ever been an enrolled student, providing a verified letter of enrolled students from the aesthetics institution.

Recommendation: Closure.

Decision: Approved.

25. Case No.: COS- 2022031511

First License Obtained: 07/25/2018
License Expiration: 07/31/2020
Complaint History: None

This 7-26-22 annual inspection revealed an expired shop license (expiration 7-31-20). 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.

26. Case No.: COS- 2022031531

First License Obtained: 08/05/2011
License Expiration: 08/31/2023
Complaint History: None

Please see fact pattern for Item #25 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty for the shop and its owner.

Recommendation: Closure.

Decision: Approved.

27. Case No.: COS- 2022031831

First License Obtained: 06/24/2020
License Expiration: 06/30/2024

Complaint History: None

This 7-30-22 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

28. Case No.: COS- 2022031821

First License Obtained: 07/15/2016

License Expiration: 07/31/2024

Complaint History: None

This 7-30-22 consumer complaint alleges the licensed cosmetologist/Respondent is selling drugs/drinking alcohol at the business location and with children present in the shop (with no evidence in support). Criminal matters are outside the scope of the Board's authority.

Recommendation: Letter of instruction (unprofessional conduct). Referral to local law enforcement/district attorney's office for investigation of complainant's allegations.

Decision: Approved.

29. Case No.: COS- 2022031841

First License Obtained: 05/09/2022

License Expiration: 05/31/2024

Complaint History: None

This 7-31-22 consumer complaint alleges a negligent service with alleged pictures in support. Respondent acknowledges the haircut was not their best work and refunded the money back to the Complainant; Respondent further states the Complainant's pictures may have been the product of further cutting by Respondent's wife after leaving the shop. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

30. Case No.: COS- 2022032101

First License Obtained: 10/22/2021

License Expiration: 09/01/2023

Complaint History: 2022012071, closure

This 8-2-22 student complaint alleges a wrongful termination from the Respondent and requests a refund. Respondent states the complainant voluntarily withdrew from the program when asked. Refund matters are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

31. Case No.: COS-2022032591

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 8-5-22 consumer complaint alleges unprofessional conduct, unsanitary conditions, unlicensed activity, and a negligent service with alleged pictures in support. An inspector went

to the address listed in the complaint and could not locate a specific suite with the Respondent's name. A Notice of Violation was not issued.

Recommendation: Closure (no specific suite listed).

Decision: Approved.

32. Case No.: COS- 2022032831

First License Obtained: 11/06/2015

License Expiration: 11/30/2023

Complaint History: None

This 8-5-22 consumer complaint alleges unsanitary conditions and unlicensed activity. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

33. Case No.: COS- 2022032881

First License Obtained: 02/09/1995

License Expiration: 02/28/2023

Complaint History: None

This 8-7-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

34. Case No.: COS- 2022033171

First License Obtained: 12/09/2013

License Expiration: 11/30/2023

Complaint History: None

This 8-10-22 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

35. Case No.: COS- 2022033461

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 8-11-22 anonymous competitor complaint alleges unlicensed activity with alleged social media in support. Inspector went to address listed and spoke with Respondent, who admitted they were working on clients at home; however, Respondent was not working on a client at the time of the visit from the inspector. Respondent was counseled on licensure but a Notice of Violation was not issued.

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

Decision: Approved.

36. Case No.: COS- 2022033861

First License Obtained: 04/28/2022

License Expiration: 04/30/2024

Complaint History: None

This 8-15-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

37. Case No.: COS- 2022034951

First License Obtained: 08/24/2018

License Expiration: 08/31/2022

Complaint History: None

This 8-22-22 consumer complaint alleges a negligent service, no name tags, unlicensed activity and unsanitary conditions. Inspection revealed no evidence to substantiate the allegations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

38. Case No.: COS- 2022036371

First License Obtained: 08/26/2019

License Expiration: 08/31/2023

Complaint History: None

This 8-25-22 consumer complaint alleges a 2nd degree burn from a negligent service. When contacted, Respondent would not provide complainant with any information for the cosmetology shop. Complainant requests a settlement. Negligence actions are outside the scope of the Board's authority.

Recommendation: Letter of instruction (unprofessional conduct – not providing information to complainant upon request).

Decision: Approved.

