



**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 5, 2024, at 9:00 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. 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: Anita Charlton, Ron Gillihan, Monica Lemons, David McElreath, Layne Petty, Becky Russell, Amy Tanksley, Ryan Timmons, Perry Baldwin, and Tamika Turner.

Not available: Judy McAllister, Mona Sappenfield, Jeffrey Moran

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

Director Gumucio introduced Perry Baldwin. Mr. Baldwin is the new public board member.

### **MINUTES-**

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

Motion made by David McElreath and seconded by Amy Tanksley to approve the December 2023 minutes. The motion carried unanimously.

**Legislative Updates: SB1752/HB1809; SB1668/HB1657**

Legal Counsel for the Board, Joe Wharton presented updates the Board regarding two (2) bills currently before the legislature. SB1752/HB1809 extends Tennessee Promise scholarships to students enrolled in cosmetology and barber private schools. The second SB1668/HB1657 which allows for restricted retail businesses to sell alcohol.

**Roberts Rule of Order:**

For 2024 the board voted to adopt Roberts Rule of Order.

Motion made by David McElreath and seconded by Amy Tanksley 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 David McElreath and seconded by Layne Petty to elect Ron Gillihan as Chair for 2024. The motion carried by unanimous roll call vote.

MOTION made by Layne Petty and seconded by David McElreath to elect Becky Russell as vice chair of the State Board of Cosmetology and Barber Examiners for 2024. The motion carried by unanimous roll call vote.

**PRESENTED BEFORE THE BOARD-**

**Lawrenceburg Technical College – Change in Location, Cosmetology School**

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

MOTION made by David McElreath= and seconded by Monica Lemons to approve the change in location pending a complete inspection by a field inspector. The motion carried unanimously.

**731 Vibes Lash University – New Aesthetics – Eyelash Specialty School**

Ms. Rachel Shoults participated to answer questions for the board. The school is located in Paris, Tennessee. The application, floor plan, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Tamika Turner and seconded by Ryan Timmons to deny the application as presented. The motion carried unanimously.

### **Jacqui's Global Cosmetology and Barber School – Change in Location**

Ms. Jacqueline Sanders 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 Tamika Turner and seconded by Amy Tanksley to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

### **Elite Self Image Barber College – New Barber School**

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

MOTION made by David McElreath and seconded by Layne Petty to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

### **Crown Cutz Academy – New Specialty Aesthetics School**

Mr. Craig Charles and Ms. Robin Scott participated to answer questions for the board. The school is located in Johnson City. This school has been a licensed barber school since 2017. The application, enrollment agreement, catalog and contingency plan were all received timely.

MOTION made by Monica Lemons and seconded by David McElreath to approve the new school pending an inspection by a field inspector. The motion carried unanimously.

### **2024 Continued Education Seminar Request:**

The Competent Classroom: Katy and Joseph Yocom submitted their information for the instructor continuing education seminar for a virtual session: July 5<sup>th</sup> & 6<sup>th</sup> and December 30<sup>th</sup> & 31<sup>st</sup>, 2024. Prior approvals for new providers only approved one session and a board member attended to evaluate the session.

Motion made by Amy Tanksley and seconded by Layne Petty to approve one of the 2024 session requested dates. Motion carried unanimously.

## LEGAL REPORT- STAFF ATTORNEY

The State Board of Cosmetology and Barber Examiners met to review the allegations of 75 complaints and make recommendations to the Board.

### 1. COS-2023042781

**First License Obtained:** 03/23/2006

**License Expiration:** 03/31/2024

**Complaint history:** None

This 8-28-23 anonymous consumer complaint alleges unlicensed activity from an unlicensed home shop (with pictures and social media/screenshots in support) and unsanitary conditions. Respondent states the complainant is a former boyfriend who she has an Order of Protection against (with pictures and documents in support) and Respondent states she is not operating a home salon in unsanitary conditions. An inspection was not performed of the alleged home shop for unlicensed activity and unsanitary conditions.

**Recommendation:** Letter of warning (individual license/shop license). Inspect for unlicensed activity/unsanitary conditions of the alleged home shop.

**Decision:** Approved.

### 2. COS- 2023046141

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 9-18-23 anonymous consumer complaint alleges a negligent service, unprofessional conduct (with specificity), unlicensed activity, serving alcohol from the shop and unsanitary conditions. Inspection revealed an unlicensed shop and sanitation violations. A Notice of Violation was issued. A Letter of Warning was sent to the Respondent regarding the sanitation violations. Negligence actions are outside the scope of the Board's authority. Respondent contests the \$1,000.00 civil monetary penalty on the basis that this is her first offense.

