



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting December 14, 2015 at 10:00 a.m. in Nashville, Tennessee.

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 were present: Kelly Barger, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Patricia Richmond, Judy McAllister, Mona Sappenfield, Amy Tanksley and Dianne Teffeteller. Not in attendance Anita Charlton and Yvette Granger.

Others present were: Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the November 2, 2015 board meetings were submitted for changes and/or approval.

Motion made by Dianne Teffeteller and seconded by Judy McAllister to approve the November 2, 2015 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Change of Ownership School Application, Hamblen School of Beauty:

Ms. Allyson Jarnigan appeared before the board to present a change in ownership for a school located in Morristown. The application, payment, the floor plans and all current documents were provided.

MOTION made by Patricia Richmond and seconded by Amy Tanksley to approve change in ownership application pending an inspection by a field inspector. Motion carried unanimously.

Additional Makeup Curriculum, Georgia Career Institute:

Ms. Lauren Davis and Laren McCrackin appeared before the board to present a new program the school is planning on introducing upon approval by the board. The school is planning to offer the cosmetology course with 1,500 hours, plus a 1,700 hour program that includes 200 additional hours for make-up training. The new enrollment agreement was provided along with course syllabus and weekly breakdown of the classes. The board members asked questions and explained that the additional program could not receive a different certification from the cosmetology one currently approved by maw but that the additional makeup training was a good thing for the industry.

MOTION made by Dianne Teffeteller and seconded by Bobby Fingers to approve additional program. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Application for examination for Brittany Anderson. Ms. Anderson has felonies within the last three years or is currently incarcerated; her application to take the Tennessee examination is submitted for the board's approval. The required information, disclosure from the student and letter of recommendation is submitted.

Motion made by Nina Coppinger and seconded by Patricia Richmond to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Application for testing with hours in master barbering from Tennessee for Roberto David Muñiz. Mr. Muñiz appeared before the board to answer questions and explain his situation. His request was last presented to the board at the December 2014 board meeting. At that time the board denied his request to take the examination because all the hours could not be confirmed. He was instructed to go back to school and complete almost 1,000 hours. Mr. Muniz also had some prior issues with submitting documents found to be false both from Puerto Rico and from Connecticut as well as working unlicensed in a shop. Since then, he has completed 956 hours at B. Winfrey School of Hair Design and is ready to take his State Boards.

Motion made by Mona Sappenfield and seconded by Bobby Fingers to approve request to take the Tennessee examination. Motion carried unanimously.

Request for licensure from Pedro Linares with hours in El Salvador. Mr. Linares presented translated documents showing a diploma in cosmetology with 1,770 hours. Because licensure requirements are different in other countries, if the hours are comparable, the board considers the request to take the Tennessee examinations.

Motion made by Amy Tanksley and seconded by Mona Sappenfield to approve request to take the Tennessee examination. Motion carried unanimously.

Request for licensure from Ms. Yuliya Howard for a cosmetology license. Ms. Howard has 790 hours in cosmetology from the Ukraine which the board approved and another 710 hours she completed at Lyles School of Hair Design in 2012. She has been doing testing with PSI consistently between 2012 and as recent as May 2015 for a total of 15 failed attempts. Ms. Howard is asking reconsideration of her situation given that she has worked for over 40 years. She is requesting waiver of the theory exam and to take the practical exam, or some other arrangement given the language barrier she has encountered.

Motion made by Frank Gambuzza and seconded by Nina Coppinger to approve request. Motion carried unanimously.

Request for licensure from Ms. Maria Ramos Rodriguez for a cosmetology license. Ms. Ramos has 1,500 hours in cosmetology from as verified by the regulatory board in North Carolina. She is not licensed in North Carolina therefore she cannot apply for reciprocity in Tennessee. She passed her practical exam in 2013 but never passed the theory. In North Carolina they do them in the opposite order than Tennessee and the passing score has to be a 75%. Ms. Ramos is requesting consideration of those exams for licensure in Tennessee.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve request. She will need to take the theory examination only Per the Board. Motion carried unanimously.

Request for licensure from Ms. Phuong Ngoc Duong for previously revoked manicurist and aesthetician licenses. Ms. Duong is requesting both her licenses be reinstated or guidance on how to be able to practice again since she has been unable to work in the industry since October 2014. Her license were revoked because on April 8, 2014 Ms. Duong acting as the manager of a manicure and skin care shop attempted to put money in the field inspectors pocket to avoid citations for unlicensed activity and sanitation. As a result of that inspection she paid the civil penalty and agreed to have both licenses revoked. She requests reconsideration of her hours and experience, she answered questions and explained how this would not happen again.

Recommendation - is that the applicant take the Tennessee exam for each license type.

Motion made by Patricia Richmond and seconded by Dianne Teffeteller to approve request with Agreed Order for a 2 year probation period and she cannot be the manager of the shop. She is to appear before the board after one year if she wants to take over as the manager of the shop. Motion carried unanimously.

MISCELLANOUS REQUESTS –

Request for Waivers:

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Fertishia Clayton passed her cosmetologist practical examination in April 2015. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Clayton is two months passed the required timely and the delay is in part was because she did not include the verification of eligibility form. The board gave the Director authority to extend one month additional month but anything longer needs to be reviewed by the board.

MOTION made by Dianne Teffeteller and seconded by Kelly Barger to approve request. Motion carried unanimously.

Request from instructor Devonja Harris for an extension of the required continuing education hours. Hhe became an instructor in 2014 and should have attended a continued education seminar by March 31, 2016 but there are no sessions available until April. Pursuant to Tenn. Code Ann. § 62-3-124(b) and master barber instructor may request a timely waiver with good cause. He has not been using his instructor license and has asked for an extension through 2016.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve request. Motion carried unanimously.

Request from instructor Yolande Stevens for an extension of the required continuing education hours. She became an instructor in 2014 and should have attended a continued education seminar by November 30, 2015. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time. She submitted a letter explaining the reason for missing the session.

MOTION made by Amy Tanksley and seconded by Kelly Barger to approve request. Motion carried unanimously.

Request from instructor Nicole Holmes for an extension of the required continuing education hours. She became an instructor in 2014 and should attend a continued education seminar by February 2016. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this

waiver one time. She submitted a letter explaining the reason for missing the session and given that none are offered before April 2016 she would miss her timely renewal.

MOTION made by Patricia Richmond and seconded by Judy McAllister to approve request. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 8:56 AM on Monday, December 14th to review reciprocity applications and make recommendations to the Board.

Attending were Board members Nina Coppinger, Ron Gillihan, and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

The applications reviewed consisted of the following:

Application for reciprocity of cosmetology license from Massachusetts for Samuel Dziobek. Certification has not been received in the board office but because there is no meeting in January and Mr. Dziobek has a job lined up, board determined file could be presented and decision wait for all records to be received. Mr. Dziobek appeared before the board to answer all questions. He only has 1,000 hours from Massachusetts and has been licensed just under the five years required for work experience. A letter from his former employer states experience for about four years. Also, a letter regarding his apprentice time with another salon was submitted that states additional experience between February 2011 and August 2012.

