



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting February 6, 2023, at 9:06 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: Frank Gambuzza, Ron Gillihan, Monica Lemons, Judy McAllister, Jeffery Moran, Patricia Parsons, Becky Russell, Mona Sappenfield, Layne Petty, David McElreath, and Amy Tanksley.

Not available: Anita Charlton, Kimberly Ray.

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

Director Gumucio introduced David McElreath, new public board member with an education degree.

Legislative Updates: SB0093/HB0103; SB0450/HB016

Legal Counsel for the Board, Hugh Cross, presented updates the Board regarding bills currently before the legislature. SB0093/HB0103 creates a new individual license type for eye lash services and a new shop type for lash services. SB0450/HB016 which deals directly with tattoos and body piercing. SB1246 eases restrictions on aesthetics instructors working under physicians. SB1247 allows discretion to waive the exam for expired licensees with 30 years or more of licensure. All bills are subject to amendments.

MINUTES-

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

Motion made by Amy Tanksley and seconded by Monica Lemons to approve the December 2022 minutes. The motion carried unanimously.

Roberts Rule of Order:

For 2023 the board voted to adopt Roberts Rule of Order.

MOTION made by Jeffrey Moran and seconded by Monica Lemons to adopt Roberts Rules. The motion carried unanimously.

Elect Board Chair and Vice Chair:

Pursuant to T.C.A. 62-4-105, the board shall annually elect a chair and vice chair.

MOTION made by Judy Mccallister and seconded by Mona Sappenfield to elect Ron Gillihan as Chair for 2023. The motion carried by unanimous roll call vote.

MOTION made by Amy Tanksley and seconded by Patricia Parsons to elect Russell as vice chair of the State Board of Cosmetology and Barber Examiners for 2023. The motion carried by unanimous roll call vote.

PRESENTED BEFORE THE BOARD-

Global Beauty & Barber Institute – Name Change

Ms. Ciara Gordon presented the schools new business IRS documentation changing to school's name to Divine Grace Schools of Careers (DGS).

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

Confidence College of Cosmetology – New Cosmetology School

Ms. Courtney Bennett previously presented the new school application at the December 2022 board meeting. The board asked for revisions to be present at the February meeting. Ms. Bennett updated the information and answered the members questions.

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

Dream Academy – Change in Location

Ms. April Hardin participated to answer questions for the board. The new school location is in Knoxville. The application, enrollment agreement, catalog, and floor plan were all received timely.

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

Cure Advanced Aesthetics – Change in Location

Ms. Malia Hendrix participated to answer questions for the board. The new school location is in Memphis. The application, enrollment agreement, catalog, and floor plan were all received timely.

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

Master Educators Academy– Change in Location

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

MOTION made by Amy Tanksley and seconded by Monica Lemons to approve the change in location pending an inspection by a field inspector. The motion carried unanimously.

The Hair Academy – Change of Ownership

Ms. Tina Freeman participated to answer questions for the board. The new school location is in Fayetteville. The application, enrollment agreement, catalog, and floor plan were all received timely.

MOTION made by Judy McAllister and seconded by David McElreath to approve the change in location pending an inspection by a field inspector. The motion carried unanimously.

The Barber Shop – New Barber Branch School

Mr. Emory Hammonds participated to answer questions for the board. Mr. Hammonds currently owns the Memphis Barber College. This second separate school is located inside the Southland Mall in Memphis. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely. The members had many questions and concerns among them the name of “the barber shop” for the school being misleading, the theory hours being done in a classroom located at the Memphis Barber College, the daily walk or drive between the two campuses for the students. The members denied the application as presented. They agreed that updates to the plan and name of the school could be presented to the Director.

MOTION made by Amy Tanksley and seconded by Monica Lemons to approve the request, pending revisions discussed are acceptable to the Director. The motion carried unanimously.

Caviar Beauty Institute – New Cosmetology Apprenticeship School

Ms. LaShun Thompson participated to answer questions for the board. The school is in Collierville and is 1800 square feet. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

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

Premier Nail Academy – Change in Location

Ms. Kesha Scales participated to answer questions for the board. The new school location is in Memphis. The application, enrollment agreement, catalog, and floor plan were all received timely.