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

**Decision:** Approved.

### 3. COS- 2023046981

**First License Obtained:** 12/14/2017

**License Expiration:** 12/31/2025

**Complaint history:** None

This 9-20-23 annual inspection revealed an expired shop license (expiration 4-30-23). 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.

4. COS- 2023048431

**First License Obtained:** 06/02/2021

**License Expiration:** 02/28/2025

**Complaint history:** None

This 9-26-23 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. Respondent signed the agreed citation but did not attach payment of the civil penalty.

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

**Decision:** Approved.

5. COS- 2023051061

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

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

**Complaint history:** None

This 10-3-23 inspection revealed an unlicensed individual practicing on a customer in the shop. 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 \$1,000.00.

**Decision:** Approved.

6. COS-2023053411

**First License Obtained:** 05/18/2011

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

**Complaint history:** None

This 10-11-23 annual inspection revealed the shop was performing services on an expired shop license (expiration 5-31-23). 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.

7. COS- 2023053461

**First License Obtained:** 01/04/2007

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

**Complaint history:** None

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

**Recommendation:** Closure.

**Decision:** Approved.

8. COS- 2023052631

**First License Obtained:** 06/11/2019

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

**Complaint history:** None

This 10-13-23 Tennessee Alcohol Beverage Commission complaint referral states Respondent owner is having a monthly ladies night at the salon where alcohol is being served. The referral complaint does not give a date or time for the gathering for an inspection to occur; further, there is no information from the referral complainant to procure this information.

**Recommendation:** Closure (no specific information).

**Decision:** Letter of Instruction.

**9. COS- 2023053181**

**First License Obtained:** 03/04/2020

**License Expiration:** 01/31/2024

**Complaint history:** 202205127, closed by Agreed Citation and payment of \$1,600.00 civil penalty

This 10-13-23 annual inspection revealed no manager on duty during the operation of the shop. A Notice of Violation was issued.

**Recommendation:** This matter has been resolved by an Agreed Citation.

**Decision:** Approved.

**10. COS- 2023053351**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 10-18-23 consumer complaint alleges theft/fraud of a service deposit. Complainant contacted the local police, who informed Complainant that they would need to file a civil suit for a service that was not received. Theft/fraud of service deposits are outside the scope of the Board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**11. COS- 2023054601**

**First License Obtained:** 01/28/2021

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

**Complaint history:** 2023053491, closure

This 10-18-23 competitor complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**12. COS- 2023054181**

**First License Obtained:** 08/26/2021

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

**Complaint history:** None

This 10-23-23 consumer complaint alleges unlicensed activity/stealing service deposits from clients; the incident was reported to the local police. Inspector attempted to locate Respondent at several addresses but was unsuccessful. A Notice of Violation was not issued.

**Recommendation:** Close and flag.

**Decision:**        **Approved.**

**13. COS-2023054291**

**First License Obtained:**        **08/26/2021**

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

**Complaint history:**        **None**

Please see fact pattern for Item #12 above. This is a duplicate complaint from another individual.

**Recommendation:**        **Closure.**

**Decision:**        **Approved.**

**14. COS-2023054711**

**First License Obtained:**        **08/26/2021**

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

**Complaint history:**        **None**

This 10-25-23 consumer complaint alleges the same facts as Item #12 above.

**Recommendation:**        **Closure.**

**Decision:**        **Approved.**

**15. COS- 2023055051**

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

**License Expiration:**        **N/A**

**Complaint history:**        **None**

This 10-26-23 consumer complaint alleges unlicensed activity, unsanitary conditions and illegal activity (drugs and illegal use of credit cards). The illegal activity has been reported to local law enforcement. Inspector went to address listed in the complaint, but the persons present did not appear to be helpful in providing owner, manager or individual information to the inspector. An inspection for unsanitary conditions was not attempted at that time.

