



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 November 2, 2015 at 10:25 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, Anita Charlton, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Brenda Graham, Patricia Richmond, Judy McAllister, Mona Sappenfield, Amy Tanksley and Dianne Teffeteller. Not in attendance Yvette Granger.

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

MINUTES-

Minutes for the October 5, 2015 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Frank Gambuzza to approve the October 5, 2015 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Change of Ownership School Application, Vanede, LLC:

Mr. Kevin Koch appeared before the board to present a change in ownership for two schools located in the Memphis area. Vanede, LLC will be doing business as Tennessee Academy of Cosmetology at the Winchester Road and the Highway 64 campuses. The two separate applications, payment for each school change in ownership, the floor plans and all current documentation were provided.

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

New Barber School Application, Crown Cutz Academy:

Mr. Craig Charles appeared before the board to represent a new barber school application. Crown Cutz Academy is located in Johnson City. The space is 2,928 square feet. The school provided a floor plan, application, enrollment agreement and fee. A new revised contract and full enrollment agreement was presented per the board's recommendations at the October 5 board meeting.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve new school application pending an inspection by a board member and field inspector. Motion carried unanimously.

Change of Location School Application, New Concepts School of Cosmetology:

Ms. Linda Luster mailed in a change in location for New Concepts School of Cosmetology, located in Cleveland. The application, payment and floor plan were provided for review. The school decided to not present their request in October as the letters states and they are not planning on opening at the new location for another month or more.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve change in location application pending an inspection by a board member and field inspector. Motion carried unanimously.

Change of Location School Application, Paul Mitchell the School Murfreesboro:

Mr. Kevin Johnson appeared before the board to present a change in location for Paul Mitchell the school, located in Murfreesboro. This is actually an expansion to the existing location. The expansion will add 3,200 square feet making the school about 14,000 square feet. The application, payment and revised floor plan were provided for review. The school will not need to be inspected until January 2016 and they will inform the office when they are ready to complete the process.

Mr. Johnson also explained that with the expansion, the school is planning to offer the cosmetology course with 1,600 hours, 100 of which are toward additional make-up training.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve application to expand the school pending an inspection by a board member and field inspector. Motion carried unanimously.

2016 Continued Education Seminar Requests:

The University of Tennessee outreach and continuing education session: Mr. Bill Nichols submitted the information on behalf of the Knoxville session. They are requesting to have the session on Sunday, July 17 and Monday, July 18, 2016. He answered questions for the board.

Motion made by Patricia Richmond and seconded by Nina Coppinger to approve the 216 session and requested dates. Motion carried unanimously.

ExpertEase Consulting Edu sessions: Ms. Ciara Gordon appeared before the board requesting the following sessions on Saturday and Sundays: April 30 – May 1 in Memphis; June 25 and 26th in Nashville, August 27 and 28th in Pigeon Forge and October 29 and 30 in Chattanooga. She answered questions for the board.

Motion made by Nina Coppinger and seconded by Dianne Teffeteller to approve the 216 session and requested dates. Motion carried unanimously.

Tennessee State University, Avon Williams Campus session: Ms. Paula Roberts appeared before the board on behalf of the Nashville session. They are requesting to have August 14 and 15th. She answered questions for the board.

Motion made by Patricia Richmond and seconded by Dianne Teffeteller to approve the 216 session and requested dates. Motion carried unanimously.

The University of Memphis, Collierville Center session: Ms. Courtney Orians submitted the information on behalf of the Memphis session. They are requesting to have June 12 and 13th and were unable to appear in person for the request.

Motion made by Mona Sappenfield and seconded by Frank Gambuzza to approve the 216 session and requested dates. Motion carried unanimously.

SBE “The Educator’s Success Seminar session: Ms. Stephanie Brown submitted the information requesting to have October 9 and 10th approved. She was unable to appear in person for the request.

Motion made by Patricia Richmond and seconded by Mona Sappenfield to approve the 216 session and requested dates. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Application for examination for Elicia Totherow. Ms. Totherow 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 Amy Tanksley and seconded by Frank Gambuzza to approve application for examination with a signed Agreed Order. Motion carried unanimously.

Request for licensure from Ms. Youzheim Mo for a cosmetology license with hours in Tennessee and examination in Indiana. Ms. Mo attended one of the Tennessee College of Applied Technology campuses. One of her instructors contacted the office to explain the language difficulty that Ms. Mo has encountered. In 2014 she failed the theory exam in Tennessee. In May 2015 she was somehow able to take the exam in Indiana in her language and on June 1, 2015 she obtained an 88 on her theory exam. She contacted that states board for certification of the exam and was told a school would have to be involved in approving her to test and the schools she reached wanted her to do at least 750 hours, even though she had passed the exam. After conversations with several individuals trying to assist Ms. Mo, the Executive Director determined that the board could consider accepting the theory exam and allow the applicant to take the practical exam in order to meet requirements and prove her knowledge.

Motion made by Patricia Richmond and seconded by Judy McAllister to approve request to take the Tennessee practical exam. Motion carried unanimously.

Request for licensure from Ms. Abgela Chitpaiboon for a manicurist license. She passed her practical exam on September 23. Question number three asks about disciplinary action and Ms. Chitpaiboon was cited for working unlicensed at a salon in Memphis in June 2014. She started school in September 2014 and finished her hours in seven months. She is requesting approval of her license. Shop was cited for unlicensed activity, fee was paid and the case closed in February 2015.