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

2023 Continued Education Seminar Requests:

Beauty Educators Leadership Conference: Ms. Destiny Cox submitted their information for the instructor continuing education seminar to be offered virtually on November 12th & 13th, 2023.

Motion made by Patricia Parsons and seconded by Judy McCallister to approve the 2023 session and requested date. 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. The members had several questions about the online course.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to deny CE. The motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 59 complaints and make recommendations to the Board.

1. Case No.: COS- 2022041271

First License Obtained: 04/13/2016

License Expiration: 04/30/2024

Complaint History: None

This 9-29-22 inspection revealed an unlicensed person practicing on a client. A Notice of Violation was issued. This Respondent is the owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

2. Case No.: COS- 2022040991

First License Obtained: 02/25/2021

License Expiration: 01/31/2023

Complaint History: None

This 9-30-22 inspection revealed two (2) unlicensed individuals practicing on clients. 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.

3. Case No.: COS- 2022041511

First License Obtained: 04/26/2021

License Expiration: 04/30/2023

Complaint History: None

Please see the fact pattern for Item #2 above. This Respondent is the designated manager cited for failure of responsibilities. The Respondent paid the civil monetary penalty but failed to sign the Agreed Citation.

Recommendation: Authorize formal hearing. Authorize settlement by signed agreed citation or consent order.

Decision: Approved.

4. Case No.: COS- 2022041541

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

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.

5. Case No.: COS- 2022041571

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

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.

6. Case No.: COS- 2022044421

First License Obtained: 11/18/2021

License Expiration: 11/30/2023

Complaint History: None

This 10-21-22 consumer complaint alleges a negligent service. Respondent states complainant was happy when she left the salon; Respondent offered to fix any problem and ultimately had to refund the money for the service. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

7. Case No.: COS- 2022046961

First License Obtained: 02/08/1995

License Expiration: 10/31/2023

Complaint History: None

This 10-23-22 Tennessee Department of Consumer Affairs referral alleges a negligent service and requests a refund. Respondent submits a general denial of liability and states the alleged negligence may be due to external health/medical factors. Negligence actions and refunds are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

8. Case No.: COS- 2022045461

First License Obtained: 01/05/2006

License Expiration: 09/01/2023

Complaint history: 2008015181, closed with Letter of Warning; 2008016441, closed after informal conference; 2009009761 combined w/2012011561, closed by Consent Order and payment of \$1,000 civil penalty; 2010007331, closed with no action; 2010007341, closed with no action; 201023701, closed; 201029181, closed; 2016017291, closed by Consent Order and payment of \$1,000 civil penalty; 2017070771, closed w/ no action; 2018033241, closure; 2019094811, closure

This 10-28-22 student complaint alleges Respondent allows one instructor to teach multiple classes with junior instructors operating off the instructor's license. Respondent states they have three (3) licensed instructors for their 43 active evening students, along with two (2) instructor trainees and one (1) junior instructor (who have completed their required hours and will be testing in the coming weeks).

Recommendation: Closure.

Decision: Approved.

9. Case No.: COS- 2022045471

First License Obtained: 10/28/2011

License Expiration: 09/01/2023

Complaint History: 2017038071, closure; 2018062611, closure; 2022005811, closure; 2022020451, closure

This 10-28-22 student complaint alleges (1) students are being pressured to perform services on clients with contraindications, (2) lack of education, (3) an alleged gas leak, and (4) other general and building complaints. Respondent states they are aware of the contraindications that would prohibit a service being performed, the lack of education alleged applied to newer students with their practical assignments, and Respondent employs a maintenance technician who addresses concerns with the proper function of the building. Any other stated concerns of third parties are hearsay and can be resolved through the school's complaints process. Contractual matters (education for tuition) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

10. Case No.: COS- 2022045481

First License Obtained: 10/28/2011

License Expiration: 09/01/2023

Complaint History: 2017038071, closure; 2018062611, closure; 2022005811, closure; 2022020451, closure

This 10-28-22 student complaint alleges a lack of education and a gas leak. Respondent states they met with the student and developed an action plan regarding the instruction (removal of

instructor for needed coaching) and the alleged gas leak was fixed by the maintenance technician. Any further student complaints can be addressed through the Respondent's complaints process. Contractual matters (education for tuition) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

11. Case No.: COS- 2022046121

First License Obtained: 12/19/2016

License Expiration: 11/30/2022

Complaint History: 201902598, closed by Agreed Citation and payment of \$100.00 civil penalty

This 11-1-22 inspection revealed the shop owner was practicing with an expired individual license (expiration 8-31-22), and thus, 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 \$600.00.