**Recommendation:**        **Close, flag and re-inspect for valid shop license and individual licenses (barber or cosmetology) consistent with CORE if persons are performing cosmetology and/or barbering services on customers at the time of inspection. Further, if barber or cosmetology services are being performed at the time of inspection, inspect the building for unsanitary conditions.**

**Decision:**        **Approved.**

**16. COS- 2023055071**

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

**License Expiration:**        **N/A**

**Complaint history:**        **None**

This 10-26-23 consumer complaint alleges a negligent service, unlicensed activity, drug and alcohol use, and unprofessional conduct (with specificity). Inspection revealed an unlicensed shop (with “lookouts”) with an unknown unlicensed person performing services and a banner in the shop with a name other than the name listed in the complaint; there were no drugs or alcohol viewed in the shop. The previous licensed owner of the shop location was denied a license and

had previous activity with the board resulting in a hearing which resulted in a judgment that had to be sent to collections. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

**Recommendation:** Refer the complainant to local law enforcement regarding the drug allegation. Refer the unlicensed shop to the attorney general's office for investigation/consideration of prosecution under the nuisance statute.

**Decision:** Approved.

**17. COS-2023054571**

**First License Obtained:** 11/17/2023

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

**Complaint history:** None

This 10-27-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**18. COS- 2023055861**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 10-31-23 alleges a negligent service and unlicensed activity. Inspector went to residential address listed in the complaint and spoke to Respondent; Respondent does services on the side and does not charge for services. A Notice of Violation was not issued. Negligence actions are outside the scope of the Board's authority.

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

**Decision:** Approved.

**19. COS- 2023056701**

**First License Obtained:** 07/04/2018

**License Expiration:** 07/31/2024

**Complaint history:** None

This 10-31-23 annual inspection revealed three (3) unlicensed individuals practicing on customers and the owner/manager 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 \$3,500.00.

**Decision:** Approved.

**20. COS- 2023056141**

**First License Obtained:** 10/06/2023

**License Expiration:** 10/31/2025

**Complaint history:** None



This 11-1-23 anonymous complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**21. COS- 2023057071**

**First License Obtained:** 09/14/2022

**License Expiration:** 09/30/2024

**Complaint history:** None

This 11-2-23 Tennessee Department of Consumer Affairs referral alleges unprofessional conduct (with specificity) over pricing of a service and requests a refund. Respondent reached out to complainant over the misunderstanding regarding pricing and a refund was sent to complainant.

**Recommendation:** Closure.

**Decision:** Approved.

**22. COS- 2023057181**

**First License Obtained:** 03/24/2008

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

**Complaint history:** None

This 11-2-23 inspection revealed an individual working on a client with an expired individual license (expiration 7-31-23). A Notice of Violation was issued. The expired individual updated their license to 7-31-25.

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

**Decision:** Approved.

**23. COS- 2023057241**

**First License Obtained:** 01/18/1989

**License Expiration:** 07/31/2025

**Complaint history:** None

Please see fact pattern for Item #22 above. This Respondent is the individual working on a client with an expired individual license (expiration 7-31-23). A Notice of Violation was issued. The individual license has since been renewed through 7-31-25.

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

**Decision:** Approved.

**24. COS- 2023057221**

**First License Obtained:** 03/04/1991

**License Expiration:** 04/30/2024

**Complaint history:** None

Please see fact pattern for Item #22 above. This Respondent is the owner/manager cited for failure of responsibilities. A Notice of Violation was issued. This would be a duplicate penalty against the shop and its owner.

**Recommendation:** Closure.

**Decision:** Approved.

**25. COS- 2023056451**

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

This 11-3-23 anonymous consumer complaint alleges unlicensed activity and unsanitary conditions with alleged social media/pricing in support. Inspector went to address listed and left a card for the Respondent; Responded called inspector and stated she performed services in her room but did not charge and only accepted tips. Inspector counseled Respondent on individual/shop licensure regarding the accepting of tips as well proper sanitation procedures. A Notice of Violation was not issued.

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

**Decision:** Approved.

**26. COS- 2023056431**

**First License Obtained:** 03/20/1998  
**License Expiration:** 08/31/2025  
**Complaint history:** 200502177, closed with no action

This 11-3-23 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**27. COS- 2023056731**

**First License Obtained:** 05/30/2008  
**License Expiration:** 09/30/2024  
**Complaint history:** 2015001511, closed with Letter of Warning; 2022048191, closed with Letter of Warning

This 11-6-23 anonymous consumer complaint alleges unprofessional conduct (with specificity). The Respondent states the complainant was rude and threatening on the customer service return phone call – Respondent plans to discuss the matter with her attorney regarding potential criminal charges against the complainant for post-telephone call harassment of the business. Respondent did not address her end of the phone call resulting in the allegation of unprofessional conduct. This is Respondent’s second complaint for alleged unprofessional conduct.

