



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting August 7, 2023, at 9:00 a.m. in person. The meeting was held in person at the Tennessee State Library & Archives building located at 1001 Rep. John Lewis Way N., Nashville, 37219, in classrooms 1 & 2 and via Teams.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting. He explained that a member of the public may provide comments as they relate to the agenda. This opportunity is added at the end under new business.

Roxana Gumucio, Executive Director, called roll. The following members participated: Ron Gillihan, Judy McAllister, David McElreath, Jeffery Moran, Layne Petty, Becky Russell, Mona Sappenfield and Amy Tanksley.

Not available: Anita Charlton, Frank Gambuzza, Monica Lemons, and Patricia Parsons.

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

MINUTES-

Minutes for the June 2023 board meetings were submitted for changes and/or approval.

Motion made by Amy Tanksley and seconded by Mona Sappenfield to approve the April 2023 minutes. The motion carried unanimously.

PRESENTED BEFORE THE BOARD-

Vibe Barber College - New Cosmetology School

Mr. Kendrick Jefferson participated to answer questions for the board. The school is located in Memphis. This school has been licensed as a Barber school since 2003. This application was presented at the June board meeting and the members asked that it be updated and represented. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Mona Sappenfield and seconded by Judy McCallister to deny the application as presented and provide updates at the October 2nd board meeting. The motion carried unanimously.

Neisha School of Cosmetology - New Cosmetology School

Ms. Taneisha Noble Ware participated to answer questions for the board. The school is located in Memphis. This application was presented at the June board meeting and the members asked that it be updated and represented. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

Golden Skin Institute – New Aesthetics School

Mr. Elvin Mejia appeared before the board to answer questions for the board. The school is located in Brentwood. Mr. Mejia owns another school in Nashville since 2016. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by David McElreath and seconded by Mona Sappenfield to approve the new school pending requested updates and an inspection by a field inspector. The motion carried unanimously.

Premier Cosmetology Academy – Change in Location

Ms. Sharon Smith participated to answer questions for the board. The school is located in Johnson City. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Jeffrey Moran and seconded by David McElreath to approve the change in location pending requested updates and a complete inspection by a field inspector. The motion carried unanimously.

Confidence College of Cosmetology – New Apprenticeship Branch School

Ms. Courtney Bennett participated to answer questions for the board. The new school is located in Greeneville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely. Ms. Bennett has an existing school that opened in February 2023.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve the change in location pending changes outlined and a complete inspection and by a field inspector. The motion carried unanimously.

Royalty Academy of Barbering – New Barber School

Mr. Shawn Davis appeared before the board to answer questions for the board. The school is located in Nashville. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

DCI Academy School of Cosmetology – Change in Location

Ms. Destiny Cox participated to answer questions for the board. The school is located in Memphis and has two separate school licenses. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Jeffrey Moran and seconded by Mona Sappenfield to approve the change in location pending changes outlined and a complete inspection by a field inspector. The motion carried unanimously.

Crown Cuts Academy of Barber and Style – Change in Location for Barber School License

Mr. Craig Charles participated to answer questions for the board. The school is located in Johnson City. Only the barber school license is moving to the new location, the cosmetology program will

no longer be offered. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Amy Tanksley and seconded by Jeffrey Moran to approve the change in location pending requested changes and a complete inspection by a field inspector. The motion carried unanimously.

Paul Mitchell the School Memphis – Change in Location

Mr. Robert Dixon and Alyson Hemann participated to answer questions for the board. The school is located in Memphis. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Jeffrey Moran and seconded by Judy McCallister to approve the change in location pending changes outlined and a complete inspection by a field inspector. The motion carried unanimously.

Skin & Brow – Change in Location

Ms. Jessica West participated to answer questions for the board. The school is located in Chattanooga. A change in location was presented at the December 2022 meeting, then again in April 2023 for an apprenticeship only school. This application is for a full aesthetics school.

MOTION made by Judy McCallister and seconded by Jeffrey Moran to deny the change in location and requested updates be represented at the October 2nd board meeting. The motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 86 complaints and make recommendations to the Board.

COSMETOLOGY CASES

1. Case No.: COS- 2023018421

<u>First License Obtained:</u>	02/06/2012
<u>License Expiration:</u>	09/30/2023
<u>Complaint history:</u>	2014001161, closed by Consent Order and payment of \$750.00 civil penalty; 201700622, closed by Agreed Citation and payment of \$100.00 civil penalty

This 3-29-23 consumer complaint alleges a negligent service and requests a refund. Negligence actions/refunds are outside the scope of the Board's authority.

Recommendation: Closure'

Decision: Approved.

2. Case No.: COS-2023016251

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-30-23 annual inspection revealed an unlicensed individual. 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.

3. Case No.: COS-2023016561

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 3-30-23 annual inspection revealed an unlicensed individual. 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.