Decision: Approved.

12. Case No.: COS-2022046141

First License Obtained: 08/18/2000

License Expiration: 08/31/2024

Complaint History: 201902600, closed by an Agreed Citation and payment of \$500.00 civil penalty

Please see fact pattern for Item #11 above. This Respondent is the shop owner cited for an expired individual license. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

13. Case No.: COS- 2022046051

First License Obtained: 11/12/2020

License Expiration: 10/31/2024

Complaint History: None

This 11-2-22 alleges unlicensed activity and a negligent service. Inspection did not reveal sufficient evidence to warrant the issuance of a Notice of Violation. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

14. Case No.: COS- 2022046241

First License Obtained: 07/15/2022

License Expiration: 07/31/2024

Complaint History: None

This 11-3-22 anonymous complaint alleges unlicensed activity and a negligent service. Inspection revealed no evidence of unlicensed activity. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

15. Case No.: COS-2022048461

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-3-22 anonymous consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed no evidence of anyone actively practicing cosmetology although the shop contained items consistent with a cosmetology practice. Inspector spoke with shop owner on the phone and counseled owner regarding individual and shop licensure. Shop owner stated they would obtain licensure prior to offering cosmetology services. A Notice of Violation was not issued due to no evidence. Negligence actions are outside the scope of the Board's authority.

Recommendation: Close and re-inspect for individual/shop licensure.

Decision: Approved.

16. Case No.: COS- 2022046631

First License Obtained: 06/18/2018

License Expiration: 09/01/2023

Complaint History: 2019036861, 2019055511, 2019050661, 2019095181, and 2019099931, closure; 2020084881, closure; 2021072541, closure; 2021074261, closure; 2022011511; closure; 2022004371, closure

This 11-7-22 former cosmetology instructor intern alleges (1) she was not paid the full stipend while in training, (2) never received her certification, and (3) fraud for not being eligible to take the examinations for a cosmetology instructor until 2024. Respondent states complainant was paid her stipend, complainant was sent her certification, and complainant was able to procure employment in another state that does not require a cosmetology instructor license. Labor law (wage) issues are outside the scope of the Board's authority. Criminal matters (fraud) are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

17. Case No.: COS-2022048191

First License Obtained: 05/30/2008

License Expiration: 09/30/2024

Complaint History: 2015001511, closed by Letter of Warning

This 11-7-22 Tennessee Attorney General consumer complaint referral alleges dissatisfaction with a service (requesting a refund) and unprofessional conduct (with specificity). Respondent states complainant exhibited an attitude but was satisfied with the service performed;

complainant expressed dissatisfaction the following day and exhibited more attitude and yelling on the phone. Complainant rebuts a general denial of being rude and the Respondent is not being forthright. Refunds are outside the scope of the Board's authority.

Recommendation: Letter of Instruction (unprofessional conduct).

Decision: Approved.

18. Case No.: COS- 2022046841

First License Obtained: 01/28/2020

License Expiration: 01/31/2024

Complaint History: 2016022661, closed by Consent Order and payment of \$1,000 civil penalty; 2019092001, closure

This 11-9-22 consumer complaint alleges unsanitary conditions, unlicensed activity and a wage issue with pictures/screen shots in support. Inspection revealed no evidence of unsanitary conditions or unlicensed activity; the area of mold had been corrected. A Notice of Violation was not issued. Labor law (wage) issues are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

19. Case No.: COS- 2022046991

First License Obtained: 01/28/2020

License Expiration: 01/31/2024

Complaint History: 2016022661, closed by Consent Order and payment of \$1,000 civil penalty; 2019092001, closure

This 11-9-22 consumer complaint alleges unsanitary conditions/mold in the shop with a photo in support. Inspection revealed no evidence of unsanitary conditions or unlicensed activity. The area of mold had been corrected. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