39. Case No.: COS- 2022036721

First License Obtained: 08/02/2019

License Expiration: 09/01/2023

Complaint History: None

This 9-1-22 competitor complaint alleges Respondent school is fraudulently informing students they do not have enough hours to graduate the aesthetics program. Respondent states the two (2) students mentioned in the complaint had poor attendance issues (evidence provided) and could have spoken with the school administration regarding same/shown proof of their poor attendance, both of which chose not to do so. Respondent states one (1) of the students mentioned in the complaint is still enrolled in the school, and when approached by Respondent to go over the hours/poor attendance in order to understand the situation, the student chose not to do so. If the other ex-student would like to come view her timecards/hours/poor attendance, she is free to come to the school and view her student file.

Recommendation: Closure.

Decision: Approved.

40. Case No.: COS- 2022036691

First License Obtained: N/A
License Expiration: N/A
Complaint History: 2020087251, closed with a Letter of Warning;
2021024571, closed by Final Order and assessment of \$1,000 civil penalty and \$1,125 hearing costs;
2021064831 and 2021065031, closure (no evidence).
Referral to local law enforcement agency/district attorney's office for consideration of investigation/prosecution for impersonation of licensed professional;

This 9-1-22 consumer complaint alleges a negligent service and unlicensed activity. This Respondent has had multiple complaints in the past about being unlicensed, including a letter of warning followed by the procurement of a default judgement followed by a letter to local law enforcement (legal counsel is currently sending a follow-up letter to local enforcement). Inspector went to Respondent's home again, confronted Respondent, and Respondent misrepresented to inspector that she was not performing services; when inspector requested a written statement from Respondent that she was not performing services, she assured inspector she would do so but then never did. Inspector noted Respondent continues to advertise services on social media.

Recommendation: Closure as we are currently sending a follow up letter to the authorities.

Decision: Approved.

BARBER CASES

41. Case No.: BAR- 2022023131

First License Obtained: 08/20/2019
License Expiration: 08/31/2023
Complaint History: None

This 6-2-22 inspection revealed an expired shop license (expiration 8-31-21) and sanitation violations (dirty tools/implements, soiled towels, no wet barbicide, and no ultraviolet sanitizer). A Notice of Violation was issued. A letter of warning was issued regarding the sanitation violations. The shop license has since been renewed through 8-31-23.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

42. Case No.: BAR- 2022023161

First License Obtained: 10/25/2006
License Expiration: 10/31/2022
Complaint History: None

Please see fact pattern for Item #41 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

43. Case No.: BAR-2022022851

First License Obtained: 04/29/1994

License Expiration: 04/30/2020

Complaint History: 2019085191, closed with Letter of Warning This 6-3-22 inspection revealed an expired shop license (expiration 4-30-20) and an expired individual license (expiration 11-30-18) of the owner/manager; thus, the owner/manager was “not present” during the operation of the shop. A Notice of Violation was issued. This Respondent is the shop only.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00 (shop license only).

Decision: Approved.

44. Case No.: BAR-2022024131

First License Obtained: 12/23/2020

License Expiration: 10/31/2022

Complaint History: None

This 6-10-22 annual inspection revealed an unlicensed individual practicing on a client as well as the owner/manager absent during the operation of the shop. 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.

45. Case No.: BAR-2022026501

First License Obtained: 09/18/2017

License Expiration: 09/30/2023

Complaint History: None

This 6-28-22 annual inspection revealed an expired shop license (expiration 9-30-21) as well as no owner or manager present during the operation of the shop. A Notice of Violation was issued. On 8-12-22, owner states he was out of town and was unable to pay the civil penalty before the due date. The shop license has since been renewed through 9-30-23.

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

Decision: Approved.

46. Case No.: BAR-2022027181

First License Obtained: 09/17/2021

License Expiration: 09/16/2022

Complaint History: None

This 7-6-22 non-student complaint alleges no instructors are present during the operation of the school, thus providing an inadequate education. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

47. Case No.: BAR-2022028351

First License Obtained: 04/15/2013

License Expiration: 04/30/2021

Complaint History: None

This 7-12-22 annual inspection revealed an expired shop license (expiration 4-30-21). 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.

48. Case No.: BAR-2022030131

First License Obtained: 03/23/2012

License Expiration: 03/31/2024

Complaint History: 2012004551, closed with Letter of Warning;
2013026001, closed by Consent Order and payment of \$250.00 civil penalty

This 7-21-22 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.