4. Case No.: COS- 2023023021

First License Obtained: 04/12/2023

License Expiration: 04/30/2023

Complaint history: 2023017751, closure (no evidence).

This 4-10-23 anonymous competitor complaint alleges unlicensed activity and unsanitary conditions with alleged social media in support. Inspection revealed Respondent was not at the shop address and had an active application for a cosmetology license. A Notice of Violation was not issued.

Recommendation: Closure (active application).

Decision: Approved.

5. Case No.: COS- 2023018511

First License Obtained: 09/14/2007

License Expiration: 08/31/2023

Complaint history: None

This 4-12-23 annual inspection revealed an unlicensed individual practicing on a client the owner-manager was 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.

6. Case No.: COS- 2023018321

First License Obtained: 04/04/2022

License Expiration: 04/30/2024

Complaint history: None

This 4-12-23 anonymous complaint alleged unlicensed activity with alleged pictures in support. 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.

7. Case No.: COS- 2023019881

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Please see fact pattern for Item #6 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.

8. Case No.: COS- 2023018571

First License Obtained: 09/21/2017

License Expiration: 07/31/2023

Complaint history: 2020062961, closure

This 4-18-21 annual inspection revealed an inspection sheet not displayed, a valid shop license not displayed, a valid individual license not displayed, and the owner was absent during the operation of the shop. A Notice of Violation was issued. A Letter of Warning was issued for all infractions except for the owner not being present during the operation of the shop.

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

Decision: Approved.

9. Case No.: COS- 2023019891

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

This 4-21-23 anonymous consumer complaint alleges unlicensed activity. 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.

10. Case No.: COS- 2023020781

First License Obtained: 08/28/2019
License Expiration: 09/01/2023
Complaint history: None

This 4-27-23 student complaint alleges embezzlement of financial aid/student loans regarding misleading advertising (student received little to no practical experience/left unprepared for a career, not implementing the curriculum), financial exploitation (charging high fees for tuition/books/kits and not receiving books/supplies/kits), and unprofessional conduct (creating a hostile learning environment – provides no specificity). The Respondent states complainant was dismissed from the school for an unrelated reason, and complainant has not brought forth any evidence to the Respondent regarding embezzlement, misleading advertising, lack of teaching the curriculum, high fees for tuition, lack of supplies/kits to students, or specific unprofessional conduct related to the student's situation. Criminal matters (embezzlement) are outside the scope of the Board's authority. Contractual matters (tuition for education and books/supplies) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

11. Case No.: COS- 2023021341

First License Obtained: 05/22/2023
License Expiration: 05/31/2025
Complaint history: None

This 5-1-23 annual inspection revealed an unlicensed shop (new ownership). 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.

12. Case No.: COS- 2023021481

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

This 5-2-23 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.

13. Case No.: COS-2023021231

First License Obtained: 10/29/2014

License Expiration: 10/31/2024

Complaint history: None

This 5-2-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed an expired individual license (expiration 10-31-22) and an unlicensed shop/suite. A Notice of Violation was issued. The individual license has since been renewed through 10-31-24.

Recommendation: Letter of warning (expired individual license). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

Decision: Approved.

14. Case No.: COS-2023022031

First License Obtained: 10/29/2014

License Expiration: 10/31/2024

Complaint history: None

Please see fact pattern for Item #13 above. This appears to be a duplicate Notice of Violation for the same offenses, and thus, a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

15. Case No.: COS- 2023021961

First License Obtained: 04/29/2003

License Expiration: 04/30/2024

Complaint history: 2005033251, closed by Consent Order and payment of \$500.00 civil penalty; 2016009361, closed by Consent Order and payment of \$500.00 civil penalty; 2019052461, closed by Letter of Warning

This 5-5-23 consumer complaint alleges a nail infection from a negligent service with alleged photographs in support. Respondent states they are not negligent, the client was satisfied with the service, the client never contacted Respondent regarding the nail infection, and it appears the photos submitted that the client hit her nail which caused the nail to separate from the nail bed. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: **Approved.**

16. Case No.: COS- 2023022911

First License Obtained: **12/09/2021**

License Expiration: **11/30/2023**

Complaint history: **None**

This 5-10-23 anonymous consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

17. Case No.: COS- 2023023111

First License Obtained: **04/20/2022**

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

Complaint history: **202202122, closed by Letter of Warning**

This 5-11-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

18. Case No.: COS- 2023023161

First License Obtained: **07/26/2017**

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

Complaint history: **2017069831, closed by Letter of Warning**

This 5-12-23 consumer complaint alleges theft of a service deposit (requesting a refund), unprofessional conduct (with specificity), and unlicensed activity. Complainant has engaged local law enforcement. Inspection revealed no evidence of unlicensed activity. Criminal matters (theft) and refunds are outside the scope of the Board's authority.