20. Case No.: COS- 2022047111

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-10-22 consumer complaint alleges unlicensed activity with alleged social media in support. Inspection revealed no evidence of services being performed in the state of Tennessee for compensation. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

21. Case No.: COS-2022047181

First License Obtained: 02/29/2000

License Expiration: 09/01/2023

Complaint history: 2011003261, 2011003331, dismissed; 2011007811, close with no further action; 2011031791, close with no action; 2012007401, close with no further action;

2019103121, closure

This 11-10-22 Tennessee Division of Consumer Affairs referral alleges unprofessional conduct where Respondent did not adequately communicate with complainant about a rescheduled clinic appointment. Respondent school owner states she had an immediate illness and had to leave/vacate the students from the school on the date of the rescheduled appointment without letting complainant know of same. When Respondent did return to the school, she tried to reach out to complainant to apologize but was unsuccessful in doing so. The situation could not be avoided.

Recommendation: Letter of instruction (unprofessional conduct).

Decision: Approved.

22. Case No.: COS-2022047851

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2021060091, closure

This 11-15-22 Attorney General Consumer Affairs referral alleges fraud involving a credit card for cosmetology products and requests a refund. Inspection revealed an unlicensed cosmetology shop. A Notice of Violation was issued. Criminal matters (fraud) are outside the scope of the Board's authority. Refunds are outside the scope of the Board's authority.

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

Decision: Approved.

23. Case No.: COS-2022048131

First License Obtained: 02/09/2021

License Expiration: 08/31/2023

Complaint History: None

This 11-18-22 competitor 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.

24. Case No.: COS-2022048161

First License Obtained: 10/16/2020

License Expiration: 09/01/2023

Complaint History: 2021041831, closure; 2021020601, closure; 2022016481, closed by Letter of Warning

This 11-19-22 student complaint alleges Respondent shorted complainant 1.5 hours for her graduation from the school. Respondent states they could not accommodate student's graduation date from the school due to the logistics of no one being present due to the Thanksgiving holiday. The complainant successfully graduated from the school.

Recommendation: Closure.

Decision: Approved.

25. Case No.: COS-2022048151

First License Obtained: 07/20/2020

License Expiration: 07/31/2022

Complaint History: None

This 11-19-22 consumer complaint alleges a negligent service with alleged social media and screenshots in support. Inspector went to Respondent's address; Respondent stated she has a hair braiders certificate and explained the alleged negligence to the inspector. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

Recommendation: Closure.

Decision: Approved.

26. Case No.: COS-2022048211

First License Obtained: 10/29/2015

License Expiration: 10/31/2023

Complaint History: None

This 11-21-22 consumer complaint alleges an unlicensed home shop and unsanitary conditions/drug use. Inspector went to address listed and spoke with Respondent, who stated she performs services for some family members only. There was no evidence of customers at the home or of unsanitary conditions. A Notice of Violation was not issued.

Recommendation: Closure (no evidence).

Decision: Approved.

27. Case No.: COS- 2022048261

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-21-22 consumer complaint alleges unlicensed individual activity from an unlicensed home with alleged social media in support. Inspector went to residence address listed – there was no one there or any customers in the driveway. An inspection could not be performed. A Notice of Violation was not issued.

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

Decision: Approved.

28. Case No.: COS- 2022048611

First License Obtained: 06/11/2015

License Expiration: 06/30/2023

Complaint History: None

This 11-25-22 consumer complaint alleges unlicensed activity from an unlicensed home and unsanitary conditions. Inspector went to address listed and left a card; Respondent contacted inspector and was counseled on home shop licensure. Respondent is a licensed cosmetologist. A Notice of Violation was not issued.

Recommendation: Letter of instruction (home shop license).

Decision: Approved.

29. Case No.: COS- 2022048621

First License Obtained: 02/22/2019

License Expiration: 02/28/2023

Complaint History: None

This 11-25-22 former employee complaint alleges Respondent owner is having sex with a client as well as being intoxicated on the premises during store hours with an alleged audio file admission of the Respondent in support. Respondent's attorney states, in essence, Respondent has not been intoxicated while performing services on clients, Respondent's lapse of judgment with a personal relationship in a private work area was not with a paying cosmetology client at the time, and Respondent does not have a previous disciplinary history.