Recommendation - is that the applicant be approved for reciprocity pending all documents from Massachusetts meet the information provided on the application.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Michigan for Fawzia Abdelshahid. Ms. Adbelshahid and her husband appeared before to the board to answer questions. Certification shows initial licensure in August 2015 and hours accepted by reciprocity from Egypt. Ms. Abdelshahid was able to test in Michigan in her native language. Documents provided include her resume, the PSI passing score for her practical and a letter explaining her situation. She is very concerned and stressed about testing in English and has told the Director about her anxiety possibly keeping her from being able to pass another exam.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve reciprocity license. Motion carried unanimously.

Application for reciprocity of cosmetology license from California for Claudia Aleman. Certification shows license was issued in September 2015 with 2,120 hours completed in 1993 in El Salvador. Certification would also appear to be by examination. There is no work experience in California.

Recommendation - is that the applicant take the Tennessee exams.

Motion made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application to test as aesthetician with hours from Virginia for Victoria Dotson. Apprenticeship document from Virginia shows Ms. Dotson completed hours between April 2012 and June 2014. Because Ms. Dotson has not tested nor received her license in Virginia, she would need to test in Tennessee. She is still short 110 hours based on her records. She submitted a letter from employer where she did apprentice hours as well as her own letter explaining her situation since she was unable to attend the meeting. She has enough manicuring hours for that application to be processed in the board office.

Recommendation - is that the applicant take the Tennessee exams.

Motion made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of master barber hours and experience from Morocco for Abdelfatah Haloui. Translated documents provided include certificate that states 1,500 hours were obtained between October 1999 and July 2000. Certificate of experience states he was employed between January 2006 and December 2008 in Meknes. There is no work experience in the United States or US territory and no itemized transcript with breakdown of hours.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology hours and experience from Pakistan for Rozina Khan. Translated documents provided include certificate of completion that states 1,522 hours were obtained between December 2008 and May 2010. There is no work experience in the United States or US territory.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Brittany Monahan. Ms. Monahan wanted to appear before the board but she has a two year old child and the meeting demands would have been difficult. Certification shows initial licensure in October 2007 by examination in New Jersey with 1,200 hours and also licensed April 2015 in North Carolina. Her husband is in the military and therefore they have needed to move often and she does not have complete proof of work experience for the last five consecutive years. She provided a letter explaining her situation and asked consideration of her experience even though she cannot provide more documents.

Recommendation - is that the applicant be approved for a reciprocal license.

Motion made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Illinois for Thi Chau Le. Certification shows initial licensure in May 2014 by endorsement from Vietnam. Documents provided show Ms. Le completed 1,880 hours in August 2007. The letter from Ms. Le states someone helped her complete the forms and that she attended a school in Illinois and did 1,500. The Executive Director contacted Ms. Lee directly and with the assistance of one of her friends present, the fact of the State Certification are accurate, she might have taken some classes but her cosmetology hours are all international.

Recommendation - is that the applicant take the Tennessee exam.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of master barber license from Puerto Rico for Christian Rivera. Mr. Rivera appeared before the board to answer their questions. Certification shows initial licensure in June 2015 with 1,140 hours. The license was able to be confirmed using the verification system Puerto Rico has. Notarized documents provided by a barber professor state proof of work in the industry between 2005 – 2010 which is permitted without a license in Puerto Rico. Because of his move, he does not have experience in the industry after 2010.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve request and grant reciprocity. Motion carried unanimously.

Application for reciprocity of manicurist license from Ohio for Darla Schwartz. Certification shows initial licensure in September 1989 by examination. Ms. Schwartz provided several letters from previous employers regarding her experience. She has some gaps in time while she put herself through school and after 2013 she moved to Kentucky and now Tennessee. She is asking for consideration of all her years of experience for approval of a reciprocal license

Recommendation - is that the applicant be approved for a reciprocal license.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation and require applicant take the theory exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Nicole Sheaffer. Certification shows initial licensure in 1991 by examination with 1,250 hours. Ms. Sheaffer has provided letters from employers supporting work experience in the industry between 1991- 2002 at Head Shapers Salon and 2002 – 2007 with Hair Beyond both salons in Pennsylvania.

Recommendation - is that the applicant be approved for a reciprocal license.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist hours from Vietnam for Nhi Do. Translated documents provided include certificate of completion that states 714 hour program was finished on August 15, 2015.

Recommendation - is that the applicant take the Tennessee exams.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

The committee meeting adjourned at 9:30 AM.

As a whole, the board discussed the recommendations and decisions.

MOTION made by Dianne Telleteller and seconded by Mona Sappenfield to approve all decisions made by the reciprocity committee as amended. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:00 AM on Monday, December 14th to review the allegations of **100** complaints and make recommendations to the Board.

Attending were Board members Frank Gambuzza, Bobby Finger and Amy Tanksley and Dianne Teffeteller.

COSMETOLOGY CASES

NEW CASES

1. Case No.: L15-COS-RBS- 2015013421

First License Obtained: 10/04/2006

License Expiration: 09/01/2016

Complaint history: 2006042441, Dismissed, 2010002561, Closed w/no action

A complaint was opened after a consumer alleged the school used unlicensed instructors, sanitation conditions were lacking, and that classes were not regularly held. An investigation was conducted on this school. No evidence was found to support any for these allegations. Classes were being held on the day on inspection and the school was not in violation of sanitary code rules.

Recommendation: Close this case.

Decision: Approved

2. Case No.: L15-COS-RBS- 2015018001

First License Obtained: 10/18/1996

License Expiration: 07/31/2016

Complaint history: 2005027181, closed by Consent Order and payment of \$1000 civil penalty; 2006034381, closed by Consent Order and payment of \$1000 civil penalty; 2008022651, closed with a Letter of Warning

3. Case No.: L15-COS-RBS- 2015018011

(manager)

First License Obtained: 06/17/2008
License Expiration: 06/30/2016
Complaint history: None

4. Case No.: L15-COS-RBS- 2015018021

(owner)

First License Obtained: 04/03/1995
License Expiration: 04/30/2017
Complaint history: None

Respondents received notices of violation following an inspection. At the time of inspection the owner's personal license was expired. The owner was working on a customer. The inspector also observed tools not properly stored in closed containers.

Recommendation: Dismiss against the manager. Authorize for formal hearing against the owner and the shop. Allow authority to close by consent order assessing \$250.

Decision: Approved

5. Case No.: L15-COS-RBS- 2015018031

First License Obtained: 02/03/2009
License Expiration: 01/31/2017
Complaint history: 2013025291, closed by Consent Order and payment of \$750 civil penalty.

6. Case No.: L15-COS-RBS- 2015018071

First License Obtained: 08/27/2002
License Expiration: 08/31/2016

Complaint history: 2013025301, closed by Consent Order and payment of \$250 civil penalty.