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

**Decision:** Approved.

**28. COS- 2023057191**

**First License Obtained:** 01/25/2010  
**License Expiration:** 01/31/2026  
**Complaint history:** None

This 11-8-23 parent of student complaint alleges a school instructor is not properly crediting student hours and is exhibiting unprofessional conduct (with specificity). Respondent submits a general denial of unprofessional conduct; the student in question did not lose hours. The hours

that Respondent logs in for each student are checked by another individual prior to submission to the board. Complainant replied that Respondent no longer works at the cosmetology school.

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

**Decision:** Approved.

**29. COS- 2023057331**

**First License Obtained:** 10/25/2021

**License Expiration:** 10/31/2025

**Complaint history:** None

This 11-8-23 consumer complaint alleges unsanitary conditions and unprofessional conduct (with specificity). Inspection revealed a minor, correctible sanitation issue only. A Notice of Violation was not issued.

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

**Decision:** Approved.

**30. COS- 2023057891**

**First License Obtained:** 05/11/2023

**License Expiration:** 05/31/2025

**Complaint history:** None

This 11-9-23 anonymous consumer complaint alleges Respondent is performing additional services outside of their license. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**31. COS-2023057901**

**First License Obtained:** 03/06/2020

**License Expiration:** 03/31/2024

**Complaint history:** None

This 11-9-23 consumer complaint alleges theft of a service deposit. Inspector made contact with Respondent, a hair braider, who stated the policy of the service deposit is non-refundable when the client is 15 minutes late. A Notice of Violation was not issued.

**Recommendation:** Closure (no evidence of unprofessional conduct).

**Decision:** Approved.

**32. COS-2023057971**

**First License Obtained:** 12/16/2016

**License Expiration:** 12/31/2024

**Complaint history:** None

This 11-10-23 parent complaint alleges unlicensed activity from an unlicensed home and overcharging unsuspecting minors on services. Inspector went to address listed in the complaint and had to leave a card for a return phone call; inspector took a picture through the basement window which showed the infrastructure for a home operation. Respondent never called the inspector. A Notice of Violation was not issued.

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

**Decision:** Approved.

**33. COS-2023058071**

**First License Obtained:** 04/07/2022

**License Expiration:** 04/30/2024

**Complaint history:** None

This 11-13-23 anonymous consumer complaint alleges unlicensed shop activity from a home, drug use during the service, and unsanitary conditions. Inspector went to apartment address listed in the complaint on multiple occasions, leaving cards for a return phone call, but was unsuccessful. A Notice of Violation was not issued.

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

**Decision:** Approved.

**34. COS-2023059121**

**First License Obtained:** 10/12/2021

**License Expiration:** 10/31/2025

**Complaint history:** None

This 11-14-23 inspection revealed an expired shop license (expiration 7-31-23). A Notice of Violation was issued. This Respondent is the designated manager cited for failure of responsibilities. The shop license has since been renewed. Respondent states the shop license was renewed on 10-31-23 before the 11-14-23 inspection, but had not been received yet and requests closure of the complaint.

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

**Decision:** Approved.

**35. COS- 2023059441**

**First License Obtained:** 11/27/2023

**License Expiration:** 11/30/2025

**Complaint history:** None

This 11-18-23 consumer complaint alleges dissatisfaction with a service, but not a negligent service. Inspection revealed a certified licensed hair braider. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**36. COS-2023059471**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 11-19-23 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.

**37. COS- 2023059501**

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

This 11-20-23 consumer complaint alleges unlicensed activity and unprofessional conduct regarding the bailment of a wig. Inspection revealed an unlicensed shop/suite only. 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.

**38. COS- 2023060661**

**First License Obtained:** 11/22/2019  
**License Expiration:** 11/30/2025  
**Complaint history:** 2023034221, closure

This undated anonymous competitor complaint alleges unlicensed activity, theft of property and drug sales from the shop. Local law enforcement has been informed of the alleged criminal activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**39. COS- 2023059701**

**First License Obtained:** 07/16/2021  
**License Expiration:** 07/31/2025  
**Complaint history:** None

This 11-20-23 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**40. COS- 2023059691**

**First License Obtained:** 09/16/2009  
**License Expiration:** 09/01/2024  
**Complaint History:** 2010006241, close; 2010002681, close; 2016070001, Close; 2022027741, closed with Letter of Warning; 2023032341, closure

This 11-20-23 student complaint alleges the Respondent school allowed an unlicensed instructor to give a demonstration regarding skincare to a pre-salon class where the students received credit hours. Respondent school states the “unlicensed instructor” was actually the Executive Director who was present in the classroom to ensure students were behaving properly since the class has behavioral issues; the students were moving about to film facial procedures and sanitation for a class assignment.