Recommendation: Letter of warning (unprofessional and immoral conduct).

Decision: Approved.

30. Case No.: COS- 2022048631

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 11-26-22 consumer complaint alleges unlicensed activity from an unlicensed home and unsanitary conditions with alleged social media/pricing in support. Inspector went to address and spoke to Respondent through a doorbell camera – Respondent was not at home and gave inspector a number to call them at. Inspector contacted Respondent, who stated they provided services for friends free of charge. Respondent was counseled on individual/shop licensure. A Notice of Violation was not issued.

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

Decision: Approved.

31. Case No.: COS- 2022049061

First License Obtained: 02/22/2019

License Expiration: 02/28/2023

Complaint History: None

Please see fact pattern for Item #29 above. This 11-29-22 former employee complaint alleges essentially the same allegations with essentially the same response from Respondent's attorney.

Recommendation: Closure.

Decision: Approved.

32. Case No.: COS- 2022049101

First License Obtained: 02/22/2019

License Expiration: 02/28/2023

Complaint History: None

Please see fact pattern for Item #29 above. This 11-26-22 former employee complaint alleges essentially the same allegations (with an alleged media file in support) with essentially the same response from Respondent's attorney.

Recommendation: Closure.

Decision: Approved.

33. Case No.: COS- 2022048551

First License Obtained: 03/20/2019

License Expiration: 03/31/2023

Complaint History: None

This 11-30-22 shop inspection revealed some unsanitary conditions that did not result in a Notice of Violation.

Recommendation: Letter of warning (unsanitary conditions).

Decision: Approved.

34. Case No.: COS- 2022049281

First License Obtained: 01/29/2019

License Expiration: 01/31/2023

Complaint History: 201901355, closed by Agreed Citation and payment of \$1,000 civil penalty; 2019056781, closure; 2021027471, closed by Letter of Warning

This 12-1-22 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.

35. Case No.: COS- 2022050191

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-6-22 competitor complaint alleges unlicensed individual activity from an unlicensed home shop with alleged social media and screenshots in support. Inspector went to address/telephone listed in the complaint, which revealed a liquor store in a business district. Inspector inquired of the store owner whether a cosmetology operation was being conducted at the location and found none. Social media could not verify an address/telephone number for Respondent. A Notice of Violation was not issued.

Recommendation: Closure (no evidence – no address).

Decision: Approved.

36. Case No.: COS- 2022050581

First License Obtained: 03/18/1994

License Expiration: 09/01/2023

Complaint History: 7715, dismissed; 8123, dismissed; 9114, dismissed; 2000064621, closed with no action; 2006016781, dismissed; 2007088431, closed with no action; 201017951, closed with no action; 2022039771, closed with Letter of Warning

This 12-9-22 administrative complaint alleges Respondent school filed a change of location with the Board that was approved back in 2021, but the Respondent has not fully occupied the

building (due to alleged construction delays) and is only offering online classes with no hands-on instruction; further, Respondent never responded to correspondence requesting an inspection due to the change of location. Complainant posed four (4) questions for the Respondent to answer:

- (1) How are the [practical] hours being done?
- (2) How and where are [practical] hours being done?
- (3) Because the Respondent does not have a physical location, approved by an inspection, there can be no new students being accepted.
- (4) When does the school expect to be ready for inspection?

Respondent school answered, pertinently, as follows:

1. I understood that virtual learning was acceptable during the temporary disruption in Respondent's physical location.
2. I understood that virtual learning was acceptable during the temporary disruption in Respondent's physical location; if needed, students could meet with Respondent at the new location.
3. I was unaware but now understand and will comply.
4. I do not have a set completion date.

Recommendation: Authorize formal hearing. Authorize settlement by voluntary revocation of school license due to violation of T.C.A. section 62-4-120 (d).

Decision: Approved.

37. Case No.: COS- 2022051021

First License Obtained: 09/09/2022

License Expiration: 09/30/2024

Complaint History: None

This 12-12-22 anonymous complaint alleges Respondent is performing services outside of their cosmetology licenses (injectable services). Inspection revealed no evidence to substantiate the complaint in the cosmetology salon; Respondent is in the process of obtaining the building next door for the med spa (under the supervision of a physician) and is in communication with the local health department regarding compliance with their rules.