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

Request for licensure from Ms. Hoa Kim Thi Doan for a manicurist license previously revoked in November 2014. Ms. Doan was the manager of a shop cited for unlicensed activity. The shops license as well as her personal license was revoked because the case also included an attempt to bribe the inspector. Ms. Doan was told she had to wait at least one year before reapplying. She completed hours in Tennessee in 2012.

Recommendation - is that the applicant take the Tennessee exam.

Motion made by Mona Sappenfield and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

MISCELLANOUS REQUESTS –

Mr. Thomas James appeared before the board to present a study guide booklet he produced titled “The Blue Print”. He provided copies for each board member and asked questions regarding distribution and best way to proceed with his plans to make the booklet available to students. Mr. James is a licensed master barber instructor and explained his desire to reduce the failure rate on the exams. The board liked what they saw and advised he reach schools directly as well as make it available for purchase.

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. Sarah Paulk passed her cosmetologist practical examination in December, 2014. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Paulk is four 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 Amy Tanksley and seconded by Kelly Barger to approve request. Motion carried unanimously.

Request for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Cassie Soto passed her cosmetologist practical examination in December, 2014. Under the Cosmetology statute the applicant must reapply for the examinations within six months after applicant is notified unless there is good cause. Ms. Soto is four 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 Patricia Richmond and seconded by Judy McAllister to approve request. Motion carried unanimously.

Request from instructor Nicole Trotter for consideration of the 300 hours she completed in the cosmetology instructor curriculum to be applied toward the 450 she needs to obtain a master barber instructor license. She additionally completed 246 hours before reaching the board office with a question about her hours. If the board approves this request she has the needed hours and would be able to take the exam.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request from instructor Robin Hunsucker for an extension of the required continuing education hours. She became an instructor in 2013 and should have attended a continued education seminar by September 30, 2015. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time. She attended the October 17th session in Chattanooga two weeks after the expiration of her license.

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve request. Motion carried unanimously.

Ms. Patricia Richmond submitted a written request for her school, Franklin Hair Academy, located in Franklin to be granted consideration of previous contracts affected by a new law. Effective July 1, 2015 under no event shall a student attend school more than eight hours per day or forty hours per week. The request for consideration is for contracts signed prior to the law. All marketing material and new contracts are in compliance since July 1. Previous requests for this same consideration were heard at the August and October meetings and approved until those contracts are considered closed.

MOTION made by Kelly Barger and seconded by Nina Coppinger 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, November 2nd 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 with hours from Mexico for cosmetologist license for Ibarra Fuentes. Ms. Fuentes appeared before the board to answer questions about her experience and education. She provided some translated documents. The transcript information shows she attended beauty school between 2006 - 2008 and it shows grades but no final number of hours. Her application states 1,500 hours and she submitted several certificates and diplomas from the school.

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 from Alabama for Jacques Horton. Certification is from Jefferson County and not the State regulatory board. The license verification states Mr. Horton completed 1,500 hours and passed a theory and practical exam to obtain his initial license in September 2015.

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 cosmetology license from Florida for Dewey Russell. Certification shows initial licensure in October 1992 with 1,200 hours and no practical examination. Ms. Russell provided letter from a shop owner where she has been a booth renter since 2008 to prove her work experience. Ms. Russell is has also been licensed in Mississippi since 1993. She is requesting a waiver of the practical exam given she has been in the industry for twenty years.

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 for cosmetology instructor from California for Jennifer Legeman. Certification shows license was issued in October 1990 with 1,600 hours and only as a

cosmetologist. California does not issue a separate instructor license nor do they make a notation of such discipline. Ms. Legeman provided record of completion from her teacher training showing 600 hours completed in December 2013.

Recommendation - is that the applicant take the instructor exams.

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

Application for reciprocity of aesthetician license from Nevada for Deanna Magar. Certification shows initial licensure in June 1997 by examination and 600 hours received. She was also licensed in Washington State for two years between 2011 and 2013. Ms. Magar provided a letter stating she has been mostly self-employed; she has continued education documents as well as some tax records just not the last five consecutive years.

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

Motion made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation. Applicant must pass the Tennessee examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from North Carolina for Courtney Moody. Certification shows initial licensure in November 1997 with 1,200 hours by examination. Ms. Moody provided a letter explaining that on her application she was counting her apprenticeship hours with her school hours. The State board confirmed that she was license and did apprentice hours in a shop. She also provided a letter from employer stating that Ms. Moody was a contract employee for 13 years. The experience is not in the last five consecutive years.

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 Florida for Myra Moody. Certification shows initial licensure April 2006 with 1,200 hours and no practical exam. Ms. Moody wrote explaining that Florida records don't reflect her license between 2007 and 2013 but that she did have a license. An affidavit from a salon owner stated that Ms. Moody worked in the shop between 2009 and 2014. It is possible that the Florida license was not timely renewed at some point changing the licensure dates. The office could not confirm either way. A second affidavit was provided regarding her work experience between April 2014 until July 2015 when Ms. Moody moved to Tennessee.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of master barber from Alabama for Dameion Nance. A county board license from Huntsville, Alabama states Mr. Nance is registered and entitled to practice until December 2015. Mr. Nance appeared before the board to explain his situation. The school he attended in 2007 is no longer standing but he states he completed 1,500 hours.

Recommendation - is that the applicant take the Tennessee exam.