Shop and manager received notices of violation pursuant to an inspection. At the time of inspection four individuals exited the salon as soon as the inspector walked in. Two of the licenses posted were copies. The salon didn't have proper wet sterilizer, the UV sanitizer wasn't being used, foot bath were not properly cleaned, and tools were not labeled correctly.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$3000 against the shop and \$1000 against the manager.

Decision: Approved

7. Case No.: L15-COS-RBS-2015018171

First License Obtained: 01/22/1999
License Expiration: 06/30/2016
Complaint history: 2012003541, closed by Consent Order and payment of \$1000 civil penalty

8. Case No.: L15-COS-RBS- 2015020731

First License Obtained: 01/22/1999
License Expiration: 06/30/2016
Complaint history: 2012003541, closed by Consent Order and payment of \$1000 civil penalty

A consumer complaint was filed against this shop by a past customer. On the day that the customer was at the shop her daughter received burns from a hair dryer. The mother alleges that a hospital visit was required and her daughter was diagnosed with 2nd degree burns. She has attempted several times to have the shop fill out an incident report for her insurance claims and they have refused to meet with her on this issue. The shop claims they have no knowledge of this event.

Following the consumer complaint an inspection was conducted in this shop. At the time of inspection there was an unlicensed individual giving a customer a pedicure. The shop also had various sanitation issues.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matter by consent order assessing \$2000.

Decision: Approved

9. Case No.: L15-COS-RBS – 2015018181

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Consumer complaint was filed against this shop by a past customer after her hair was sewn in poorly and allegedly used cigarette butts to burn in the hair. Board records indicate that this person does not hold a license with the Board. There were no supporting documents filed with this complaint.

Recommendation: Issue a letter of warning to this person for possible unlicensed activity.

Decision: Approved

10. Case No.: L15-COS-RBS- 2015018231

First License Obtained: N/A

License Expiration: N/A

Complaint history:

Consumer complaint was filed against this shop by a past customer after her nails were done poorly. Board records indicate that this person does not hold a license with the Board. There were no supporting documents filed with this complaint.

Recommendation: Issue a letter of warning to this person for possible unlicensed activity.

Decision: Approved

11. Case No.: L15-COS-RBS- 2015018241

First License Obtained: 01/13/2006

License Expiration: 11/30/2016

Complaint history: None

Respondent received notices of violation on her personal license and shop license pursuant to and inspection. At the time of inspection the respondent's personal license had expired. She renewed the license online while the inspector was in the shop. She paid and signed an agreed citation and closed the complaint against her personal license.

Recommendation: Close this complaint.

Decision: Approved

12. Case No.: L15-COS-RBS- 2015018261

(unlicensed)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

13. Case No.: L15-COS-RBS – 2015018271

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited as a shop owner and as an individual for practicing natural hairstyling without a license. The individual cited told the inspector she was not the owner, but her name was listed on the county business license.

Recommendation: Authorize both complaints for formal hearing. Allow authority to close by consent order assessing \$1000. (\$500 each if it turns out she really isn't the owner)

Decision: Approved

14. Case No.: L15-COS-RBS- 2015018711

First License Obtained: 12/11/2008

License Expiration: 11/30/2016

Complaint history: None

Consumer complaint was filed by a past employee who stated that she was fired because she wouldn't perform pedicures on feet with fungus. She also filed a complaint with OSHA for the shop's unsanitary practices. The shop says that the past employee was misdiagnosing patrons with foot fungus and then stated she wouldn't do pedicures at all so they let her go.

Recommendation: Close and flag this case. Send an inspector to the shop to evaluate the shop's sanitary conditions and pedicure practices.

Decision: Approved

15. Case No.: L15-COS-RBS- 2015018721

First License Obtained: 02/10/2014

License Expiration: 01/31/2016

Complaint history: 2014014031, closed by an Amended Consent Order to pay agreed \$5700 civil penalty via payment plan

16. Case No.: L15-COS-RBS- 2015018741

First License Obtained: 12/08/2006

License Expiration: 12/31/2016

Complaint history: 2014011951 & 2014014041, closed by an Amended Consent Order to pay agreed \$7200 civil penalty via payment plan

Owner and shop received notices of violation following an inspection. When the inspector walked in there were two people present. They both said they were customers and not employees. One of them left and the other person requested that the inspector come back when employees were present. The inspector went back and the same person was there but the door was locked and he would not open the door for the inspector.

Recommendation: Authorize both complaints for formal hearing for the shop being open without an owner or manager present. Allow to settle by consent order assessing \$2000.

Decision: Approved

17. Case No.: L15-COS-RBS- 2015018761

First License Obtained: 01/08/2004

License Expiration: 04/30/2017

Complaint history: None

18. No.: L15-COS-RBS- 2015018771

First License Obtained: 03/12/2002

License Expiration: 03/31/2016

Complaint history: None

19. Case No.: L15-COS-RBS- 2015018791

First License Obtained: 12/12/2012

License Expiration: 12/31/2016

Complaint history: None

Respondents who are the owner and manager and an employee of the shop received notices of violation following an inspection. At the time of inspection the employee's license had expired. None of the respondents have any prior history and the employee renewed her license online during the inspection.

Recommendation: Close against the shop and owner. Authorize against the employee for formal hearing. Allow authority to close by consent order assessing \$100.

Decision: Approved

20. Case No.: L15-COS-RBS-2015018821

First License Obtained: 09/19/2013
License Expiration: 09/30/2017
Complaint history: 2014014301, closed by Consent Order and payment of \$2,250 civil penalty

21. Case No.: L15-COS-RBS- 2015018831

First License Obtained: 11/19/2007
License Expiration: 11/30/2017
Complaint history: 2014014321, closed by Consent Order and payment of \$2,250 civil penalty

Respondents who are the owner and the manager of the shop both received notices of violation following an inspection. At the time of inspection the inspector saw a person who was giving a women a manicure immediately duck out of the photograph and leave out of the back door. The owner and manager both said they didn't know who the person was.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$1000 against the shop and \$500 against the manager.

Decision: Approved

22. Case No.: L15-COS-RBS- 2015018851

First License Obtained: 03/03/2010

License Expiration: 09/01/2016

Complaint history: None

A consumer files a complaint against this School after having her hair dyed at the school and as the mother of two current students. The complainant contends that the dye job was terrible and that the school is rude to her daughters. She questions the supervision and the discipline policies of the school.

Recommendation: Dismiss for lack of an allegation of a violation.