Recommendation: Closure (no evidence).

Decision: Approved.

38. Case No.: COS-2022051151

First License Obtained: 04/18/2005

License Expiration: 04/30/2023

Complaint History: None

This undated, anonymous consumer complaint alleges unlicensed activity from an unlicensed home. Respondent states she is a licensed aesthetician (providing an aesthetician license number) under the supervision of a licensed medical doctor (providing the doctor's identity and medical license number) and providing services from a medical spa registered through the Tennessee Department of Health.

Recommendation: Closure.

Decision: Approved.

39. Case No.: COS- 2022051471

First License Obtained: 12/29/2016

License Expiration: 07/31/2023

Complaint History: None

This 12-17-22 consumer complaint alleges a negligent service and unlicensed activity. Inspection revealed no evidence to substantiate the allegation of unlicensed activity. A Notice of Violation was not issued. Negligence actions are outside the scope of the board's authority.

Recommendation: Closure.

Decision: Approved.

40. Case No.: COS- 2022052101

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-22-22 consumer complaint alleges unlicensed activity. Inspection revealed Respondent was not present at the salon and was not available by telephone on the date of inspection to confirm Respondent being a licensed natural hair stylist. Thus, a Notice of Violation was not issued.

Recommendation: Close and re-inspect for production of licensure.

Decision: Approved.

41. Case No.: COS- 2022052261

First License Obtained: 08/23/2007

License Expiration: 08/31/2023

Complaint History: 2008014991, closed by Consent Order and payment \$2,500 civil penalty; 2012021311, closed by Consent Order and payment of \$250.00 civil penalty

This 12-23-22 consumer complaint alleges a negligent service, rude behavior (with specificity) and unsanitary conditions. Inspection revealed some minor, correctible offenses (nametags, clean towel storage, drill bits/buffers) but no evidence of unsanitary conditions to warrant the issuance of a Notice of Violation. Negligence actions are outside the scope of the board's authority.

Recommendation: Letter of warning (unprofessional conduct).

Decision: Approved.

42. Case No.: COS- 2022052401

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 12-27-22 anonymous consumer complaint alleges unlicensed activity and unsanitary conditions with alleged social media in support. Inspector went to residence address listed in complaint and did not see any signage; Respondent's boyfriend answered the door and stated

Respondent was not home. Inspector informed boyfriend to inform Respondent about the nature of the complaint. A Notice of Violation was not issued.

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

Decision: Approved.

43. Case No.: COS- 2023000051

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

This 1-1-23 consumer complaint alleges unlicensed activity with alleged social media/pricing in support. Inspector went to residence address listed in the complaint and did not see any signage; no one answered the door and the inspector left a card on the door for a return call. Respondent minor's mother called inspector back; inspector counseled Respondent's mother regarding individual/home shop licensure. Respondent's mother assured inspector the operation would cease. A Notice of Violation was not issued.

Recommendation: Closure (Respondent was counseled).

Decision: Approved.

BARBER CASES

44. Case No.: BAR- 2022040431

First License Obtained: N/A

License Expiration: N/A

Complaint History: None

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.

45. Case No.: BAR-2022043451

First License Obtained: 05/11/2021

License Expiration: 05/31/2023

Complaint History: None

This 10-17-22 anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

46. Case No.: BAR-2022045491

First License Obtained: 06/27/2016

License Expiration: 06/30/2024

Complaint History: None

This 10-28-22 anonymous complaint alleges unlicensed individual activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

Recommendation: Closure.

Decision: Approved.

47. Case No.: BAR-2022048051

First License Obtained: 06/28/2019

License Expiration: 06/30/2023

Complaint History: 2021068151, closure; 202101477, closed by an Agreed Citation and payment of \$2,000 civil penalty

This 11-17-22 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.

48. Case No.: BAR-2022048071

First License Obtained: 05/06/2015

License Expiration: 05/31/2023

Complaint History: 202101470, closed by an Agreed Citation and payment of \$2,500 civil penalty.

Please see fact pattern for Item #47 above. This Respondent is the owner cited for failure of responsibilities. This would be a duplicate penalty against the shop and its owner.

Recommendation: Closure.

Decision: Approved.