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

Application for reciprocity with hours from Costa Rica for cosmetologist license for Damaris Rivera Oses. Ms. Oses provided some translated documents showing she attended beauty school in 2002 and her application has she completed 428 hours. Her husband has communicated with the board on her behalf and shared the work experience Ms. Oses has not only in Costa Rica but in the United States. However, none of it is as a licensed cosmetologist.

Recommendation - is that the applicant complete additional hours 750 in cosmetology curriculum and take the Tennessee exam.

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

Application for reciprocity of aesthetician license from California for Natalie Rossman. Certification shows initial licensure in April 2001 by examination and 600 hours received. She is also licensed in Colorado since 2011. Ms. Rossman provided tax records but did not have 2014 because she had a newborn and stayed home.

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

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

Application for reciprocity with hours from Mexico for cosmetologist license for Norma Sevilla. Ms. Sevilla provided translated documents that state she completed 1,580 hours in 2008 in the cosmetology industry.

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 Alabama for Christopher White. Certification is from Jefferson County and not the State regulatory board. The license verification states Mr. White completed 1,558 hours and passed a theory and practical exam to obtain his initial license in 2004.

Recommendation - is that the applicant take the Tennessee exam.

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

Application for reciprocity of aesthetician hours and experience from Russia for Tatyana Wilcox. Mr. and Mrs. Wilcox appeared before the board to answer questions and explain Ms. Wilcox' vast experience in the industry. Mrs. Wilcox provided a letter stating her education and work experience. The information includes workshops and schools she has attended in: Moscow, Paris, Rio de Janeiro, Italy, London and New York. Her primary emphasis is clearly in the make-up side on aesthetics and the industry. .

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

Application for reciprocity of manicurist license from California for Tony Vuong. Certifications shows 400 hours with initial licensure in January 1998. Ms. Vuong provided tax records from 2007 – 2011 with an address in California. Records from 2012 and 2014 show other states where he is not licensed but Mr. Vuong states he owns shops in other States. He is missing 2013.

Recommendation - is that the applicant take the practical exam.

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

Application for reciprocity of cosmetology license from Wisconsin for Ngan Thi Nguyen. Certification shows initial licensure in 2013 by examination. A similar situation was presented at the August and October 2015 board meeting, office staff asked received calls and persistent questions about several licenses. Further conversations directly with the Wisconsin State Board determined that some certifications are not true and accurate documents. The office also has

confirmation that Ms. Nguyen does not have a Wisconsin license. Board requested applicants file be flagged for future requests.

Recommendation - is that to deny applicant reciprocity.

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

The Executive Director asked for permission to deny future reciprocity applications from Wisconsin with these same documents.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to give Executive Director permission to deny under those circumstance. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Ardyth Fisher-Williams. Certification shows initial licensure in July 1991 with 1,200 hours and no practical examination. Ms. Fisher provided letter recapping her work experience for the last fifteen years in the industry and is requesting a waiver of the practical exam. The Board requested that the applicant come up with the 2014 tax return or come up with more direct work history proof or take the Tennessee examination. Upon providing additional documents she could be approved.

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

MOTION made by Ron Gillihan and seconded by Patricia Richmond to deny recommendation and request additional documents. Motion carried unanimously.

Application for reciprocity of cosmetology license from Michigan for Batol Mohammed. Certification shows initial licensure in August 2015 by reciprocity with hours from Tennessee. Ms. Mohammed received 1,200 hours at Paul Mitchell in 2009 and completed 300 hours between 2009 – 2012 at Lyles School of Hair Design. She has provided exam record. Because of complaint information on a shop associated with Ms. Mohammed, legal counsel did further investigating. An online profile for Ms. Mohammed was found where she refers to herself as a cosmetologist and a police report from an incident at the shop insinuates the same. The board considered all these aspects in their decision.

Motion made by Patricia Richmond and seconded by Ron Gillihan to deny request to take the Tennessee exams. Motion carried unanimously.

The committee meeting adjourned at 9:40 AM.

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

MOTION made by Patricia Richmond and seconded by Ron Gillihan 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 8:35 AM on Monday, November 2nd to review the allegations of **87** 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-2015012971

First License Obtained: 09/27/2002

License Expiration: 09/30/2014

Complaint history: None

Respondent received a notice of violation pursuant to an inspection on May 15, 2015. The respondent offered the inspector cosmetology services while she had an expired license. She is also running a cosmetology shop without a shop license.

Recommendation: Authorize for formal charges. Allow authority to settle the matter beforehand with a consent order for \$1000.

Decision: Accepted

2. Case No.: L15-COS-RBS- 2015015191

First License Obtained: 10/28/2014

License Expiration: 10/31/2016

Complaint history: None

3. Case No.: L15-COS-RBS- 2015015181

First License Obtained: 05/31/2017

License Expiration: 06/18/2015

Complaint history: None

A notice of violation was issued the shop and its owner after an inspector had arrived to conduct a change of ownership inspection. When the inspector introduced herself, a man who was working on a client ran out the back door. The owner stated that she didn't know who the man was and asked the inspector why she hadn't made a prior appointment before showing up.