Decision: Approved

23. Case No.: L15-COS-RBS- 2015018911

First License Obtained: 03/21/1994

License Expiration: 09/01/2016

Complaint history: 9767, dismissed; 1999016781, Dismissed; 2003152221, Dismissed; 2009011551, closed w/no action; 2009022331, closed; 2009023831, closed with a Letter of Warning; 2010007941, closed w/no action

24. Case No.: L15-BAR-RBS- 2015018921

First License Obtained: 03/21/1994

License Expiration: 09/01/2016

Complaint history: 7264; dismissed; 8249, closed with Letter of Warning; 8324; closed with Letter of Warning; 9333, dismissed; 2002071821, dismissed; 2006006511, dismissed; 2012001781, closed with no further action

A consumer complaint was filed against the school naming two women as unlicensed instructors teaching students. Board records indicate both of these women have licenses and the school has shown us that they are both enrolled as junior instructors.

Recommendation: Close this case and send an inspector to look for unlicensed activity.

Decision: Approved

25. Case No.: L15-COS-RBS- 2015019001

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

An anonymous complaint was filed against this respondent saying she is practicing cosmetology in her home for pay. The respondent has finished cosmetology school and claims she has been doing her children's hair while she studies to take her exam. The anonymous complainant does not offer any corroborating evidence.

Recommendation: Close this case.

Decision: Approved

26. Case No.: L15-COS-RBS- 2015019021

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2007069211, closed; 2013017711, closed by Consent Order and payment of \$250 civil penalty

A consumer complaint was filed against this respondent for using a lighter to seal braids on two children's hair, causing damage to their hair. Upon review of this case it was found that the shop is not licensed by this Board.

Recommendation: Authorize this complaint for formal hearing. Allow authority to settle the matter by consent order assessing \$1000.

Decision: Approved

27. Case No.: L15-COS-RBS- 2015019031

First License Obtained: 07/22/2008

License Expiration: 07/31/2016

Complaint history: None

A consumer complaint was filed after the customer received a cut on her foot during a pedicure. It appears that the shop's insurance is covering the medical bills for the complainant. The shop has no prior history.

Recommendation: Close and send and inspector to evaluate sanitation practices.

Decision: Approved

28. Case No.: L15-COS-RBS- 2015019051

First License Obtained: 06/17/2015

License Expiration: 05/31/2017

Complaint history: None

A consumer complaint was filed after customer received a cut on her hand during a manicure. The shop has said when she returned a day later they looked at her nails and saw no cut so they did not refund her.

Recommendation: Close and send and inspector to evaluate sanitation practices.

Decision: Approved

29. Case No.: L15-COS-RBS- 2015019071

First License Obtained: 02/02/2015

License Expiration: 02/28/2017

Complaint history: None

A consumer complaint was filed with a photograph showing a woman who is licensed as a manicurist waxing eyebrows. The owner of the shop wrote in to clarify that the person in the picture is getting her ears pierced and this was simply a posed picture from a ribbon cutting ceremony.

Recommendation: Close and send an inspector to look for unlicensed activity.

Decision: Approved

30. Case No.: L15-COS-RBS- 2015019271

First License Obtained: 10/06/2014

License Expiration: 10/31/2016

Complaint history: None

31. Case No.: L15-COS-RBS- 2015019281

First License Obtained: 07/01/2014

License Expiration: 07/31/2016

Complaint history: None

Respondent was cited on her shop and personal license for allowing unlicensed person to manage and work at her shop. On the day of inspection the inspector found only the unlicensed person at the shop. The owner showed up after the inspector arrived.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matter by consent order assessing \$1000.

Decision: Approved

32. Case No.: L15-COS-RBS- 2015019321

First License Obtained: 03/18/2015

License Expiration: 08/31/2017

Complaint history: None

33. Case No.: L15-COS-RBS- 2015019331

First License Obtained: 07/10/2009

License Expiration: 07/31/2017

Complaint history: None

Respondent received notices of violation on her shop and personal license for operating a shop that has moved location but had not filed a change of location form. This shop filed the appropriate forms within a week of this inspection.

Recommendation: Close with a letter of warning.

Decision: Approved

34. Case No.: L15-COS-RBS- 2015019351

First License Obtained: 10/05/2007

License Expiration: 10/31/2017

Complaint history: 2014011821, closed by Consent Order and payment of \$500 civil penalty

Respondent received a notice of violation for operating a shop without a shop license or inspection sheet. She said she was waiting on the landlord to file a shop application. Board records indicate that the only cosmetology shop ever associated with this address was owned by and another party and closed on 2011.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

35. Case No.: L15-COS-RBS- 2015019581

First License Obtained:

License Expiration:

Complaint history: 2012003981, closed by Consent Order and payment of \$500 civil penalty;
2012017631, closed by Consent Order and payment of \$500 civil penalty;
2013013801, closed by Consent Order and payment of \$750 civil penalty;
2014014261, closed by Consent Order and payment of \$750 civil penalty;

36. Case No.: L15-COS-RBS- 2015019591

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

37. Case No.: L15-COS-RBS- 2015019601

First License Obtained: 04/02/2004

License Expiration: 04/30/2016

Complaint history: None

Respondent shop received a notice of violation following and inspection. At the time of inspection there was an unlicensed individual working in the shop who also received a notice of violation. This shop has previous history for allowing unlicensed activity. The manager for the shop was also cited.

Recommendation: Authorize complaints for the shop and manager for formal hearing. Allow authority to settle by consent order assessing Revocation to the shop and \$1000 to the manager. The address for the unlicensed person is out of state and questionable, so close with a letter of warning.

Decision: Approved

38. Case No.: L15-COS-RBS- 2015019721

First License Obtained: 07/01/2013
License Expiration: 06/30/2017
Complaint history: 201403246, paid \$1000 civil penalty via Agreed Citation

39. Case No.: L15-COS-RBS- 2015019731

First License Obtained: 05/28/2013
License Expiration: 07/31/2017
Complaint history: None

Shop license and manager's license received notices of violation pursuant to an inspection. The owner of the shop was working in the shop and is licensed by Florida but not Tennessee. The shop license was expired.

Recommendation: Close the case against the manager with a letter of warning. Authorize complaint against the shop for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

40. Case No.: L15-COS-RBS- 2015019741

First License Obtained: 06/01/2015
License Expiration: 05/31/2017
Complaint history: None

A customer filed a consumer complaint after receiving a cut to her toe during a pedicure. The customer decided to leave the shop and the shop requested that she pay for her service. The customer says the owner pushed the door onto her and the owner says the customer kicked the door on her way out. The customer went to the police to ensure that they hadn't filed a theft of services claim. The shop did not file a claim.

Recommendation: Close this case.

Decision: Approved

41. Case No.: L15-COS-RBS- 2015019901

First License Obtained: 03/17/1994
License Expiration: 09/01/2016
Complaint history: 20030128391, Dismissed; 2010004031, closed w/no action

A consumer complaint was filed against this school by a past student. The student alleges that the school filled out her FASFA Forms for her to receive federal aid, despite the requirement for a high school diploma or equivalent which she does not have. The student has dropped out of school and has been paying the money back to the federal government. She wrote in this complaint because she says a member from the school came to her current job and was harassing her. The school wrote in to say that the complainant filled out her own FASFA forms and lied about having a high school diploma. They also sent a copy of her high school certificate that she submitted which they claim is misleading. The certificate does look like a high school diploma but clearly states that it is a certificate for partial completion of high school. They allege that as soon as the Federal Aid agency contacted them about the discrepancy they began to cooperate with the Agency to make repair. The student claims that the school always knew she only had 10th grade education, filled out all of her forms and asked her to sign when they were finished. She says she had even asked them if she should defer cosmetology school until she could get a GED and that they said it would not be necessary for her to enroll or to get Aid.