49. Case No.: BAR-2022048101

First License Obtained: 08/28/2012

License Expiration: 07/31/2020

Complaint History: 2015000061, close

This 11-18-22 administrative complaint alleges Respondent does not respond to multiple letters requesting the scheduling of an annual inspection with a field inspector. Respondent states she had to take another job and understands she has to pay \$600.00 and get an inspection before April 2023 if she is to reinstate her inactive shop license. Respondent was provided a renewal website for convenience.

Recommendation: Closure.

Decision: Approved.

50. Case No.: BAR-2022050481

First License Obtained: 09/17/2021

License Expiration: 09/16/2023

Complaint History: 2022027181, closure

This 12-8-22 administrative complaint alleges a recent barber school inspection on 12-7-22 revealed multiple statutory/regulatory violations (physical address does not function as a school/school did not file a sufficient change of location request; incomplete/mixed student file and former student files; missing/broken equipment; students offering services before their mandated hours are obtained; classroom equipment missing; no sign stating to barber shop

customers that services are performed by students; multiple sanitation violations). A Notice of Violation was issued. Respondent owner states some of the offenses were a direct effect of recurring problems with the building he was leasing that are outside of the owner's control.

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

Decision: Approved.

51. Case No.: BAR-2022050491

First License Obtained: 04/27/2018

License Expiration: 10/31/2024

Complaint History: None

Please see the fact pattern above for Item #50 above. This is an identical administrative complaint involving the inspection of the adjacent barber shop to the barber school that is being used to teach students from the school on actual clients. There were three (3) unlicensed/student individuals practicing on clients in the barber shop. A Notice of Violation was issued.

Recommendation: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$3,000.00.

Decision: Approved.

RE-PRESENTS

52. Case No.: COS-2020077071

First License Obtained: 04/21/2016

License Expiration: 04/30/2022

Complaint History: None

This matter was previously presented to the Board at its December 7, 2020 meeting as follows: *This 10-1-20 administrative complaint alleges Respondent individual committed a sexual battery on a customer while performing services at a client's home due to the pandemic. Respondent individual was arrested for same and is out on bail while going through the criminal court process. Respondent agreed to a temporary suspension of his license at the board meeting of October 5, 2020 and was allowed the opportunity to provide any countervailing evidence he may have through his attorney at the board meeting of December 7, 2020 while his matter proceeds through the criminal court process. Disciplinary Counsel has been in contact with Respondent individual's attorney, who has informed Disciplinary Counsel that Respondent individual's criminal matter has now been "bound over" to the local grand jury for an indictment which occurred on November 30, 2020. Respondent individual's attorney anticipates setting the matter in March, 2021 for a jury trial after the discovery process has been exhausted.*

Recommendation: Place Respondent individual's case/file in litigation monitoring until the criminal court process has been concluded. Then, determine if license should be re-instated or be submitted for revocation hearing.

Decision: Approved

Update: The Respondent successfully completed one (1) year of pre-trial diversion and the sexual battery charge was dismissed.

Recommendation: Re-instatement of cosmetology license and close.

Decision: Approved.

53. Case No.: COS- 2022019731

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 5-10-22 inspection revealed an unlicensed shop and an unlicensed person practicing. 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: The Respondent was not able to be served with process; there will be a service issue at a hearing.

Recommendation: Closure.

Decision: Approved.

54. Case No.: COS- 2022019751

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: *Please see the fact pattern for Item #8 above. This Respondent is the unlicensed person practicing.*

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

Decision: Approved.

Update: The Respondent was not able to be served with process; there will be a service issue at a hearing.

Recommendation: Closure.

Decision: Approved

55. Case No.: COS- 2022019781

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 5-10-22 annual inspection revealed an unlicensed shop and an unlicensed person practicing. 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: The owner is already being assessed a civil penalty of \$1,000.00 for being unlicensed – this would be a duplicate penalty against the shop and its owner.

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

Decision: **Approved.**

56. Case No.: BAR- 2022024891

First License Obtained: **08/16/2018**

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

Complaint History: **2018075341, closed by Consent Order and assessment of \$1,000 civil penalty and sent to collections for non-payment of the civil penalty; 2019100171, closure**

This matter was previously presented to the Board at its August 1, 2022 meeting as follows: *This 6-19-22 consumer complaint alleges unlicensed activity and alcohol use. Inspection revealed an unlicensed shop (using old location information). A Notice of Violation was issued. This is Respondent's second violation for an unlicensed shop.*

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

Decision: *Approved.*

Update: The Respondent evaded service of process such that there will be a service issue at a hearing.