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

Decision: Accepted

4. Case No.: L15-COS-RBS-2015015351

First License Obtained: 11/19/1999

License Expiration: 11/30/2017

Complaint history: 2014006441, closed by Consent Order and payment of \$1000 civil penalty

5. Case No.: L15-COS-RBS- 2015015321

First License Obtained: 06/28/2012

License Expiration: 06/30/2016

Complaint history: 2013013831, closed by Consent Order and payment of \$250 civil penalty;
2014006411, closed by Consent Order and payment of \$1000 civil penalty

Respondent was cited on her shop and personal license following an inspection. When the inspector arrived the owner was not present. The only employee present finished working her customer and then ran out the front door. The owner had come to the shop before she left. The owner told the inspector that she did not know anything about the employee only that her name was Cathy and that she was from out of state.

Recommendation: Authorize for formal hearing against both complaints. Allow authority to settle both complaints by Consent order assessing \$1000 against the shop license.

Decision: Accepted

6. Case No.: L15-COS-RBS- 2015015401

7. Case No.: L15-COS-RBS- 2015018941

First License Obtained: 06/16/2015
License Expiration: 11/30/2016
Complaint history: None

8. Case No.: L15-COS-RBS – 2015015411

9. Case No.: L15-COS-RBS – 2015018961

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

10. Case No.: L15-COS-RBS – 2015018971

First License Obtained: 08/11/2015
License Expiration: 08/31/2017
Complaint history: None

Respondents were cited following a June 13th inspection that was planned after two complaints of unlicensed weekend activity at the shop. The agents arrived and saw and filmed three people who had been working on customers, run out of the back door of the shop as soon as the inspectors identified themselves. The man who identified himself as a manager did not have a license with this Board. The owner has written the Board office and to say that the man who identified himself as the manager speaks little English. The inspectors did not actually see the "manager" working in the shop. He sometimes helps at the shop but that he doesn't practice there. The owner said he was away in Vietnam at the time of inspection and the manager on duty was running late. He was unaware that he had unlicensed workers in his shop. The shop was re inspected on July 24th. At that time the same man who was not licensed identified himself as a manager and was working on a customer. There was also a women present who had a GA license but no TN license, she was practicing on customers.

Recommendation: Authorize for formal hearing for all complaints. Allow authority to settle the matter beforehand with a consent order for \$4000 against the shop. Allow authority to settle the matter beforehand with a consent order for \$100 against the manager. Allow authority to settle the matter against the GA licensee by consent order assessing \$1000.

Decision: Accepted

11. Case No.: L15-COS-RBS- 2015015421

First License Obtained: 11/22/2011
License Expiration: 10/31/2013
Complaint history: None

12. Case No.: L15-COS-RBS- 2015015441-

First License Obtained: 09/08/1997
License Expiration: 09/30/2013
Complaint history: None

Respondent received citations of both his personal and shop license. At the time of inspection the Respondent told the inspector that he was not open because his gout had flared up and had cancelled his appointments. When the inspector first arrived

there was no one in the shop but the Respondent was found in the office. He told the inspector she could conduct an inspection. While there, a woman showed up for an appointment. He apologized to her for forgetting to cancel and she asked him if his gout was bad again. The shop license and the Respondent's personal license were both expired.

Recommendation: Since the shop wasn't open at the time of inspection, close with a letter of warning.

Decision: Accepted

13. Case No.: L15-COS-RBS- 2015015741

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

14. Case No.: L15-COS-RBS- 2015015741

First License Obtained: 02/10/1984

License Expiration: 11/30/2015

Complaint history: None

Both the owner of the shop and the employee working received notices of violation following an inspection of the shop. At the time of inspection the shop was unlicensed. The employee called the owner so he could speak to the inspector. Six months prior he had taken over the shop and had not yet obtained a license.

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

Decision: Accepted

15. Case No.: L15-COS-RBS- 2015015781

First License Obtained: 06/16/2015

License Expiration: 11/30/2016

Complaint history: None

A consumer complaint was filed by a past employee who believed that the shop was using her and her husband's duplicate licenses for unlicensed activity. She had a friend go the shop and saw their licenses and heard they had fake id's to match the licenses. An investigation was requested. Our investigator found no licenses in the shop with the names of the respondent's or her husband. He also asked for ids and found no fake ids with the respondent's or her husband's names.

Recommendation: Close this case and flag to look for these names at future inspections.

Decision: Accepted

16. Case No.: L15-COS-RBS- 2015015791

First License Obtained: 07/16/2014

License Expiration: 07/31/2016

Complaint history: None

17. Case No.: L15-COS-RBS- 2015015801)

First License Obtained: 01/09/2001

License Expiration: 01/31/2017

Complaint history: None

The shop and the manager received notices of violation pursuant to an inspection. On that date the inspector found that many stations didn't have sterilizer, there were uncovered trash cans, and all of the stations had dirty buffers.

Recommendation: Authorize each complaint for formal hearing. Allow authority to settle by consent order assessing \$250 to each respondent.

Decision: Accepted

18. Case No.: L15-COS-RBS-2015015461

First License Obtained: 04/20/2007

License Expiration: 04/30/2017

Complaint history: None

19. Case No.: L15-COS-RBS- 2015015471

First License Obtained: 03/17/1997

License Expiration: 03/31/2017

Complaint history: None

Respondent received notices of violation on her personal shop license following an inspection of her shop. At the time of inspection the respondent's license was expired and the respondent was cutting a client's hair. It was determined that the Board files had accidentally not sent her a renewal notice since her license had been coded as suspended, which it was not. She has been licensed since 1985 and has always renewed as soon as she got her renewal notice. The Respondent spoke with counsel and I explained going forward she would need to keep track of the date regardless of the renewal notice.

Recommendation: Close with a letter of warning.