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

Decision: **Approved.**

19. Case No.: COS- 2023023361

First License Obtained: **04/16/2009**

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

Complaint history: **None**

This 5-12-23 annual inspection revealed an expired individual license (expiration 4-30-23). A Notice of Violation was issued. The individual license remains expired.

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

Decision: **Approved.**

20. Case No.: COS- 2023023441

First License Obtained: **11/29/2000**

License Expiration: **11/30/2024**

Complaint history: **None**

This 5-15-23 consumer complaint alleges an unlicensed home shop and unsanitary conditions. Investigator went to address listed in the complaint and found an individually licensed Respondent; Respondent would not allow inspector into the home. Respondent states she has a cosmetology chair in the home and only works on friends/family for tips. A Notice of Violation was not issued.

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

Decision: **Approved.**

21. Case No.: COS- 2023023531

First License Obtained: **03/16/2021**

License Expiration: **03/31/2025**

Complaint history: **None**

This 5-15-23 consumer complaint alleges dissatisfaction with a service. Respondent states complainant was advised prior to the service that the desired result may not be obtained, but the complainant wanted to try the service anyway.

Recommendation: **Closure.**

Decision: **Approved.**

22. Case No.: COS- 2023023551

First License Obtained: **02/25/2022**

License Expiration: **02/29/2024**

Complaint history: **None**

This 5-15-23 competitor complaint alleges MMA use. Inspection revealed presence of MMA in the shop and shop owner was counseled accordingly. A Notice of Violation was not issued.

Recommendation: **Letter of warning (MMA use).**

Decision: **Approved.**

23. Case No.: COS- 2023023721

First License Obtained: **01/16/2015**

License Expiration: **01/31/2025**

Complaint history: **None**

This 5-16-23 consumer complaint alleges Respondent performed a service that was not requested. Respondent states they overstepped the service but was doing so as a kind gesture only. Complainant acknowledges same and requests the complaint be dismissed.

Recommendation: Closure.

Decision: Approved.

24. Case No.: COS- 2023023831

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 5-17-23 consumer complaint alleges unlicensed activity and unprofessional conduct (rudeness). Inspection revealed no evidence of unlicensed activity. A Notice of Violation was not issued.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

25. Case No.: COS- 2023023821

First License Obtained: 07/02/2019

License Expiration: 06/30/2025

Complaint history: 2023006221, closure

This 5-17-23 consumer complaint alleges unsanitary equipment. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

26. Case No.: COS- 2023024051

First License Obtained: 05/04/2021

License Expiration: 04/30/2025

Complaint history: 202301651, closed by Agreed Citation and payment of \$1,000 civil penalty

This 5-17-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

27. Case No.: COS- 2023024101

First License Obtained: 05/11/2021

License Expiration: 04/30/2023

Complaint history: 202301620, closed by Agreed Citation and payment of \$1,000 civil penalty

This 5-17-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: **Approved.**

28. Case No.: COS- 2023024971

First License Obtained: **10/09/2015**

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

Complaint history: **None**

This 5-19-23 inspection revealed a nametag violation and unsanitary conditions. A Notice of Violation was issued. This Respondent is the owner of the shop. A Letter of warning was issued for both violations.

Recommendation: **Closure.**

Decision: **Approved.**

29. Case No.: COS- 2023024531

First License Obtained: **05/17/2023**

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

Complaint history: **None**

This 5-22-23 consumer complaint alleges unsanitary conditions. Inspection revealed some minor, correctible sanitation issues. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

30. Case No.: COS- 2023024841

First License Obtained: **10/04/2022**

License Expiration: **10/31/2024**

Complaint history: **None**

This 5-23-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

31. Case No.: COS- 2023025551

First License Obtained: **12/02/2021**

License Expiration: **09/01/2023**

Complaint history: **2022027821, closure**

This 5-25-23 student complaint alleges Respondent is taking tuition and not teaching properly (without specificity), not providing books to students, not providing makeup hours, unsanitary conditions, having students perform services prior to teaching infection control, and alleged battery on a student (not the complainant) from the Respondent owner. Inspection revealed no evidence of sanitation/infection issues; an accredited school that teaches the Mylady curriculum pre-installed on a laptop issued to each student; and does not provide makeup hours as the real

world requires persons to abide by their contracts. Criminal matters (battery) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

32. Case No.: COS- 2023026381

First License Obtained: 09/20/2021

License Expiration: 09/30/2023

Complaint history: None

This 5-25-23 annual inspection revealed a shop owner or 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.

33. Case No.: COS- 2023025971

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 5-26-23 consumer complaint alleges unlicensed activity with alleged social media in support. Inspector went to residence and did not observe any evidence of an operation; a card was left on the door and there was no return phone call from Respondent. A Notice of Violation was not issued.