**Recommendation:** Closure.

**Decision:**        **Approved.**

**41. COS- 2023060631**

**First License Obtained:**

**12/12/2012**

**License Expiration:**

**11/30/2024**

**Complaint history:**

**2011026161 & 2012002311, closed by Consent Order and payment of \$2,000 civil penalty; 2014018201, closed by Consent Order and payment of \$1,000 civil penalty; 201909279, closed by Agreed Citation and payment of \$1,000 civil penalty; 202201686, closed by Agreed Citation and payment of \$500.00 civil penalty**

This 11-21-23 annual inspection revealed an unlicensed individual providing services to a customer in the shop and the owner/manager not present during the operation of the shop. A Notice of Violation was issued. This is Respondent's second offense for an unlicensed individual practicing in the shop as well as the Respondent not being present during the operation of the shop.

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

**Decision:**        **Approved.**

**42. COS-2023060261**

**First License Obtained:**

**N/A**

**License Expiration:**

**N/A**

**Complaint history:**

**None**

This 11-23-23 consumer complaint alleges unlicensed activity, theft of a service deposit, up-charging on a service, and unprofessional conduct (with specificity). Inspector went to apartment address listed in the complaint and met with Respondent's roommate and Respondent, who states she does not practice cosmetology out of the apartment. Inspector was later sent an email by Respondent's roommate with a picture of a nail station in the apartment and stating that Respondent lied to the inspector when inspector came to the apartment. Since there was no customer being serviced at the time the inspector went to the apartment address, a Notice of Violation was not issued.

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

**Decision:**        **Approved.**

**43. COS- 2023060271**

**First License Obtained:**

**03/09/2015**

**License Expiration:**

**02/28/2025**

**Complaint history:**

**None**

This 11-24-23 anonymous consumer complaint alleges unsanitary conditions. Inspection revealed some correctible sanitation issues that did not result in the issuance of a Notice of Violation.

**Recommendation:**        **Closure.**

**Decision:**        **Approved.**

**44. COS- 2023060281**

**First License Obtained:**        **01/28/2021**

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

**Complaint history:**        **2023053491, closure**

This 11-24-23 anonymous competitor complaint alleges unlicensed activity. An inspection of the Respondent performed on 11-16-23 resulted in a score of 100 and did not find evidence of unlicensed activity.

**Recommendation:**        **Closure.**

**Decision:**        **Approved.**

**45. COS- 2023060321**

**First License Obtained:**        **11/17/2023**

**License Expiration:**        **10/31/2025**

**Complaint history:**        **None**

This 11-26-23 competitor complaint mirrors the same allegations in Item #44 above from the same complainant. An inspection of the Respondent performed on 11-16-23 resulted in a score of 100 and did not find evidence of unlicensed activity.

**Recommendation:**        **Closure.**

**Decision:**        **Approved.**

**46. COS- 2023061431**

**First License Obtained:**        **05.08/2020**

**License Expiration:**        **04/30/2024**

**Complaint history:**        **2021026201, closure; 2021057841, closure; 202201447, closed by Agreed Citation and payment of \$3,500 civil penalty**

This 11-28-23 anonymous consumer complaint alleges unlicensed individual activity. A previous and recent inspection on 10-31-23 revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:**        **Closure.**

**Decision:**        **Approved.**

**47. COS- 2023061451**

**First License Obtained:**        **05/03/2017**

**License Expiration:**        **05/31/2025**

**Complaint History:**        **2017046681, closure; 2018028481, closed, 2018044351, closure, 2019057751, closure; 2021026311, closure; 2021057781, closure; 2022014451, closed by Consent Order and payment of \$1,000 civil penalty**

This 11-28-23 anonymous consumer complaint alleges unlicensed individual activity. A previous and recent inspection on 10-31-23 revealed no evidence to substantiate the complaint outside of some storage container infractions. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

48. COS- 2023061471

**First License Obtained:** 09/16/2022

**License Expiration:** 08/31/2024

**Complaint history:** None

This 11-28-23 anonymous consumer complaint alleges unlicensed individual activity. A previous and recent inspection on 8-28-23 revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

49. COS- 2023061501

**First License Obtained:** 12/19/2022

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

**Complaint history:** None

This 11-28-23 anonymous consumer complaint alleges unlicensed individual activity. Inspection revealed an unlicensed individual practicing as well as valid licenses not displayed, valid shop license not displayed, inspection sheet not displayed, and identification tags not being worn. A Notice of Violation was not issued.