Decision: Accepted

20. Case No.: L15-COS-RBS- 2015016031

First License Obtained: 08/02/2013

License Expiration: 07/31/2017

Complaint history: None

21. Case No.: L15-COS-RBS- 2015016041

First License Obtained: 05/23/1997

License Expiration: 05/31/2017

Complaint history: None

22. Case No.: L15-COS-RBS- 2015016071

First License Obtained: 10/26/2004

License Expiration: 10/31/2016

Complaint history: None

This complaint was opened following an inspection that was conducted because of a consumer complaint. The consumer complaint alleged that the shop had a number of unlicensed workers. At the inspection there was one woman whose license was expired. The shop also did not have properly labeled containers. The expired licensee, the shop and the manager were cited. Both the owner and the manager were present.

Recommendation: Close the complaint against the manager. Authorize the complaints against the shop and the expired licensee for formal hearing. Allow authority to settle by consent order assessing \$100 against each licensee.

Decision: Accepted

23. Case No.: L15-COS-RBS- 2015016531

First License Obtained: 10/08/2014

License Expiration: 10/31/2016

Complaint history: None

A consumer complaint was filed from a customer who alleged she was overcharged and received bad service. We have no jurisdiction here.

Recommendation: Close.

Decision: Accepted

24. Case No.: L15-COS-RBS- 2015016561

First License Obtained: 05/29/2013

License Expiration: 05/31/2017

Complaint history: None

A consumer complaint was filed alleging that the Respondent was offering services over the internet out of her home and not in a licensed shop. I searched through the last several months of her online posts and found no advertisements. She is employed at a shop according to her online profile.

Recommendation: Close.

Decision: Accepted

25. Case No.: L15-COS-RBS- 2015016591

First License Obtained: 06/05/2015

License Expiration: 05/31/2017

Complaint history: None

A consumer complaint was filed against the respondent on June 17th. The complaint alleged that the shop was operating without a manager because the manager had quit on June 16th. There are no other facts or evidence to support this claim.

Recommendation: Close this case.

Decision: Accepted

26. Case No.: L15-COS-RBS- 2015016601

First License Obtained: 05/05/2008

License Expiration: 07/31/2016

Complaint history: 2010024531, closed with a Letter of Warning

The shop received a notice of violation following an inspection. The shop was open and one employee was working. There was no manager present at the time of inspection. This shop has no prior history.

Recommendation: Close with a letter of warning.

Decision: Accepted

27. Case No.: L15-COS-RBS- 2015016671

First License Obtained: 08/06/2014

License Expiration: 07/31/2016

Complaint history: None

28. Case No.: L15-COS-RBS- 2015016681

First License Obtained: 03/17/1999

License Expiration: 03/31/2017

Complaint history: None

Respondent was cited on both her personal and shop license for offering services while her personal license was expired.

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

Decision: Accepted

29. Case No.: L15-COS-RBS- 2015017201

First License Obtained: 05/05/2008

License Expiration: 06/30/2017

Complaint history: 2010032841, Dismissed; 2012023751, closed by Consent Order and payment of \$500 civil penalty

30. Case No.: L15-COS-RBS- 2015017211

First License Obtained: 02/01/2008

License Expiration: 02/28/2016

Complaint history: None

The shop and owner were both cited following an inspection. There was an unlicensed person working in the shop and the shop did not have an owner or manager present.

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

Decision: Accepted

31. Case No.: L15-COS-RBS- 2015017341

First License Obtained: 04/04/2007

License Expiration: 02/28/2017

Complaint history: 2009019491, closed by Consent Order and payment of \$1000 civil penalty; 2011005351, closed with a Letter of Warning

Respondent was cited for displaying an expired license and operating without a manager.

Recommendation: Authorize for formal hearing. Allow authority to settle with a consent order for \$250.

Decision: Accepted

32. Case No.: L15-COS-RBS- 2015017391

First License Obtained: 03/27/2009

License Expiration: 03/31/2017

Complaint history: None

This complaint was opened administratively following the Board's audit into Texas reciprocity. It has been confirmed by the Texas State Board of Cosmetology that this

Respondent who received his license through reciprocity from Texas never actually tested for his license in Texas, though he did complete the hours.

Recommendation: Authorize for formal hearing. Allow authority to settle the by consent order assessing Revocation.

Decision: Accepted

33. Case No.: L15-COS-RBS- 2015017641

First License Obtained: 05/24/2013

License Expiration: 05/31/2015

Complaint history: None

34. Case No.: L15-COS-RBS- 2015017651

First License Obtained: 07/10/1991

License Expiration: 12/31/2015

Complaint history: None

Respondent received notices of violation on her shop and personal license following an inspection. On that date, the shop was open and servicing clients. The shop's license was expired.

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

Decision: Accepted

35. Case No.: L15-COS-RBS- 2015017401

First License Obtained: 07/14/1989

License Expiration: Retired

Complaint history: None

This complaint was opened because a woman, who said she never asked for her retired license to be reactivated, seemed to have sent us a renewal fee. It was determined that an anonymous person was probably trying to use her license.

Recommendation: Close and flag for further activity.