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

Decision: Approved.

34. Case No.: COS- 2023026171

First License Obtained: 01/10/2020

License Expiration: 12/31/2023

Complaint history: 202203885, closed by Agreed Citation and payment of \$600.00 civil penalty

This 5-29-23 consumer complaint alleges unlicensed activity and 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- 2023026241

First License Obtained: 10/04/2004

License Expiration: 02/28/2025

Complaint history: None

This 5-30-23 consumer complaint alleges a negligent service and unprofessional conduct. Respondent states complainant was satisfied with the service when it happened, and their warranty policy was voided when complainant had another salon touch her hair for a revision; the post-action pictures appear to be a wrongful application of the other salon. Respondent was not rude but acknowledged that complainant could indeed file a complaint with the board regarding the service. Negligence actions are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

36. Case No.: COS- 2023026421

First License Obtained: 02/23/2016

License Expiration: 02/29/2024

Complaint history: None

Please see the fact pattern in Item #35 above. This Respondent is the stylist in the salon that performed the alleged negligent service. Complainant adds that Respondent may not be certified to perform the alleged negligent service. Respondent provided a copy of her certification.

Recommendation: Closure.

Decision: Approved.

37. Case No.: COS- 2023026631

First License Obtained: 02/19/2021

License Expiration: 02/28/2025

Complaint history: None

This 5-30-23 Attorney General – Consumer Affairs referral alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

38. Case No.: COS-2023027051

First License Obtained: 06/04/2021

License Expiration: 01/31/2025

Complaint history: 2023019131, closure; 2023021171, closure

This 5-31-23 anonymous consumer complaint alleges unlicensed activity. The Respondent shop was recently inspected on 4-25-23 with no violations for unlicensed activity.

Recommendation: Closure.

Decision: Approved.

39. Case No.: COS- 2023026801

First License Obtained: 12/19/2016

License Expiration: 09/01/2023

Complaint history: 2017070461, closure; 2019055641, closure; 2019067251, closure; 2021044571, closure; 2022022581, closure

This 6-1-23 student complaint alleges her hours are not being reported to the state for a possible transfer to another school. Respondent states the December 2022 student hours were submitted to the state on January 5, 2023.

Recommendation: Closure.

Decision: Approved.

40. Case No.: COS- 2023028681

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 6-2-23 Attorney General – Consumer Affairs Division referral alleges dissatisfaction with a service and unsanitary conditions from a home shop. Inspector contacted the Respondent, who states she does not perform services for money. Respondent does plan to obtain an individual and shop license in the future. A Notice of Violation was not issued.

Recommendation: Close and flag.

Decision: Approved.

41. Case No.: COS-2023027511

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 6-5-23 Attorney General – Consumer Affairs referral alleges unlicensed activity from an unlicensed home shop. Inspector went to address listed in the complaint; Respondent states she only performs services for family for free; respondent was counseled on individual/shop licensure. A Notice of Violation was not issued.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

42. Case No.: COS- 2023027541

First License Obtained: 03/15/1994

License Expiration: 09/01/2023

Complaint history: 9635, dismissed; 2002090111, complaint withdrawn; 2002090181, complaint withdrawn; 2002099451, dismissed; 2002104271, dismissed; 2006017181, dismissed; 2009025451, closed with no action; 2012000121, closed with no action; 2013016311; close

the case for lack of disciplinary grounds with the option to re-open the matter if new, relevant information arises; 2013025241, close the case for lack of disciplinary grounds with the option to re-open the matter if new, relevant information arises; 2017077941, closure; 2018039331, closure with request for inspection.

This 6-5-23 student complaint alleges general dissatisfaction with her educational experience at Respondent school and the school uses the students as a janitorial service. An additional 6-29-23 complaint from same student alleges a discrepancy with the school over a clock in/clock out issue. Respondent school did not provide a response to the allegations. Contractual/customer service issues (clock in/out and general dissatisfaction regarding educational experience) are outside the scope of the Board's authority.

Recommendation: Letter of warning (unprofessional conduct – not providing a response to allegations).

Decision: Approved.

43. Case No.: COS- 2023027901

First License Obtained: 04/17/2019

License Expiration: 04/30/2025

Complaint history: None

This 6-6-23 anonymous consumer complaint alleges an expired shop license, practicing services outside of their license, and unlicensed individual activity. Inspection revealed an expired shop license and no evidence to substantiate the other allegations. A Notice of Violation was issued for the expired shop license. The shop license has since been renewed through 4-30-25.

Recommendation: Letter of warning (expired shop license).

Decision: Approved.

44. Case No.: COS- 2023028451

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Please see fact pattern for Item #43 above. This is an identical complaint/Notice of Violation, where the Respondent owner states they never received a renewal notice but subsequently renewed the shop license once becoming aware of same.