Recommendation: Issue a letter of warning to the school citing unprofessional conduct. Send the student information about opening complaints with THEC and the school's accrediting agency. Send an inspector the near future to review the school's student files.

Decision: Approved

42. Case No.: L15-COS-RBS- 2015019931

First License Obtained: 03/21/1994
License Expiration: 09/01/2016

Complaint history:

2005031451, Dismissed; 2007072001, closed w/ no action; 2008005821, closed w/ no action; 2009005931, closed by Consent Order and payment of \$500 civil penalty; 2009014871, closed w/no action; 2009017981, closed with no action; 201002721, closed with no action; 2010023711, closed with a cease and desist letter; 2010029471, dismissed; 2012009831, closed with a request for an inspection; 2012025221, closed with no action; 2014019121, closed with a Letter of Warning

A past student files a complaint against the school after withdrawing from the school. The complainant felt that the school as allowing a person with lice and scabies to work in the school. The school responded that this student had lice twice but both times was sent to a Doctor and did not return until she could provide a doctor's note clearing her to attend school. The rash on the students hands was not scabies but hives caused stress and not contagious. The school offered the doctors notes clearing the student to work in the school.

Recommendation: Close. Send an inspector to evaluate sanitation.

Decision: Approved

43. Case No.: L15-COS-RBS- 2015020271

First License Obtained: 11/21/2013

License Expiration: 11/30/2017

Complaint history: None

An anonymous complaint was filed saying that this manicure shop was performing waxing services. No corroborating evidence was supplied. The Respondent wrote counsel to say they have never offered this and they don't even know who would have filed this complaint.

Recommendation: Close this complaint.

Decision: Approved

44. Case No.: L15-COS-RBS- 2015020691

First License Obtained: 04/28/2000

License Expiration: 09/01/2016

Complaint history: 2003137671, Dismissed; 2005018781 & 2005027821, Dismissed; 2010002381, closed with no action; 2010017621 with no action; 2010024651 closed w/ Letter of Warning; 2013016331, closed by Consent Order and payment of \$750 civil penalty; 20014018281 & 2014018291, closed by signing a Consent Order for the voluntary license suspension; 2015012101, closed by a Consent Order the voluntary revocation of Respondent's license

45. Case No.: L15-BAR-RBS- 2015020681

First License Obtained: 10/16/2002

License Expiration: 10/15/2016

Complaint history: 2010026381, closed w/Letter of Warning; 2010032831, Dismissed; 2011029311, closed by Consent Order and payment of \$500 civil penalty; 2013016351, Formal Charges authorized; 2014018451, closed via Consent Order for the voluntary license suspension; 2014030891, Formal Charges Authorized; 2015006781, closed and flagged 2015012111 closed by a Consent Order the voluntary revocation of Respondent's license

Complaints were opened against the Respondent school's barber and cosmetology school licenses following an inspection. The Board has previously voted to revoke this school's licenses. The inspector found violations concerning the students files including

paper work not properly signed, files were not updated, and all most all files were not able to be accessed. Additionally the inspector saw a cosmetology instructor teaching a barber school class. These allegations are similar to the allegations that he Board previously review when approving revocation.

Recommendation: Combine these allegations complaint #2015012111 and 2015012101, which are the cases the board reviewed before approving revocation of licenses.

Decision: Approved

46. Case No.: L15-COS-RBS- 2015020711

First License Obtained: 05/02/2005

License Expiration: 09/01/2015

Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action; 2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter of Warning; 2009010121, dismissed; 2014003171, 2014019051, 2014030611 & 2014030631, Formal Charges Authorized

47. Case No.: L15-BAR-RBS- 2015020701

First License Obtained: 05/02/2005

License Expiration: 09/01/2015

Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action;

2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter of Warning; 2009010121, dismissed; 2014003171, 2014019051, 2014030611 & 2014030631, Formal Charges Authorized

A complaint was opened administratively by the Board office following an inspection. At the time of inspection the school could not provide student files for the inspector to look through. Two of the instructors did not have their licenses posted. There were no cosmetology students present, only manicuring students. The Board office has not found cosmetology students present at the school in the last several inspections.

Recommendation: Authorize this complaint for formal hearing. Allow authority to settle beforehand with a consent order assessing revocation.

Decision: Approved

48. Case No.: L15-COS-RBS- 20150210551

First License Obtained: 08/05/2013
License Expiration: 07/13/2017
Complaint history: 2014020601, closed by Consent Order and payment of \$750 civil penalty; 2015006071, Formal Charges Authorized

49. Case No.: L15-COS-RBS- 20150210581

First License Obtained: 05/13/2004
License Expiration: 05/31/2016
Complaint history: 2014020621, closed by Consent Order and payment of \$750 civil penalty; 2015006072, Formal Charges Authorized

50. Case No.: L15-COS-RBS- 201500671

First License Obtained: 08/05/2013
License Expiration: 07/13/2017
Complaint history: 2014020601, closed by Consent Order and payment of \$750 civil penalty;
2015006071, Formal Charges Authorized

51. Case No.: L15-COS-RBS- 2015006072

First License Obtained: 05/13/2004
License Expiration: 05/31/2016
Complaint history: 2014020621, closed by Consent Order and payment of \$750 civil penalty;
2015006072, Formal Charges Authorized

Respondent received a complaint on their personal and shop license following an inspection. At the time of inspection the shop was offering waxing services. This shop is licensed as a manicuring shop only. A follow up inspection was conducted several months later and the same violations were found, new complaints were opened on each license.

Recommendation: Combine the complaints against the shop license. Combine the complaints against the owner. Authorize all complaints for formal hearing. Allow authority to settle by consent order assessing \$500 to the shop and \$500 to the individual.

Decision: Approved

52. Case No.: L15-COS-RBS- 2015019541

First License Obtained: 07/09/2015
License Expiration: 07/31/2017
Complaint history: None

53. Case No.: L15-COS-RBS- 2015019561

First License Obtained: 07/09/2015

License Expiration: 07/31/2017

Complaint history: None

Respondents received notices of violation pursuant to an inspection. At the time of inspection the respondent was operating a shop and practicing cosmetology on a customer without having a shop license. The second person present who was also practicing was unlicensed. The inspector says the shop has been open for two or three months. The Respondent says that she was in the process of the getting her license from the Board and that while waiting she was giving free services to friends for practice. It does not appear that this business is licensed at this time

Recommendation: Authorize for formal hearing. Allow authority to settle the matter by consent order assessing \$1000 to each respondent.