49. Case No.: BAR- 2022030321

First License Obtained: 09/27/2027

License Expiration: 09/30/2021

Complaint History: 2011029541, close with a cease & desist letter;
20150223731, closed by Consent Order and payment of \$500.00 civil penalty

This 7-21-22 annual inspection revealed an expired shop license (expiration 9-30-21) and the shop owner/manager was not present during the operation of the shop. 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.

50. Case No.: BAR- 2022030521

First License Obtained: 03/20/2017

License Expiration: 03/31/2019

Complaint History: None

This 7-22- inspection revealed an expired shop license (expiration 3-31-19). 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.

51. Case No.: BAR- 2022030541

First License Obtained: 08/01/2016

License Expiration: 08/31/2022

Complaint History: None

Please see fact pattern for Item #50 above. This Respondent is the owner/manager cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

52. Case No.: BAR- 2022032371

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 8-2-22 re-inspection revealed five (5) persons practicing without a license as well as no owner or manager present during the operation of the shop. A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$5,500.00.

Decision: Approved.

53. Case No.: BAR-2022032391

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact patten for Item #52 above. This Respondent is one of the unlicensed individuals practicing without a license.

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

Decision: Approved.

54. Case No.: BAR-2022032411

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact patten for Item #52 above. This Respondent is one of the unlicensed individuals practicing without a license.

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

Decision: Approved.

55. Case No.: BAR- 2022032431

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

Please see fact patten for Item #52 above. This Respondent is one of the unlicensed individuals practicing without a license.

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

Decision: Approved.

56. Case No.: BAR- 2022032451

First License Obtained: N/A

License Expiration: N/A
Complaint History: None

Please see fact patten for Item #52 above. This Respondent is one of the unlicensed individuals practicing without a license.

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

Decision: Approved.

57. Case No.: BAR- 2022032471

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

Please see fact patten for Item #52 above. This Respondent is one of the unlicensed individuals practicing without a license.

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

Decision: Approved.

58. Case No.: BAR- 2022034811

First License Obtained: 08/19/2021
License Expiration: 01/31/2023
Complaint History: None

This 8-20-22 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

REPRESENTS

59. Case No.: COS- 2022027261

First License Obtained: 10/16/2020
License Expiration: 09/01/2022
Complaint History: 2021050741, closure

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *This 7-6-22 student complaint alleges (1) students have to pay 70% of their total tuition before they can take the state boards, (2) students were not receiving kits, and (3) there was inadequate instruction for PSI. Respondent states (1) they are a private institution that does not accept federal financial aid but does have a third-party finance provider that students can deal with directly regarding any contractual tuition issues they may have, (2) it was explained during orientation that contractually kits were not included in the tuition and were discontinued due to inappropriate use by former students who were attempting to perform aesthetics without a license; and (3) the students received all program materials and curriculum specified in their student contracts. Respondent states the student knows that these matters can be addressed directly with the Respondent when the student choses to do so. Chancery court/contractual matters (tuition for education) are outside the scope of the board's authority.*

Recommendation: Closure.

Decision: Deferred decision to next board meeting.

Update: At the last board meeting of August 1, 2022, the board requested the Respondent provide an answer to the following question: Since kits are vital to a student's education, what does [Respondent] do, if anything, to assist their students to make sure the student kits are provided and available to them?

The Respondent states: It is very unfortunate the disgruntled student led the Board to believe we do not give out kits. [Respondent] gives a textbook and full aesthetics kit on the student's first day of school that includes the following items: mannequin, alcohol spray, pack of 3x3 wipes, moisturizer, vitamin C serum, eye serum, toner, 1 mask brush, 1 cleansing brush, extraction kit, 2 head wraps, cleanser, facial mask, mask bowl, 2 towels uniform jacket, aesthetics kit bag, and parking card. Each student is also responsible for signing a kit checklist form to confirm they received all items. If any items were missing, by any chance, the instructor quickly notifies the Director so that those items are immediately replaced. [Student] is questioning excessive items such as chemical peels and other items she should only use after becoming a licensed aesthetician.

New Recommendation: Closure.

Decision: Approved.

60. Case No.: BAR- 2021054751

First License Obtained: 01/16/2018

License Expiration: 01/31/2022

Complaint History: None

This matter was previously presented to the Board at its December 6, 2021 meeting as follows: *This 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*

Update: The clerk's office provided documentation to show the judge dismissed all charges against the Respondent on or about 5-4-22.