Recommendation: Closure.

Decision: Approved.

45. Case No.: COS- 2023028511

First License Obtained: 08/13/2010

License Expiration: 08/31/2020

Complaint history: None

This 6-8-23 anonymous complaint alleges an expired individual license for a person still practicing on customers. Inspector attempted contact with Respondent on two occasions and was unable to substantiate the allegation. A Notice of Violation was not issued. The individual license remains expired.

Recommendation: Letter of warning (expired individual license).

Decision: Approved.

46. Case No.: COS- 2023028751

First License Obtained: 03/30/2022

License Expiration: 10/31/2024

Complaint history: None

This 6-9-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

47. Case No.: COS-2023028821

First License Obtained: 09/15/2021

License Expiration: 09/30/2023

Complaint history: None

This 6-10-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

48. Case No.: COS-2023028851

First License Obtained: 07/21/2020

License Expiration: 06/30/2024

Complaint history: None

This 6-10-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

49. Case No.: COS-2023028871

First License Obtained: 07/28/2020

License Expiration: 06/30/2024

Complaint history: **None**

This 6-10-23 consumer complaint alleges unlicensed activity. Inspector went to address listed which was a closed shop; inspector contacted owner who stated they would apply for a shop license when they returned from vacation. A Notice of Violation was not issued. The shop license was renewed through 6-30-24.

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

Decision: **Approved.**

50. Case No.: COS-2023029531

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

License Expiration: **09/01/2023**

Complaint history: **2018004191, closure and sent out for inspection;
2019048401, closure with request for inspection;
2020072951, closure; 202106111, closure**

This 6-13-23 Attorney General – Consumer Affairs referral alleges unprofessional conduct on behalf of an instructor as reported by a former student. Respondent school acknowledges the unprofessional instructor conduct and subsequently investigated same, resulting in a week suspension without pay as well as a 90-day probationary period with a 30-day peer evaluation while instructing students.

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

Decision: **Approved.**

51. Case No.: COS-2023030221

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

This 6-16-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

52. Case No.: COS- 2023030181

First License Obtained: **03/24/2023**

License Expiration: **03/31/2025**

Complaint history: **None**

This 6-16-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: **Closure.**

Decision: **Approved.**

53. Case No.: COS- 2023030191

First License Obtained: 03/24/2023

License Expiration: 03/31/2025

Complaint history: None

Please see fact pattern for Item #52 above. This complaint makes the same allegation that was investigated with the same result.

Recommendation: Closure.

Decision: Approved.

54. Case No.: COS- 2023030641

First License Obtained: 08/25/2020

License Expiration: 07/31/2024

Complaint history: 202202809, closed by Agreed Citation and payment of \$2,000 civil penalty

This 6-16-23 annual inspection revealed four (4) unknown and unlicensed individual working on clients who immediately left their stations and went out the door, with video and pictures in support. A recent inspection sheet was also not displayed. A Notice of Violation was issued. This is the Respondent's second offense for unlicensed individuals practicing in the shop.

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

Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$4,000.00.

Decision: Approved.

55. Case No.: COS- 2023030411

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 6-20-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

56. Case No.: COS- 2023030441

First License Obtained: 07/27/2021

License Expiration: 07/31/2025

Complaint history: None

This 6-20-23 employer complaint alleges former employee (now terminated) committed theft (taking pictures) of client health information from employer's computer system while unsupervised. Complainant provided video of Respondent taking pictures of the computer screen in support. The employer has contacted the local authorities regarding this theft.

Respondent states she only accessed/took pictures of information regarding Respondent's productivity (for a planned change in employment) that were not provided to Respondent upon request to the complainant/employer; Respondent was terminated when Respondent would not sign a two-year employment contract with the complainant/employer. Respondent provided pictures of the productivity reports she took from the computer in support.

Complainant counters the video shows Respondent taking more pictures than were provided in Respondent's supplemental proof, suggesting that proprietary and trade secret-type information could have been taken for use in the future.

Litigation counsel watched the videos to see if there was direct evidence of Respondent taking pictures of what would clearly show client health information, which would be immoral and unprofessional.

HIIPA/federal matters are outside the scope of the Board's authority. Theft/criminal matters are outside the scope of the Board's authority. Chancery court/trade secret and proprietary information matters are outside the scope of the Board's authority.

Recommendation: Closure (no direct evidence to specifically show unprofessional/immoral conduct).

Decision: Approved.