**Recommendation:** Letter of warning (valid licenses not displayed, valid shop license not displayed, inspection sheet not displayed, and identification tags not being worn). Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,000.00.

**Decision:** Approved.

50. COS- 2023061521

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

**License Expiration:** 05/31/2024

**Complaint history:** 2019057851, closure; 2021057821, closed by Consent Order and payment of \$1,000 civil penalty; 202104208, closed by Agreed Citation and payment of \$2,100.00 civil penalty

This 11-28-23 anonymous consumer complaint alleges unlicensed individual activity. A previous and recent inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

51. COS- 2023061541

**First License Obtained:** 04/08/2019

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

**Complaint history:** 2019095681, closure; 202201114, closed with Letter of Warning;



This 11-28-23 anonymous consumer complaint alleges unlicensed individual activity. A previous and recent inspection revealed no evidence to substantiate the complaint outside of nametags not being worn. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**52. COS- 2023060941**

**First License Obtained:** 04/10/2019

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

**Complaint history:** None

This 11-29-23 consumer complaint alleges an unlicensed shop. Inspection revealed a closed location no longer in business. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**53. COS- 2023061371**

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

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

**Complaint history:** None

This 11-30-23 student complaint alleges unprofessional conduct regarding the scheduling/rescheduling of a service.

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

**Decision:** Approved.

**54. COS- 2023061481**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 12-1-23 anonymous consumer complaint alleges a negligent service. Negligence actions are outside the scope of the board's authority.

**Recommendation:** Closure.

**Decision:** Approved.

**55. COS- 2023061391**

**First License Obtained:** 11/16/2023

**License Expiration:** 10/31/2025

**Complaint history:** None

This 12-1-23 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. COS- 2023061411**

**First License Obtained:** 12/23/2019

**License Expiration:** 12/31/2023

**Complaint history:** 2020045001, closed by Consent Order and payment of \$1,000 civil penalty

This 12-1-23 consumer complaint alleges unlicensed activity and unsanitary conditions. Inspection revealed some minor sanitary violations that did not result in a Notice of Violation.

**Recommendation:** Letter of instruction (sanitary violations).

**Decision:** Approved.

57. COS- 2023061691

**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; 2023024051, closure; 2023032271, closure

This 12-3-23 consumer complaint alleges unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

58. COS- 2023061761

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This 12-4-23 anonymous consumer complaint alleges unlicensed activity and a negligent service. Inspector went to address listed in the complaint but could not make contact with the Respondent, even after leaving a card on the door. A Notice of Violation was not issued.

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

**Decision:** Approved.

59. COS-2023061911

**First License Obtained:** 12/17/2010

**License Expiration:** 12/31/2024

**Complaint history:** None

This 12-4-23 consumer complaint alleges unprofessional conduct (with specificity and screenshots of texts that were not responded to) regarding an alleged incomplete service. Respondent states the service was indeed completed; the customer has 24 to 48 hours to put the Respondent on notice if there is dissatisfaction with the service. Respondent states they did not exhibit unprofessional conduct, providing screenshots of text messages in support.

**Recommendation:** Closure.

**Decision:** Approved.

60. COS-2023062061

**First License Obtained:** 05/26/2022

**License Expiration:** 12/31/2025

**Complaint history:** None

This 12-5-23 is a recitation of the facts in Item #59 above but to the salon where Respondent rents a booth. Each booth renter is an independent contractor and not an employee of the Respondent salon.

**Recommendation:** Closure.

**Decision:** Approved.

**61. COS-2023062241**

**First License Obtained:** 10/26/2022

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

**Complaint history:** None

This 12-7-23 former booth landlord complaint alleges Respondent former booth tenant has now moved their practice to an unlicensed home shop. Inspector made contact with Respondent, who was not servicing clients at the time of inspection but admitted to performing free services for friends. A Notice of Violation was not issued.