Decision: Approved

54. Case No.: L15-COS-RBS-20150219101

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent received a notice of violation pursuant to an inspection. At the time of inspection the respondent was operating a shop and practicing a natural hair braiding on a customer without having a shop license. The respondent wrote back that the owner of the building had told her that he already had a license to run the business and that she believed that all the state requirements had been met. She says she left that building and now rents a booth in licensed shop.

Recommendation: It appears she did think she was meeting state requirements. Close and issue a letter of warning.

Decision: Approved

55. Case No.: L15-COS-RBS-20150217271

First License Obtained: 07/29/2009
License Expiration: 06/30/2015
Complaint history: 2012001831, Closed with a Letter of Warning

56. Case No.: L15-COS-RBS-20150217291

First License Obtained: 11/16/2009
License Expiration: 11/30/2015
Complaint history: None

Respondents, who are the shop and manager received notices of violation following an inspection. At the time of inspection the cosmetology and barber shop was open for business. The cosmetology shop license was expired.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100 to each respondent.

Decision: Approved

57. Case No.: L15-COS-RBS-2015020001

First License Obtained: 07/01/2013
License Expiration: 06/30/2017
Complaint history: 201403246, paid \$1000 civil penalty via Agreed Citation

58. Case No.: L15-COS-RBS-2015020011

First License Obtained: 05/28/2013
License Expiration: 07/31/2017
Complaint history: None

Respondent received a notice of violation on both their personal and shop license following a change in location inspection. This was the second time this inspection had to be taken place since they were not prepared the first time. When the inspector walked in he saw women giving a manicure to a customer who then immediately exited the shop. Both the old owner and the new owner confirmed to the inspector that she was not licensed by the Board. The inspector noted the same discrepancies that were noted on the first change in location inspection and then additionally cited them for unlicensed activity. The owners both refused to sign the citation, the inspector attempted to leave the shop and the respondent attempted to block his exit and held onto his arm to keep him from leaving. The inspector forced his way past the respondent and left the shop.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle each matter by consent order assessing \$2000 to each respondent. Issue a letter of caution to both respondents that any future physical altercations will likely result in the Board seeking revocation of licenses. Flag this shop for increased inspections.

Decision: Approved

59. Case No.: L15-COS-RBS-2015018781

<u>First License Obtained:</u>	N/A
<u>License Expiration:</u>	N/A
<u>Complaint history:</u>	None

60. Case No.: L15-COS-RBS-2015018801

<u>First License Obtained:</u>	N/A
<u>License Expiration:</u>	N/A
<u>Complaint history:</u>	None

Respondent received two complaints as an individual and as a shop following an inspection. At the time of inspection the respondent was operating a shop that was open for business. Neither the individual nor the shop is licensed.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matters by a consent order assessing \$1000.

Decision: Approved

61. Case No.: L15-COS-RBS-2015019091

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

62. Case No.: L15-COS-RBS- 2015019101

First License Obtained: 03/13/2008

License Expiration: 03/31/2016

Complaint history: None

63. Case No.: L15-COS-RBS- 2015019111

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

64. Case No.: L15-COS-RBS- 2015019121

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

65. Case No.: L15-COS-RBS- 2015019131

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

Shop license and manager were cited following the inspection of this shop. At the time of inspection the shop was opened and three unlicensed individuals were practicing natural hair braiding. Those individuals gave their names but would not give addresses or any other identifying information.

Recommendation: Authorize the complaints against the shop and manager for formal hearing. Allow authority to settle each matter by consent order assessing \$3000 to each respondent. Close and flag the complaints against the individuals for further activity since we do not have any information on their whereabouts.

Decision: Approved

66. Case No.: L15-COS-RBS-2015019421

First License Obtained: 07/01/2009
License Expiration: 04/30/2017
Complaint history: 2009014561, closed by Consent Order and payment of \$1500 civil penalty

Shop received a notice of violation pursuant to an inspection. At the time of inspection the shop was open for business the license was expired. The owner renewed the shop license while the inspector was there.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100.

Decision: Approved

67. Case No.: L15-COS-RBS-2015020121

First License Obtained: 07/29/2014
License Expiration: 07/31/2016

Complaint history: **None**

68. Case No.: L15-COS-RBS-2015020131

First License Obtained: **05/09/2008**

License Expiration: **05/31/2016**

Complaint history: **None**

Shop and employee both received notices of violation following an inspection. At the time of inspection the shop was open for business without an owner or manager present. Additionally, the employee was not licensed at the time. She was waiting for reciprocity from GA. The employee is now licensed with this Board.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matter by consent order assessing \$250 to the individuals and \$500 to the shop.

Decision: Approved

69. Case No.: L15-COS-RBS- 2015020641

First License Obtained: **12/26/2012**

License Expiration: **10/31/2015**

Complaint history: **None**

70. Case No.: L15-COS-RBS- 2015020661

First License Obtained: **03/16/2005**

License Expiration: **03/31/2017**

Complaint history: **None**

Respondent was cited on her personal and shop license following an inspection. At the time of inspection the respondent was practicing cosmetology on a customer. Her personal license was expired.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle the matter by consent order assessing \$100.

Decision: Approved

71. Case No.: L15-COS-RBS-2015020791

First License Obtained: 05/21/2009

License Expiration: 12/31/2016

Complaint history: None

72. Case No.: L15-COS-RBS-2015020811

First License Obtained: 07/26/1978

License Expiration: 03/31/2016

Complaint history: 1312, closed

Respondent was cited on both his shop and personal license following an inspection. At the time of inspection the shop was open for business. The shop license had been expired for 210 days.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100.

Decision: Approved

73. Case No.: L15-COS-RBS-2015021131

First License Obtained: 12/17/2002

License Expiration: 03/31/2017

Complaint history: 201500854, closed by Letter of Warning

Shop received a notice of violation following an inspection. At the time of inspection the shop was offering waxing services and is licensed as a manicure shop. There were also sanitation violations, dirty floors, unclean footbaths, nail dust build up etc.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

74. Case No.: L15-COS-RBS-20150209011

First License Obtained: 02/29/2012

License Expiration: 02/28/2016

Complaint history: None

Respondent was cited as the owner of a shop following an inspection. At the time of inspection the shop had two unlicensed persons practicing cosmetology and no owner or manager was present.

Recommendation: Authorize for formal hearing allow authority to settle by consent order assessing \$2500.

Decision: Approved

75. Case No.: L15-COS-RBS-20150208951

First License Obtained: 06/14/2013

License Expiration: 06/30/2017

Complaint history: None

76. Case No.: L15-COS-RBS-20150208971

First License Obtained: 12/10/2013

License Expiration: 12/31/2015

Complaint history: None

Shop and manager both received notices of violation following an inspection. At the time of inspection the shop was open for business with an expired shop license.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$100 to each respondent.