57. Case No.: COS- 2023030351

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 6-20-23 anonymous complaint alleges unlicensed activity from an unlicensed home. Inspector went to address listed in the complaint and was unable to contact Respondent; inspector left a card for a return call. Respondent never called the inspector. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

58. Case No.: COS- 2023030711

First License Obtained: 06/11/2019

License Expiration: 06/30/2023

Complaint history: None

This 6-22-23 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

59. Case No.: COS- 2023031181

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

This 6-23-23 anonymous complaint alleges unlicensed activity from an unlicensed home, unsanitary conditions, and an unsanitary condition. Inspector contacted Respondent, who stated she does not do services for compensation. Inspector counseled Respondent on licensure and sanitation. Inspector could not determine if there was an active unlicensed operation at the residence. A Notice of Violation was not issued.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

60. Case No.: COS- 2023031611

First License Obtained: 09/28/2022
License Expiration: 02/29/2024
Complaint history: 2020094011, closure; 2021044901, closure; 2022041671, closure

This 6-26-23 Attorney General – Consumer Affairs Division alleges unlicensed activity and unsanitary conditions. Inspection revealed dirty tools, two unlicensed individual working on customers, and the owner/manager absent during the operation of the shop (manager’s license was expired). A Notice of Violation was issued for the unlicensed individuals and the manager not being present. This is Respondent’s second offense for unlicensed individuals practicing in the shop.

Recommendation: Letter of warning (unclean tools). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$2,500.00.

Decision: Approved.

61. Case No.: COS- 2023031751

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

Please see Item #57 above regarding this same Respondent. This 6-27-23 consumer complaint alleges unlicensed activity from an unlicensed home with alleged social media in support. Inspector went to address listed in the complaint and was unable to contact Respondent; inspector left a card for a return call. Respondent never called the inspector. A Notice of Violation was not issued.

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

Decision: Approved.

62. Case No.: COS- 2023031861

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

This 6-28-23 fellow student complaint alleges unlicensed activity/charging a fee for a service at school with alleged social media in support. Inspector contacted Respondent's school and spoke with the administration; they informed the inspector they would handle the matter internally with the Respondent student. A Notice of Violation was not issued.

Recommendation: Letter of warning (individual licensure).

Decision: Approved.

63. Case No.: COS- 2023031961

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

This 6-28-23 complaint alleges unlicensed activity with alleged social media in support. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

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

Decision: Approved.

64. Case No.: COS- 2023032271

First License Obtained: 05/04/2021
License Expiration: 04/30/2025
Complaint history: 202301651, closed by Agreed Citation and payment of \$1,000 civil penalty

This 6-29-23 consumer complaint alleges unlicensed activity. Inspection revealed building was closed and undergoing construction renovations. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

65. Case No.: COS-2023032281

First License Obtained: 04/20/2022
License Expiration: 04/30/2024
Complaint history: 202202122, closed by Letter of Warning

This 6-29-23 former employee complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

66. Case No.: COS-2023032471

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 6-30-23 anonymous consumer complaint alleges unlicensed activity and a negligent service. Inspection revealed no evidence to substantiate the complaint regarding unlicensed activity. Negligence actions are outside the scope of the Board's authority. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

67. Case No.: COS-2023032491

First License Obtained: 07/07/2022

License Expiration: 06/30/2024

Complaint history: None

This 6-30-23 Attorney General – Consumer Affairs referral alleges unsanitary conditions and requests a refund. Inspection revealed no evidence of unsanitary conditions but did reveal two (2) unknown/unlicensed individuals practicing on clients in the shop. A Notice of Violation was issued. Refunds are outside the scope of the Board's authority.

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

Decision: Approved.

68. Case No.: COS-2023033191

First License Obtained: 11/07/2016

License Expiration: 11/30/2024

Complaint history: None

Please see the fact pattern for Item #67 above. This Respondent is the designated 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 \$2,000.00.

Decision: Approved.

69. Case No.: COS- 2023032721

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 7-4-23 competitor complaint alleges unlicensed activity (with alleged social media in support) from an unlicensed home shop. Inspector went to address listed and there were no cars

in the driveway/no one answered the door. Inspector left a card on the door for a return call and received none. A Notice of Violation was not issued.

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

Decision: Approved.

BARBER CASES

70. Case No.: BAR- 2023024991

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This consumer complaint alleges unlicensed activity from a home shop. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

71. Case No.: BAR- 2023020191

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This 4-24-23 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.

72. Case No.: BAR- 2023023411

First License Obtained: 11/04/2010

License Expiration: 11/30/2024

Complaint history: None

This 5-11-23 inspection revealed an expired individual license (11-30-22). A Notice of Violation was issued. The individual license has since been renewed through 11-30-24.

Recommendation: Letter of warning (expired individual license).

Decision: Approved.

73. Case No.: BAR- 2023025201

First License Obtained: 12/02/2021

License Expiration: 12/01/2023

Complaint history: None

This 5-24-23 Attorney General – Consumer Affairs referral is a grandparent of student complaint that alleges Respondent lacks supplies, an out of balance student/teacher ratio, an outdated student handbook, lack of a fire escape/active shooter plan, and unprofessional conduct (with

specificity, but not related to the actual student). Respondent states they are an accredited school (attaining a recent score of 100 with the Board the same day as the complaint) who met with the student's grandparent regarding excessive absences of 288.97 hours and not providing services to clientele. The Respondent provides documented write ups/verbal warnings in support. The student is scheduled to graduate in September 2023 if the student can maintain the requirements of the school and its handbook.