Decision: Accepted

36. Case No.: L15-COS-RBS- 2015017681

37. Case No.: L15-COS-RBS- 20150214161

<u>First License Obtained:</u>	08/13/2009
<u>License Expiration:</u>	07/31/2016
<u>Complaint history:</u>	2011023341, closed by Consent Order and payment of \$500 civil penalty

38. Case No.: L15-COS-RBS- 2015017681

39. Case No.: L15-COS-RBS- 20150214181

<u>First License Obtained:</u>	02/10/1992
<u>License Expiration:</u>	01/31/2017
<u>Complaint history:</u>	None

Respondent received a notice of violation on both her personal and shop licenses following an inspection. This shop changed location in March 2015 and by July 2015 he still had not applied for a change in location. The same shop was inspected again on September 25, 2015. He was still operating the shop and still had not filed his change in location paperwork.

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

Decision: Accepted

40. Case No.: L15-COS-RBS- 2015012651

First License Obtained: 04/18/1997
License Expiration: 11/30/2016
Complaint history: 2006005041, closed by Consent Order and payment of \$500 civil penalty; 2006024961, closed w/no action; 2007079091, closed by Consent Order and payment of \$2,250 civil penalty; 2007073881, Closed with a Letter of Warning; 2008014901, closed by Consent Order and payment of \$3000 civil penalty; 2008001411, closed by Consent Order and payment of \$2000 civil penalty;

A Consumer complaint was filed by a past customer. The complainant claims that the employee who was to give her pedicure did not change her gloves after the last customer. When asked to change the gloves, the complainant was told to leave. The Respondent has sent in a letter stating she was going to change gloves after she finished cleaning the chair from the first customer. Her English isn't great and she didn't understand why the complainant was upset. She says she never told her to leave.

Recommendation: Close with a letter of instruction on sanitation and communicating with the public. Send an inspector to observe sanitation practices.

Decision: Accepted

41. Case No.: L15-COS-RBS- 2015012711

First License Obtained: 07/10/2015
License Expiration: 04/30/2017
Complaint history: None

Shop was cited for operating without obtaining a change in ownership. They obtained a license several months later.

Recommendation: Authorize for formal hearing allow authority to settle by a consent order assessing \$500.

Decision: Accepted

42. Case No.: L15-COS-RBS- 2015012821

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2013014101, accepted a \$250.00 civil penalty paid by Respondent and close and flag the case in the event that new information arises; 2014001801, accepted a \$250.00 civil penalty paid by Respondent and close and flag the case in the event that new information arises

Respondent shop was cited following an inspection. The shop is unlicensed. The shop had two employees who would not cooperate with the inspector but had no licenses posted. This is the third time this shop has been cited for this violation.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$3000.

Decision: Accepted

43. Case No.: L15-COS-RBS -2015012891

First License Obtained: 04/18/2007

License Expiration: 04/30/2017

Complaint history: 2011023451, closed and flagged; 2014001831, closed by an Agreed Order and payment of \$1000 civil penalty and \$200 costs

44. Case No.: L15-COS-RBS – 2015012901

First License Obtained: N/A

License Expiration: N/A
Complaint history: None

45. Case No.: L15-COS-RBS – 20150129141

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

Respondent received notices of violation pursuant to an inspection. On that date, the shop was open for business and no manager was present. The two other respondents were practicing on clients at the time of inspection and neither had a license. The shop had uncovered trash cans, and other various sanitary violations.

Recommendation: Authorize all complaints for formal hearing. Allow authority to settle by consent order assessing \$1000 to each unlicensed person. Assess \$2500 to the shop.

Decision: Accepted

New Barber Cases

46. Case No.: L15-BAR- RBS- 2015012721

First License Obtained: 01/31/2002
License Expiration: 12/31/2015
Complaint history: 2008027081, closed and flagged

This shop received a notice of violation following an inspection. At the time of inspection there was no owner or manager present. One man who was servicing a customer left through the front door during the inspection, the only other employee told the inspector she did not know who that other man was.

Recommendation: Authorize for formal hearing allow authority to settle by consent order assessing \$1500.

Decision: Accepted

47. Case No.: L15-BAR- RBS- 2015012851

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

48. Case No.: L15-BAR- RBS- 2015012871

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited as an individual and a shop owner. He had completed a shop application but never passed an inspection. He is also unlicensed. On the date of citation he was open and cutting hair on clients.

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

Decision: Accepted

49. Case No.: L15-BAR- RBS- 2015012921

First License Obtained: 09/14/2012

License Expiration: 08/31/2014

Complaint history: 2014029071, Formal Charges Authorized

50. Case No.: L15-BAR- RBS- 2015012931

First License Obtained: 01/16/2008

License Expiration: 01/31/2016

Complaint history: 2014026081, Formal Charges Authorized

Respondent was cited on his shop and personal license following an inspection. Both his shop and personal licenses were expired for almost a year. He was opened and working on customers. This was the second time he was inspected and told he had expired licenses.

Recommendation: Authorize for formal hearing. Allow authority to settle by consent order assessing \$250 on each license.

Decision: Accepted

51. Case No.: L15-BAR- RBS- 2015013061

First License Obtained: 04/22/2013

License Expiration: 04/30/2015

Complaint history: 2013024531, closed by a Consent Order for the voluntary license surrender

This shop was closed previously by an order of the Board. This shop was cited because an inspector went by the shop and saw that it is still fully operating, despite not having a license.

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

Decision: Accepted

52. Case No.: L15-BAR- RBS- 2015013241-

First License Obtained: 06/30/1997

License Expiration: 04/30/2016

Complaint history: None

53. Case No.: L15-BAR- RBS- 2015013251

First License Obtained: 10/06/1994

License Expiration: 10/31/2016

Complaint history: None

Respondent received a notice of violation on both his personal and shop license following an inspection. At the time of inspection the owner's personal license was expired. He was servicing customers.