Decision: Approved

77. Case No.: L15-COS-RBS-20150209131

First License Obtained: 01/07/1993

License Expiration: 11/30/2016

Complaint history: None

Owner was cited for operating a shop on an expired license. She paid an agreed citation on her shop license for this offense.

Recommendation: Dismiss.

78. Case No.: L15-COS-RBS-20150210361

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2007069211, closed; 2013017711, closed by Consent Order and payment of \$250 civil penalty

Consumer complaint was filed because of a poor job by the shop braiding her hair. While this is not violation there are no records of this shop in the Board office.

Recommendation: Close this case and send an inspector to the address provided to look for unlicensed activity

79. Case No.: L15-COS-RBS- 20150211301

First License Obtained: 02/13/2003

License Expiration: 07/31/2017

Complaint history: **None**

80. Case No.: L15-COS-RBS- 20150211321

First License Obtained: **12/17/2002**

License Expiration: **12/31/2016**

Complaint history: **None**

Respondent was cited on both her licenses following an inspection. At the time of inspection she was operating a shop on an expired shop license.

Recommendation: Authorize both complaints for formal hearing. Allow authority to close by a consent order assessing \$100.

Decision:

81. Case No.: L15-COS-RBS- 20150210401

First License Obtained: **03/28/2008**

License Expiration: **02/28/2016**

Complaint history: **2009004931, closed by Consent Order and payment of \$500 civil penalty**

A consumer complaint was filed in response to poor service during a manicure. The complainant alleges that there are very poor sanitary conditions in the shop.

Recommendation: Dismiss. Send an inspector to evaluate sanitary conditions.

Decision:

82. Case No.: L15-COS-RBS- 2015012141

First License Obtained: **03/21/1994**

License Expiration: **09/01/2016**

Complaint history:

Complaints # 7301, 8302, 9283, 9781, 2000032481, 2001036321, 2001036341, 2001036421, 2001053341, 2002099431, 2002115141, 2003170361: all Dismissed; 2004198561, Letter of Warning; 2005009291, Dismissed; 2005037361, Dismissed; 2006028071, Dismissed; 2008005951, Dismissed, 2008007401, Dismissed; 2008018031, Closed w/no action; 2008023021, Closed w/no action; 2009000071, 2009018081, 2009021641, 2009025971, 2010009271, 2011019391, all closed w/no action; 2014002891, closed for lack of proven disciplinary action; 2015009351, Dismiss this case as contractual dispute. Send an inspector to the school to witness how customers are treated in the salon; 2015013381, closed with a Letter of Warning

A consumer complaint was filed against this school regarding the complainants scholarship money and federal aid. This school was disciplined by the Board for these same allegations during the time period that this complaint was filed. The school is now being monitored by the relevant federal aid agencies.

Recommendation: Close with a letter of warning

Decision:

New Barber Cases

83. Case No.: L15-BAR-RBS-2015020781

First License Obtained: 09/12/2002

License Expiration: 09/30/2016

Complaint history: None

Respondent received a notice of violation following an inspection. On the day of inspection the respondent was giving a customer haircut. The respondent's license was expired.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order for \$100.

Decision:

84. Case No.: L15-BAR-RBS-2015019011

First License Obtained: 0/02/2007

License Expiration: 01/31/2015

Complaint history: None

Respondent received a notice of violation following the inspection of a shop where he identified himself as the acting manager. At the time of inspection he was the only employee present and was practicing Barbering on a customer. His license was expired at that time.

Recommendation: Authorize for formal hearing. Allow authority settle by consent order assessing \$100.

Decision: Approved

85. Case No.: L15-BAR-RBS- 2015018991

First License Obtained: 10/16/2014

License Expiration: 10/31/2016

Complaint history: None

Shop received a notice of violation following an inspection. At the time of inspection the shop only had one person working, who was also the manager. His license was suspended and expired. The owner wrote counsel to explain that she had no idea that his license was suspended since this was a child support issue.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$100.

Decision: Approved

86. Case No.: L15-BAR-RBS- 2015019521

First License Obtained: 07/25/2003
License Expiration: 02/29/2016
Complaint history: 2011003311, closed with a Letter of Warning

87. Case No.: L15-BAR-RBS- 2015019531

First License Obtained: 01/26/2000
License Expiration: 01/31/2016
Complaint history: None

Respondent received a notice of violation on both her personal and shop license following an inspection. At the time of inspection both licenses were expired. The shop was open.

Recommendation: Authorize for formal hearing. Allow authority to settle beforehand with a consent order assessing \$200.

Decision: Approved

88. Case No.: L15-BAR-RBS- 2015020751

First License Obtained: 08/26/1989
License Expiration: 06/30/2017
Complaint history: None

89. Case No.: L15-BAR-RBS- 2015020761

First License Obtained: 08/15/1986
License Expiration: 11/30/2016

Complaint history: None

Respondent received notices of violation on her personal and shop license following an inspection. On the day of inspection the shop license was expired. Additionally, the shop was operating under a license that had been assigned by the previous shop owners. The current owner/respondent bought the shop in 2014 and said she thought she didn't need to change the ownership since the previous owner still owns and works at the adjoining cosmetology shop, which shares space with this Barber shop. The shop license was renewed while the inspector was still there and she immediately filed change in ownership papers.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$200.

Decision: Approved

90. Case No.: L15-BAR-RBS- 2015020831

First License Obtained: 05/17/2013

License Expiration: 04/30/2017

Complaint history: None

91. Case No.: L15-BAR-RBS- 2015020841

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent received a notice of violation on his shop license and against him personally following an inspection. At the time of inspection the owner was the only person working in the shop and was giving a customer a haircut.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$1000.

Decision: Approved

92. Case No.: L15-BAR-RBS- 20150210201

First License Obtained: 02/12/2004
License Expiration: 02/28/2016
Complaint history: None

93. Case No.: L15-BAR-RBS- 20150210181

First License Obtained: 12/17/1991
License Expiration: 09/30/2016
Complaint history: None

Respondent received a notice of violation on both her shop and personal license following an inspection. At the time of inspection the shop was open and had customers. The shop license was expired. The shop also had a separate room that had two people, a dog, a bed, clothing, and a TV. The owner told the inspector that her daughter had been living in the shop.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle by consent order assessing \$350. Send an inspector to follow up and determine who lives in the shop.

Decision: Approved

94. Case No.: L15-BAR-RBS-20150212471

First License Obtained: 11/07/2014
License Expiration: 10/31/2016
Complaint history: None

A complaint was opened against this shop for employing a cosmetologist despite only having a barber shop license. A state funded staffing agency placed the employee with the Barber shop who ensured that she was able to work in this shop. The staffing agency has been informed of this issue, they confirmed their role in the placement and they are correcting their procedures. The shop has filed an application for a cosmetology shop license so that they can continue to employ the cosmetologist. The

employee has told the office she will not work there until the application has been accepted.

Recommendation: Close and flag.