New Recommendation: Closure.

Decision: Approved.

61. Case No.: BAR- 2022017351

First License Obtained: 03/02/2016

License Expiration: 03/31/2024

Complaint History: None

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *This 4-29-22 anonymous consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed the shop owner/manager absent during the operation of the shop. A Notice of Violation was issued.*

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

Decision: *Approved.*

Update: Further research indicated the Respondent paid the civil penalty by consent order against the Respondent's personal license (since the infraction was for the owner/manager not being present during the operation of the shop). This Respondent is the shop. This would be a duplicate penalty against the owner and the shop.

New Recommendation: Closure.

Decision: Approved.

62. Case No.: COS-2022013231

First License Obtained: 04/18/2022

License Expiration: 04/30/2024

Complaint History: None

This matter was previously presented to the Board at its June 6, 2022 meeting as follows: *Please see fact pattern for Item #33 above. This Respondent is the unlicensed individual practicing on a client.*

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

Decision: Approved.

Update: On the last legal report, the Board approved waiving the \$1,000.00 civil penalty against the shop (COS-2022013211) for an alleged unlicensed individual practicing (person had passed both exams, but inadvertently failed to apply for the license based on bad information). This Respondent is the alleged unlicensed person practicing where the \$1,000.00 civil penalty was waived by the Board.

New Recommendation: Closure.

Decision: Approved.

63. Case No.: COS-2022021011

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *This 5-18-22 inspection revealed an unlicensed shop and an unlicensed person practicing in the shop. A Notice of Violation was issued.*

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

Decision: Approved.

Update: Further research revealed the unlicensed shop owner already paid the \$1,000.00 civil penalty on the owner's personal license file; the total penalty against the unlicensed shop was \$2,000.00. \$1,000.00 of the total penalty would be a duplicate penalty against the shop and its owner.

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

Decision: Approved.

64. Case No.: COS- 2022017191

First License Obtained: 12/29/2016

License Expiration: 12/31/2022

Complaint History: None

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *This 4-26-22 annual inspection revealed a person practicing on an expired license (expiration 3-31-22). This Respondent is the shop owner/manager cited for failure of responsibilities. A Notice of Violation was issued.*

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

Decision: *Approved.*

Update: Further research revealed this Respondent paid the agreed citation/civil penalty for this case number on May 2, 2022 shortly after the 4-26-22 inspection.

New Recommendation: Closure with the signed Agreed Citation and \$500.00 civil penalty paid by the Respondent.

Decision: Approved.

65. Case No.: COS- 2022021971

First License Obtained: 10/02/2000

License Expiration: 09/30/2022

Complaint History: None

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *Please see fact pattern for Item #32 above. This Respondent is the owner of the shop cited for an unlicensed person practicing on a customer. This would be a duplicate penalty against the shop and its owner.*

Recommendation: *Closure.*

Decision: *Approved.*

Update: Further research indicated Respondent owner signed the Agreed Citation and paid the civil penalty for this case number. paid in \$1,500.00 on this complaint number but did not sign the agreed citation. The shop (COS-2022021951) was already sent a consent order for the same infraction for \$1,000.00, which is the appropriate entity to assess the civil penalty.

New Recommendation: Closure due to Respondent owner signing the Agreed Citation for this case number and paying the requested civil penalty.

Decision: Approved.

66. Case No.: COS- 2022015801

First License Obtained: 07/28/2014

License Expiration: 07/31/2022

Complaint History: None

This matter was previously presented to the Board at its June 6, 2022 meeting as follows: *This 4-20-22 consumer complaint alleges fraud in the procurement of a Tennessee Cosmetology license. Inspection revealed evidence to support the allegation.*

Recommendation: *Authorize formal hearing for revocation of individual cosmetology license. Authorize settlement by consent order for the voluntary revocation of individual cosmetology license.*

Decision: *Approved.*

Update: Litigation counsel attempted to call (telephone number no longer working) and sent an e-mail (receiving no response) to complainant regarding their future testimony (as well as their proposed witnesses) at a hearing. Witness testimony would be crucial to success at a hearing.

New Recommendation: Closure.

Decision: Approved.