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

Decision: Accepted

54. Case No.: L15-BAR- RBS- 2015013601

First License Obtained: 01/28/2000

License Expiration: 07/31/2016

Complaint history: 2010024501, closed by Consent Order and payment of \$500 civil penalty

55. Case No.: L15-BAR- RBS- 2015013611

First License Obtained: 02/01/2000

License Expiration: 01/31/2016

Complaint history: None

Respondent received a notice of violation on his personal and shop license following an inspection. At the time of inspection the shop was open and the Respondent was servicing a customer. His shop license was expired. This shop has prior history.

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

Decision: Accepted

56. Case No.: L15-BAR- RBS- 2015014791

First License Obtained: 04/21/2014

License Expiration: 04/20/2016

Complaint history: None

A complaint was opened administratively against this school for operating on an expired license. The school did not renew their license timely and proceeded to turn in hourly reports to the Department despite their expired license. This school operated for about two months on an expired license.

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

Decision: Accepted

57. Case No.: L15-BAR- RBS- 2015017431

First License Obtained: 01/29/2013

License Expiration: 01/31/2017

Complaint history: 2013001731, closed by Consent Order and payment of \$750 civil penalty

58. Case No.: L15-BAR- RBS-2015017441

First License Obtained: 07/15/2014

License Expiration: 07/31/2016

Complaint history: None

59. Case No.: L15-BAR- RBS- 2015017451

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondents received notices of violation following and inspection of the shop. At the time of inspection the shop license was expired. An employee was working on a customer who is licensed in Illinois, but not in Tennessee. The inspector also documented various sanitary violations.

Recommendation: Authorize for formal hearing. Allow authority to settle the matter by consent order assessing \$1000 to the unlicensed individual and 1000 to the owner and shop against the shop license.

Decision: Accepted

60. Case No.: L15-BAR- RBS- 2015017731

First License Obtained: 04/20/2007
License Expiration: 04/30/2017
Complaint history: 2014021121, Closed with a Letter of Warning

61. Case No.: L15-BAR- RBS-2015017721

First License Obtained: 04/02/2012
License Expiration: 03/31/2016
Complaint history: 2014021101, Closed with a Letter of Warning

Respondent was cited on both her shop and personal license following an inspection. On that date the inspector observed her giving a customer a haircut. Her personal license was expired.

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

Decision: Accepted

62. Case No.: L15-BAR- RBS-2015018521

First License Obtained: 06/16/2003

License Expiration: 06/30/2017

Complaint history: None

Respondent was cited on both her shop and personal license following an inspection. On that date the inspector observed her giving a customer a haircut. Her personal license was expired. She has paid the penalty by agreed citation on her shop license and that case had been closed.

Recommendation: Close this case. She has been sufficiently disciplined

Decision: Accepted

63. Case No.: L15-BAR-20150217351

First License Obtained: 03/22/1990

License Expiration: 05/31/2005

Complaint history: 2010011421, closed with a CEASE and DESIST Letter

64. Case No.: L15-BAR-201507381

First License Obtained: 08/04/1969

License Expiration: 02/28/2006

Complaint history: None

This respondent was cited following an inspection. On the date of inspection his master barber license was expired beyond renewal. His shop license had been expired since 2005. The shop was open, but no services were being performed. The master barber license that was posted had been altered so that the expiration date was for 2022.

Recommendation: Authorize both complaints for formal hearing. Allow authority to settle both matters by consent order. Assess \$500 for being opened on an expired license, and \$250 for the unprofessional conduct.

Decision: Accepted

65. Case No.: L15-BAR-2015012431

First License Obtained: 07/29/2008
License Expiration: 05/28/2016
Complaint history: 2009020101, closed with a Letter of Warning; 2010031411, closed with a Letter of Warning; 2013008341, closed with a Letter of Information; 2014020381, Dismissed

A consumer complaint was filed against this school by a current student. The student makes allegations that the school does not have the proper number of instructors and that the school is not properly handling financial aid. The Respondent contacted the office to give the number of students per teachers they have and to address the financial aid situation

Recommendation: Close this case. Send an inspector to count the ratio of students to teachers. Refer the financial aid issues to the Department of Education.

Decision: Accepted

Represented Cases

66. Case No.: L15-COS-RBS- 2014010581

First License Obtained: 06/20/2007
License Expiration: 03/31/2017
Complaint history: None

67. Case No.: L15-COS-RBS- 2014009501

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

68. Case No.: L15-COS-RBS- 2014007651

First License Obtained: 11/14/2005
License Expiration: 10/31/2016
Complaint history: None

Respondents all received notices of violation after various violations were found at their annual inspections. All of these cases had testimonial evidence supporting them at best. The inspectors for these cases no longer work for the Department.

Recommendation: Close and flag for further activity

Decision: Accepted

69. Case No.: L13-COS-RBS 2015000061 & 2015000071

First License Obtained: 10/30/2013
License Expiration: 10/31/2015
Complaint history: None

The shop and owner were cited for practicing on an expired shop license. The shop was renewed in our system a few days after the inspection. Our licensing techs noted that because of an issue in the system, this renewal had been received timely and the shop should have shown in our records as renewed on the day of inspection, even though the license had not yet been received by the respondent.

Recommendation: Close this complaint.