Decision: Approved

Re Presented Cases

95. Case No.: L15-COS-RBS- 2015013851

First License Obtained: 12/04/2007

License Expiration: 12/31/2015

Complaint history: None

Respondent was cited as the owner of a shop that was operating without a manager. New information has shown us that she is not the owner of the shop but is the manager, who was not present on the day of inspection.

Recommendation: Close this case.

Decision: Approved

96. Case No.: L15-COS-RBS- 2015015091

First License Obtained: 03/22/2007

License Expiration: 03/31/2017

Complaint history: None

Respondent was cited on both her licenses for operating a shop without a manager present. She paid the fine and closed the case against her shop license assuming it would close both complaints. She has already paid the amount I would have recommended on both complaints.

Recommendation: Close this case.

Decision: Approved

97. Case No.: L15-COS-RBS- 2015018971

First License Obtained: 08/11/2015

License Expiration: 08/31/2017

Complaint history: None

Respondent was cited for unlicensed activity. She has shown that she is licensed in GA and is in the process of applying for reciprocity.

Recommendation: Authorize for formal hearing. Allow authority to settle by Consent order assessing \$250.

Decision: Approved

98. Case No.: L15-COS-RBS-2013013091

First License Obtained: 05/17/2007

License Expiration: 01/31/2015

Complaint history: None

This shop was cited in 2013 for having two employees working on suspended licenses. This shop has since changed ownership and the employees in question have settled their cases.

Recommendation: Dismiss

Decision: Approved

99. Case No.: L13-COS-RBS-2013025951

First License Obtained: 06/29/2012

License Expiration: 06/30/2014

Complaint history: None

Respondent was cited for working on suspended license for non-payment of child support in 2013. He no longer works at that shop and we can find no evidence that he is working anywhere. His license expired on June 30, 2014, and will no longer be

renewable in one year. All mail from the address associated with his license has been returned. Our investigators are not able to locate him.

Recommendation: Close and flag to review if he attempts to renew his license.

Decision: Approved

100. Case No.: L13-COS-RBS-2013026051

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited for unlicensed activity in 2013. At the time of inspection the inspector was unable to get an address for this individual. The respondent claimed to be in the process of getting a reciprocal license. The respondent no longer works at the shop.

Recommendation: Dismiss.

Decision:

The meeting adjourned at 8:50 AM.

MOTION made by Bobby Fingers and seconded by Amy Tanksley for approval of the Legal Report as amended. Motion carried unanimously.

As a whole, the board discussed the recommendations and decisions.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve Legal report as amended. Motion carried unanimously.

Attorney for the board, Laura Martin, explained why the proposed rules need to be voted on as they are and that the next round could include items that the public brings to light and minor grammatical changes but all substantive issues have been resolved and the board understands that all three sets of rules and the economic statements are moving forward in the process.

MOTION made by Nina Coppinger and seconded by Dianne Teffeteller for approval of all three rules. Motion carried unanimously by roll call.

Cosmetology Consent Orders and Agreed Citations – November - Totaling \$28,525.94

MOTION made by Patricia Richmond and seconded by Judy McAllister for approval of all consent orders. Motion carried unanimously.

Letters of warning

During the month of November, no letters of warning were issued.

NEW BUSINESS

Financial Breakdown 2014 – 2015 Fiscal Year:

Assistant Commissioner Brian McCormack appeared before the board to present and discuss final number for expenses and revenue for the combined board. The board members asked questions and there was some discussion about the proposed rules and increased fees.

Pyramid Beauty School:

A request was presented and approved at the November 2, 2015 board meeting to issue transfer release documents to students with hours reported by Pyramid Beauty School. The students listed below have provided hours that vary from the total number listed on the monthly hours report by Pyramid. The board will consider releasing the hours as supporting documents are provided or if the variance is minor.

Tommie Tucker: variance is over 1,400 hours, still waiting for email or letter response given the huge discrepancy, the office is not comfortable until some supporting document can be obtained. Need additional documents to prove the hours.

Gabriel Motley: variance is 333 hours, also huge variance and until letter and supporting documents are provided no hours will be released. Wait on him.

Ronald Thomas: variance is 246 hours, still waiting for email or letter response given the huge discrepancy, the office is not comfortable until some supporting document can be obtained.

Shaye Reed: variance seven (7) hours, okay to release full 300 natural hair styling hours.

Marcus Gibson: Unable to locate him on hour's reports for the four months reviewed. Waiting for additional information requested.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve student hours based on their explanations. Executive Director to provide withdrawal forms. Motion carried unanimously.

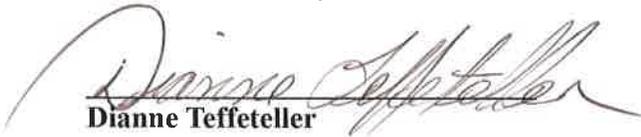
The Center for Cosmetology Education:

On December 10, 2015 information was provided to the board that The Center for Cosmetology Education, located in Memphis was closed by State Tax Authority. At the time of the board meeting all the information was not verified and no contact was made with the school owner or school administrator. Students contacted the board office with various stories but all very interested in obtaining their hours and finishing their educational plans. As long as school remains closed, board members decided affidavits would be compiled and transfer documents released with verification of hours.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to let the Executive Director Roxana Gumucio release the hours.

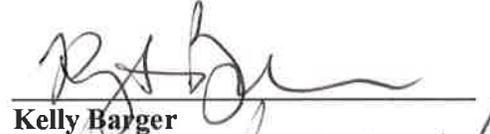
Motion to adjourn

MOTION to adjourn made by Nina Coppinger and seconded by Dianne Teffeteller. Motion carried unanimously.


Dianne Teffeteller


Nina Coppinger

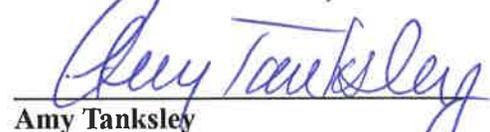
Judy McAllister


Kelly Barger


Patricia J. Richmond


Mona Sappenfield

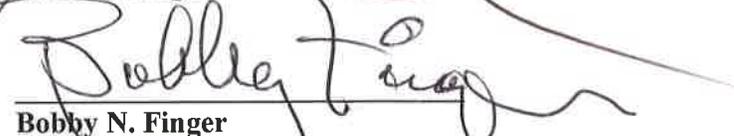
Frank Gambuzza

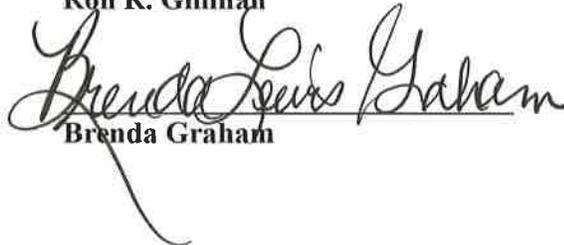

Amy Tanksley

Anita Charlton


Yvette Granger


Ron R. Gillihan


Bobby N. Finger


Brenda Graham