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

**Decision:** Approved.

**BARBER CASES**

**62. BAR-2023052051**

**First License Obtained:** 02/11/2011

**License Expiration:** 02/28/2025

**Complaint history:** 2016026541, closed with Letter of Warning

This 10-6-23 annual inspection revealed no owner/manager present during the operation of the barber 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.

**63. BAR- 2023053851**

**First License Obtained:** 08/20/2021

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

**Complaint history:** None

This 10-13-23 annual inspection revealed a suspended and an expired shop license (the shop's name was changed to a new name) and an unlicensed individual practicing on a client. A Notice of Violation was issued. Board records indicate that the Respondent had paid in full the outstanding civil penalty balance on complaint #2021010981 but the shop license remains expired.

**Recommendation:** Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$1,100.00 for the unlicensed individual and the expired shop license.

**Decision:** Approved.

**64. BAR- 2023053871**

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

Please see fact pattern for Item #63 above. This Respondent is the individual cited for being unlicensed.

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

**Decision:** Approved.

**65. BAR- 2023055611**

**First License Obtained:** 12/12/2018  
**License Expiration:** 12/31/2024  
**Complaint history:** None

This 10-25-23 annual inspection revealed an expired shop license (expiration 12-31-22). A Notice of Violation was issued. The shop license has since been renewed through 12-31-24.

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

**Decision:** Approved.

**66. BAR- 2023056601**

**First License Obtained:** 08/15/2007  
**License Expiration:** 08/31/2017  
**Complaint history:** None

This 11-5-23 consumer complaint alleges Respondent is practicing on an expired license (with documentation in support) from an unlicensed home shop. Inspection revealed no evidence to substantiate a home shop operation. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**67. BAR- 2023058761**

**First License Obtained:** 05/08/2006  
**License Expiration:** 05/31/2014  
**Complaint history:** None

This 11-15-23 consumer complaint alleges unlicensed individual activity from an unlicensed home shop and unsanitary conditions. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**68. BAR- 2023059431**

**First License Obtained:** 09/16/2020  
**License Expiration:** 11/30/2024  
**Complaint history:** 202008401, closed by Consent Order and payment of \$2,000 civil penalty

This 11-18-23 consumer complaint alleges unlicensed activity. Inspection revealed no evidence to substantiate the complaint. A Notice of Violation was not issued.

**Recommendation:** Closure.

**Decision:** Approved.

**69. BAR- 2023064401**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2022020171, closure with re-inspect for unlicensed activity; 2022032371, closed by Consent Order and payment of \$5,500.00 and \$888.00 costs

This 12-13-23 inspection revealed an unlicensed shop and two (2) individual practicing on clients in the shop. A Notice of Violation was issued. This is Respondent's second violation for an unlicensed shop and unlicensed individuals practicing in the shop.

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

**Decision:** Approved.

**70. BAR- 2023064421**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2014029271, close and flag; 2021070851, closure; 2021070911, closure

Please see the fact pattern for Item #69 above. This Respondent is the owner who was practicing on a client while unlicensed. This is the Respondent's second violation for practicing while unlicensed.

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

**Decision:** Approved.

**71. BAR- 2023064441**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** 2022032411, closed by Consent Order and payment of \$1,000 civil penalty and \$200.00 filing costs

Please see the fact pattern for Item #69 above. This Respondent is one of the unlicensed individuals practicing on a client. This is the Respondent's second violation for practicing while unlicensed.

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

**Decision:** Approved.

#### **RE-PRESENTS LIST**

**72. COS-2023031321**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history: None**

This matter was previously presented to the Board at the October 2, 2023 meeting as follows: *Please see fact pattern for Item #4 above. This Respondent is one of the unlicensed individuals performing cosmetology services on clients in the shop. A Notice of Violation was issued.*

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

**Decision:** *Approved.*

**Update:** A CLEAR report indicated the Respondent does not have a Tennessee address for service of process; Respondent provided a Georgia drivers' license at the time of inspection. Therefore, service will be an issue.

**New Recommendation:** Closure.

**Decision:** Approved.

**73. BAR-2023031221**

**First License Obtained:** 03/24/2020

**License Expiration:** 03/31/2024

**Complaint history:** None

This matter was previously presented to the Board at the October 2, 2023 meeting as follows: *This 6-22-23 annual inspection revealed an unlicensed individual practicing on a client in the Respondent shop. A Notice of Violation was issued.*

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

**Decision:** *Approved.*

**Update:** Respondent provided sufficient documentation to show that the owner paid the agreed citation for the same violation; thus, this would be a duplicate penalty for the shop and its owner.