67. Case No.: COS-2022021951

First License Obtained: 02/02/2012

License Expiration: 09/30/2023

Complaint History: None

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *This 5-25-22 annual inspection revealed an unlicensed individual practicing on a customer. A Notice of Violation was issued.*

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

Decision: *Approved.*

Update: Please see updated information for Item #65 above. This Respondent is the shop. This would be a duplicate penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved.

Motion made by Amy Tanksley and seconded by Patricia Parsons to approve the legal report recommendations as amended. The motion carried unanimously.

RULEMAKING HEARING

The Rulemaking Hearing began at 11:00 am led by Mr. Hugh Cross. A transcript of the proceeding will be made available upon receipt from the court reporter present.

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Applications for examination for: Shanice Carroll, Brian Cureton, Moneshia Davis and Katelyn Stephens. The applicants have felonies within the last three years and/or are currently incarcerated. The request to take the Tennessee examination was submitted for the board's approval along with the required information, disclosure from the student and letter of recommendation are submitted. The Board approved Agreed Orders for a probation period of two years as prepared by legal counsel.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of a barber license from Alabama for Edward Walker. The Madison County Certification shows Mr. Walker is a registered Barber until December 31, 2022. They do

not issue licenses the same way other States do. Mr. Walker spoke to the Director explaining all his experience, his education completed in March 2002 and stated he took the exams.

Recommendation - is that the applicant take the practical exam.

MOTION made by Frank Gambuzza and seconded by Patricia Parsons to approve reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Annette Marissa Slohoda. Ms. Slohoda completed 1,200 hours in New Jersey and both exams for her initial license issued in October 2021. She provided a letter from an employer using her in an apprentice capacity since August 2021. Application was approved because Ms. Slohoda was given incorrect information that did not consider she was living in Tennessee.

Recommendation - is to confirm the Directors decision to approve license.

MOTION made by Frank Gambuzza and seconded by Patricia Parsons to approve recommendation. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request to waive the need to retest pursuant to rule 0200-1-.10 which states an applicant must apply for and pay for the original license within six (6) months after passing the examination. The Board may, for good cause, waive this requirement. The board previously authorized the Director to approve these extensions past the six months but for only up to a year and for good cause. Ms. Jessica Mylott provided an explanation that she was traveling as a certified makeup artist in TV productions and forgot to apply. She passed her practical exam on 6/21/2021.

MOTION made by Patricia Parsons and seconded by Amy Tanksley to approve the license. The 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 months but for only up to a year and for good cause. Ms. Panna Patel provided an explanation saying she was impacted by COVID19. She passed her practical exam on 9/23/2019.

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

Request to waive the need to retest pursuant to rule 0200-1-.10 which states an applicant must apply for and pay for the original license within six (6) months after passing the examination. The Board may, for good cause, waive this requirement. The board previously authorized the Director to approve these extensions past the six months but for only up to a year and for good cause. Mr. Trent Weems provided an explanation that he was dealing with health issues. He passed her practical exam on 7/02/2021.

MOTION made by Amy Tanksley and seconded by Patricia Parson to approve the license. The 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 months but for only up to a year and for good cause. Ms. Alexandra Nigh provided an explanation that she had personal issues going on. She passed her practical exam on 3/20/2021.

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

Request to accept completion of manicure hours for Ms. Kimmberly Wynn. Ms. Wynn attended Tennessee Academy of Cosmetology in 2016. She has been a licensed aesthetician since May 2014. The monthly hours report from TAC, which is closed, shows her starting in May 2016 through July. Counting her general hours transferred from aesthetics she only reflects 534, missing 66 hours. The school gave her a ledger showing she graduated. She is asking to be approved to take the manicure exams.

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

DIRECTOR'S REPORT:

The fy22 surplus added \$106,130 bringing the reserve balance to \$1,253,846. Two-year end entries have been made. Final numbers should be made available by the end of October.

NEW BUSINESS:

Hugh Cross presented a request for interpretive opinion from two "Drybar" salons. The request for the salons to operate as natural hair styling shops as opposed to cosmetology shops was

presented in a letter. The board members asked questions and discussed how the new rules presented at the meeting take care of the flexibility for shops.

Motion to adjourn

Meeting adjourned at 12:05.

MOTION to adjourn made by Patricia Parsons and seconded by Judy McAllister to adjourn the meeting. The motion carried unanimously.