Recommendation: Closure.

Decision: Approved.

74. Case No.: BAR- 2023026531

First License Obtained: 11/15/2019

License Expiration: 11/30/2024

Complaint history: None

This 5-31-23 anonymous 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.: BAR- 2023028361

First License Obtained: 08/11/2020

License Expiration: 08/10/2023

Complaint history: None

This 6-8-23 student complaint alleges student was misled into initiating the hybrid master barber course at night on the promise that there would be the opening of a campus (for clinic hours) in a town closer to the student's home; when student tried to transfer hours to another school (based on the misleading information), the school stated the hybrid master barber hours were non-transferable. Respondent school states there was never a promise to open a second location, and the students signed an enrollment agreement to do their practical hours at the initial location; the student needs to come to the school to complete the student's exit paperwork as well as transfer paperwork to transfer the hours to another school closer to the student. Respondent school does not know the policy of another school regarding the transfer of hybrid hours.

Recommendation: Closure.

Decision: Approved.

76. Case No.: BAR- 2023033371

First License Obtained: 12/12/2018

License Expiration: 12/31/2022

Complaint history: 2019037771, closed by Consent Order and payment of \$1,500 civil penalty; 2021014881, closed by Consent Order and payment of \$700.00 civil penalty

This 7-9-23 consumer complaint alleges unlicensed activity and unprofessional conduct. Inspection revealed a recent inspection sheet not displayed, an expired shop license (expiration 12-31-22) and the owner/manager of the shop absent during the operation of the shop. A Notice of Violation was issued. This is the third offense for an expired shop license. This is the fourth offense for the owner/manager being absent during the operation of the shop. Respondent has another 2023 file where this Board is seeking revocation of the shop license.

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

Decision: **Approved.**

77. Case No.: BAR- 2023033481

First License Obtained: **08/15/2019**

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

Complaint history: **None**

This 7-10-23 anonymous consumer complaint alleges a dog in the shop and unsanitary conditions. Shop was unable to be inspected due to owner being out of town for a month. Respondent did provide a copy of the registered Emotional Support Animal Certificate regarding the dog. A Notice of Violation was not issued.

Recommendation: **Close and re-inspect regarding unsanitary conditions.**

Decision: **Approved.**

78. BAR- 2023034291

First License Obtained: **11/05/2018**

License Expiration: **11/30/2024**

Complaint history: **None**

This 7-13-23 administrative complaint alleges illegal drug distribution out of a barber shop. Barber shop was raided by local law enforcement and drugs were found within. Respondent is the owner of the shop and is currently in the criminal court process. An investigator drove by the establishment and found it to be closed during daytime hours and no clients present.

Recommendation: **Litigation monitoring (criminal case).**

Decision: **Approved.**

RE-PRESENTS

79. Case No.: BAR- 2022040431

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint History: **None**

This matter was previously presented to the Board at its February 6, 2023 meeting as follows: *This 9-22-22 annual inspection revealed an unlicensed individual practicing on a client. A Notice of Violation was issued.*

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

Decision: *Approved.*

Update: **Respondent evaded service of process of the Notice of Hearing and Charges.**

New Recommendation: **Close and flag.**

Decision: **Approved.**

80. Case No.: COS- 2022041571

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint History: **None**

This matter was previously presented to the Board at its February 6, 2023 meeting as follows: Please see fact pattern for Item #2 above. This Respondent is one of the unlicensed individuals practicing on a client.

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

Decision: *Approved.*

Update: **Respondent relocated out of state. Service of process will be an issue.**

New Recommendation: **Closure.**

Decision: **Approved.**

81. Case No.: COS-2022042151

First License Obtained: **04/10/1995**

License Expiration: **08/31/2021**

Complaint History: **2012010111, closed by Consent Order and payment of \$750.00 civil penalty; 2014003891, closed by Consent Order and payment of \$1,250.00 civil penalty**

This matter was previously presented to the Board at its December 5, 2022 meeting as follows: This 10-4-22 annual inspection revealed an expired shop license and evidence of someone living in the shop. A Notice of Violation was issued. The shop license remains expired.

Recommendation: *Letter of warning (living inside the shop). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$100.00.*

Decision: *Approved.*

Update: **Respondent owner evaded service of the Notice of Hearing and Charges; it is believed the address, phone number and e-mail address for the shop owner/shop owner's individual license are incorrect and need to be updated.**

New Recommendation: Close (evasion of service) and re-inspect for updated shop license (to include getting an accurate personal address/telephone number/e-mail address for the owner).