**New Recommendation:** Closure.

**Decision:** Approved.

**74. Case No.: COS-2023016251**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was previously presented to the Board at the August 7, 2023 meeting as follows: *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.*

**Update:** Service of process could not be accomplished on the Respondent; thus, there is a service issue at a hearing.

**New Recommendation:** Closure.

**Decision:** Approved.

**75. COS- 2023043461**

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

This matter was previously presented to the Board at the December 4, 2023 meeting as follows:  
*This 9-7-23 anonymous consumer complaint alleges unlicensed activity with social media in support. Inspection revealed an unlicensed individual working on a client in an unlicensed shop. A Notice of Violation was issued.*

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

**Decision:** *Approved.*

**Update:** **Respondent provided proof to litigation counsel that they paid a \$1,000.00 for the unlicensed individual (Respondent owner) in the unlicensed shop. The \$2,000.00 civil penalty for the unlicensed shop includes \$1,000.00 for the unlicensed individual (Respondent owner) that was working in the shop. This would be a duplicate penalty against the shop and its owner.**

**New Recommendation:** **Lower the \$2,000.00 civil penalty against the shop to \$1,000.00 for the unlicensed shop only. Authorize formal hearing. Authorize settlement by consent order for the adjusted civil penalty of \$1,000.00.**

**Decision:** **Approved.**

Motion made by Monica Lemons and seconded by Layne Petty to approve the legal report recommendations as amended. The motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION-**

### **Felony Applicants:**

Applications for examination for: Steven Malone, Arthur Sanders and Dejavonne Woods. 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 David McElreath and seconded by Layne Petty to approve applications for examination with a signed Agreed Order. The motion carried unanimously.

## **MISCELLANEOUS REQUESTS –**

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

Request to waive the need to retest pursuant to Tenn. Code Ann § 62-4-114 (a), which states that a cosmetology 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. Treao Jackson emailed explaining she was talking care of her father for the last year and a half. He passed away December 2023 and she is now trying to get her career back on track. This was her first continued education session she would have attended.

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

Request made by Ms. Fatemeh Sidhu for approval to take the aesthetics exams. Ms. Sidhu appeared before the board to answer their questions. She presented translated international educational documents showing hours in skin care, massage, hygiene and dermatology. Ms. Sidhu shared her years of experiences and the business model she wishes to launch in Tennessee. She requested permission to take the aesthetics exams to obtain her license.

MOTION made by Amy Tanksley and seconded by Layne Petty 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. Brianna Strader provided an explanation about working two jobs while completing school and did not realize the board had sent her a letter. She passed the aesthetics practical exam on 6/16/2022.

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

Request to waive the reinstatement exams pursuant to Tenn. Code Ann. § 62-4-117 (d) which states an applicant whose license has lapsed for three (3) years or longer shall not be reinstated unless they pass the state law and practical exams. Ms. Tabitha White provided an explanation about being incarcerated in 2018 and also dealing with a serious illness which kept her from making her license renewal a priority. A former instructor presented her case to the board office so Ms. White could have a second chance at her career. The board has waived this requirement to retest but only for situation completely outside of the persons control such as being incarcerated. Section (h) of this law allows for the exams to be waived if the persons license is expired more than three years, less than eight, and they held a license for twenty years. Ms. White meets those criteria except her license expired when she only had 17 years of licensure.

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



## **DIRECTOR'S REPORT:**

The financial information as of November 2023 reflects a deficit of \$44,594 leaving the reserve surplus balance at \$1,222,473. As of September 2023, the program has a deficit of \$22,372 leaving the reserves at \$1,177,879.

## **NEW BUSINESS:**

Director Gumucio reviewed the RDA requirements for paper school files. Several years ago, the board voted to keep school paper files for ten years because students come to the board asking for their hours. After the ten years, those records could be destroyed. The standard RDA for such records is seven years. If the board wishes to continue saving the records for ten (10) years a new RDA would be created.

MOTION made by David McElreath and seconded by Layne Petty to keep school paper files for seven years like all other licensing records. The motion carried unanimously.

Director Gumucio asked if anyone in the public, participating in person or remotely using Teams, had comments as they relate to the agenda. There were no comments provided.

## **Additional Questions:**

### **Motion to adjourn:**

Meeting adjourned at 11:35 A.M

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