Recommendation: **Close and re-inspect.**

Decision: **Approved.**

57. Case No.: COS- 2022024631

First License Obtained: **12/18/2018**

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

Complaint History: **None**

This matter was previously presented to the Board at its October 3, 2022 meeting as follows: *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.*

Update: **CORE shows the shop is now closed.**

Recommendation: **Closure.**

Decision: **Approved.**

58. Case No.: COS- 2022029681

First License Obtained: **03/11/2019**

License Expiration: 08/31/2021

Complaint History: None

This matter was previously presented to the Board at its October 3, 2022 meeting as follows:

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.

Update: Mail came back returned “no longer owns” on \$100.00 civil penalty for expired shop license. Disciplinary counsel called the number on the NOV, which is no longer a working number. CORE shows the license as “closed” and a P.O. box for a physical address (service will be an issue).

Recommendation: Closure.

Decision: Approved.

59. Case No.: COS- 2022031511

First License Obtained: 07/25/2018

License Expiration: 07/31/2020

Complaint History: None

This matter was previously presented to the Board at its October 3, 2022 meeting as follows:

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.

Update: CORE shows the shop is now closed.

Recommendation: Closure.

Decision: Approved.

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

APPLICATIONS FOR EXAMINATION-

Felony Applicants:

No felony applicants to present.

APPLICATIONS FOR RECIPROCITY-

No reciprocity applications.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Request to waive the need to retest pursuant to rule 0200-01-.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 Mason provided an explanation about her financial situation, health issues and lack of time to follow up on the document required for the low fee income waiver. She passed her practical exam on 9/27/2021.

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

Request to waive the need to retest pursuant to Tenn. Code Ann § 62-3-124 (b), which states that a barber instructor may for good cause be granted up to one additional year to complete their 16 hours of continued education. The Board may, for good cause such as medical hardship or death in the immediate family, approve such an extension. Ms. Kamesha Moore emailed explaining the health issues her husband was dealing with between 2021 – 2022. Her 2022 renewal was not completed until December after she completed the instructor continued education session. Until that time, she had not asked for an extension nor realized she might have to test. Had she asked for an extension prior to August 2022, it would have given her until August 2023 to meet the requirement.

MOTION made by Patricia Parsons and seconded by Judy McCallister to approve the request. The motion carried unanimously.

Request to waive the need to retest pursuant to rule 0440-01-.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. Tricia Reutebuch provided an explanation saying she did not realize there was a requirement to apply within six months. She passed her practical exam on 8/16/2021.

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

Request to make an exception to the seven years to complete the education pursuant to Tenn. Code Ann § 62-4-123, which states that a student shall have seven (7) years from the date the student originally enrolls in school to complete the required courses. Ms. Alexandria Wright passed both her exams and applied for her cosmetology license on December 7, 2022. The office realized she

was passed the seven years and contacted Ms. Wright. The schools where she completed her hours provided a letter explaining they are the ones that made the mistake by not realizing when the student originally obtained hours in high school and by rounding the seven years to complete the course to the end of 2022. In fact, the student went three months past the time allowed by statute. Ms. Wright is asking that her license be approved.

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

DIRECTOR'S REPORT:

The financial information through November 2022 was presented. FY23 so far added \$18,955 to the reserve bringing the final surplus balance to \$1,318,576.

NEW BUSINESS:

The Mid-Year Conference for the National Association of Barber Boards (NABBA) is scheduled for February 19 – 21 in Memphis. The master barber board members were invited to join the session and participate on the 20th on a panel Q&A session. The director explained that if more than one member attends, they should not discuss board business but rather be part of a panel to discuss Tennessee's industry experiences.

MOTION made by David McElreath and seconded by Mona Sappenfield to approve Mr. Gillihan and Mr. Moran to participate on the panel and cover expenses. The motion carried unanimously.

Additional Questions:

Motion to adjourn

Meeting adjourned at 12:31.

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