Decision: Approved.

82. Case No.: COS-2022042171

First License Obtained: 09/21/1995

License Expiration: 05/31/2024

Complaint History: None

This matter was previously presented to the Board at its December 5, 2022 meeting as follows: *Please see fact pattern for Item #39 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.*

Update: Respondent was not working on a client at the time of inspection

New Recommendation: Closure.

Decision: Approved.

83. Case No.: COS-2023017651

First License Obtained: 03/05/2021

License Expiration: 02/28/2025

Complaint history: None

This matter was previously presented to the Board at its June 5, 2023 meeting as follows:

This 4-4-23 annual inspection revealed an expired shop license (expiration 2-28-23) and the owner/manager was not present during the operation of the shop. A Notice of Violation was issued. The shop license has since been renewed through 2-28-25.

Recommendation: *Letter of warning (expired shop license). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00.*

Decision: *Approved.*

Update: The person pictured in the inspection file is a designated manager, obviating the need for a consent order with a \$500.00 civil penalty for owner/manager not present during the operation of the shop.

New Recommendation: Letter of Warning (expired shop license).

Decision: Approved.

84. Case No.: COS- 2023010211

First License Obtained: 08/02/2013

License Expiration: 07/31/2023

Complaint history: 2015016031, closed by Consent Order and payment o

of \$100.00 civil penalty; 201707774, closed by Agreed Citation and payment of \$500.00 civil penalty

This matter was previously presented to the Board at its June 5, 2023 meeting as follows: This 3-2-23 annual inspection revealed offering a service outside of the license (waxing), an unlicensed individual performing services, and another individual practicing on an expired license (expiration 8-31-22). A Notice of Violation was issued.

Recommendation: Letter of warning (expired individual license – see below). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,500.00 (unlicensed individual/performing outside services).

Decision: Approved.

Update: Further research indicated the civil monetary penalty was paid by the Respondent on its companion “owner/manager” file. This is a duplicate penalty against the shop and its owner.

New Recommendation: Closure.

Decision: Approved.

85. Case No.: BAR-2023015951

First License Obtained: 03/28/2016

License Expiration: 03/31/2024

Complaint history: 201801001, closed by an Agreed Citation and payment of \$1,000 civil penalty

This matter was previously presented to the Board at its June 5, 2023, meeting as follows: Please see fact pattern for Item #69 above. This Respondent is the designated manager cited for failure of responsibilities. This is the Respondent’s third offense for failure of responsibilities regarding unlicensed individuals.

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

Decision: Approved.

Update: Further research showed the shop owner did the hiring/firing of the unlicensed barbers; Respondent designated manager had no say on the matter but was to manage the employees. The barber shop has since signed a revocation consent order for its shop license (thereby closing the shop location) and Respondent designated manager has chosen to seek employment under a different management style.

New Recommendation: Closure.

Decision: Approved.

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

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

Applications for examination for: Keisha Bethany, Amanda Dotson, DeeAnna Gibson, Megan Pires, Jasmine Hailey, Alexandria Nelson, Jasmine Jackson, Kalyn Polochak, Brook Morrell, and Ather Scott. 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 David McElreath to approve applications for examination with a signed Agreed Order. The motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

No reciprocity applications.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request to waive the need to complete the 300-hour eyelash course. Ms. Alyssa Lawrence completed her 750-aesthetics program in April 2022. She is only interested in obtaining the eyelash license which is now an option. She will need to pass both exams before being able to obtain that license.

MOTION made by Amy Tanksley and seconded by Layne Petty to approve the request. The motion carried unanimously.

DIRECTOR'S REPORT:

The financial information through May 2023 was presented. FY23 so reflects a deficit of \$20,070 leaving the reserve surplus balance at \$1,279,551.

Director Gumucio presented the 2024 meeting dates as follows: February 5th, April 1st, June 3rd, August 5th, October 7th, and December 2nd.

MOTION made by David McElreath and seconded by Layne Petty to approve the 2024 meeting dates as presented. The motion carried unanimously.

NEW BUSINESS:

Mr. Cross presented draft rules for the eyelash specialist license, the eyelash shop license, and a change to the language regarding high school equivalency. The board reviewed the draft rules Motion made by Amy Tanksley and seconded by Mona Sappenfield. Rules were approved by roll call vote unanimously.

Director Gumucio asked if anyone in the public, participating in person or remotely using Teams, had comments as they relate to the agenda.

Ms. Lakeyda Wakefield asked for clarification on the new eyelash specialist license. There were no comments provided. There were no other questions or comments.

Additional Questions:

Motion to adjourn:

Meeting adjourned at 12:35.

MOTION to adjourn made by Mona Sappenfield and seconded by David McElreath to adjourn the meeting. The motion carried unanimously.