Decision: Accepted

70. Case No.: L14-COS-RBS 2014012301

First License Obtained: 12/18/1995

License Expiration: 12/31/2015

Complaint history: None

Respondent was cited for not wearing a nametag and received a consent order with a civil penalty. Currently when there is no other violation coinciding with not wearing a name tag, the inspectors give a verbal warning.

Recommendation: Close this complaint.

Decision: Accepted

71. Case No.: L13-COS-RBS- 2014005721

First License Obtained: 08/30/2012

License Expiration: 07/31/2014

Complaint history: None

72. Case No.: L13-COS-RBS- 2014005811

First License Obtained: 09/30/1994

License Expiration: 09/30/2012

Complaint history: None

73. Case No.: L13-COS-RBS- 2013001561

First License Obtained: 01/21/2009

License Expiration: 03/31/2015

Complaint history: 2010019291, closed with a Letter of Warning; 2013015331, closed with a Letter of Warning

74. Case No.: L13-COS-RBS- 2015005663-

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

75. Case No.: L13-COS-RBS- 2015005664-

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

76. Case No.: L13-COS-RBS- 2015009641

First License Obtained: 12/13/2012
License Expiration: 11/30/2014
Complaint history: None

77. Case No.: L13-COS-RBS- 2015009651

First License Obtained: 08/06/2008
License Expiration: 08/31/2016
Complaint history: None

Respondents all received notices of violation pursuant to annual inspections. All the shops are closed according their websites, yellow pages, or from inspectors physically driving to the locations to confirm they are closed. The Individual respondents that were cited are either unreachable or were the owners of the shops that are now closed.

Recommendation: Close and flag for further activity.

Decision: Accepted

78. Case No.: L14-COS-RBS- 2014001901

First License Obtained: 03/15/2000

License Expiration: 03/31/2010

Complaint history: None

Respondent received a consent order for practicing on a suspended license. His renewal period has lapsed. The shop that he was working at has been closed for some time. We cannot determine his current address.

Recommendation: Close and Flag.

Decision: Accepted

79. Case No.: L14-COS-RBS-2014016471

First License Obtained: 05/31/2012

License Expiration: 05/31/2016

Complaint history: None

Respondent was cited on her personal and shop license for a violation that took place at her shop. She has paid the civil penalty on the shop license but not on her personal license. The amount she paid already is equal to what she would likely be assessed if she were cited today.

Recommendation: Close and note the prior in case in our files.

Decision: Accepted

80. Case No.: L13-COS-RBS-2014006451

First License Obtained: 08/31/2004

License Expiration: 08/31/2016

Complaint history: None

81. Case No.: L13-COS-RBS-2014006261

First License Obtained: 01/23/2014

License Expiration: 12/31/2015

Complaint history: None

Respondent was cited on both her personal and shop license and was assessed \$4,500. On the day in question the owner was not wearing a name tag, there was a person working without a license, and person who was cited as unlicensed but that records indicate did have license, just not posted. The other unlicensed person had been seeking reciprocity from abroad which was later denied. That person is no longer employed by the salon. The penalty assessed would be much lower for these violations today.

Recommendation: Authorize for formal charges and combine the cases. Allow authority to settle the matter beforehand with a consent order for \$250.

Decision: Accepted

82. Case No.: L13-COS-RBS-2014010371

First License Obtained: 07/09/2013

License Expiration: 07/31/2017

Complaint history: None

Respondent was cited for allowing a shop to run without a manager. The Respondent is not the owner; the Respondent is the manager, who was not working that day.

Recommendation: Close.

Decision: Accepted

83. Case No.: L13-COS -2013025981 (revoked)

First License Obtained:

License Expiration: N/A

Complaint history: 2013021581, closed by Final Order of License Revocation and assessment of \$3000 civil penalty plus costs

Respondent was cited for practicing on an expired license in 2013. Since that time his license was revoked pursuant to a more recent complaint.

Recommendation: Close

Decision: Accepted

84. Case No.: L15-BAR- 2015009701

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent was cited for operating without a license. There was a recent change in ownership by a not for profit group who is revitalizing nearly 16 businesses within a flea market that they bought. The new owners are not Barbers, they did not understand the rules, and they may have not even realized that barber shop was a part of this market on the date of citation, since it is a single chair shop. They quickly renewed all the licenses required to operate under the law.

Recommendation: Given that they are a not for profit group, Close with a letter of warning.

Decision: Accepted

85. Case No.: L15-BAR-2014007361

First License Obtained: 10/06/1983

License Expiration: 04/30/2017

Complaint history: None

86. Case No.: L15-BAR- 2014007351

First License Obtained: 05/28/1992

License Expiration: 10/31/2015

Complaint history: 2005016511, closed by Consent Order and payment of \$300 civil penalty

Respondents were cited separately, but legal counsel later determined that the Respondent is also a co-owner of the shop. At the time of inspection the co owner's personal license was expired, there was no wet disinfection standard and the shop license was not posted, but it was valid. The shop was also cited for not having manager, but the employee present was a co-owner. In total the penalties assessed equaled \$2750. This is much higher than then Board would normally assess for these citations.

Recommendation: Authorize the complaint against the individual for formal hearing. Allow authority to settle by Consent order assessing \$100, for practicing on an expired license. Authorize the complaint against the shop, allow authority to settle by consent order for \$250 for not having the license posted, sanitation violations, and for the unlicensed activity of the co-owner.

Decision: Accepted

87. Case No.: L14-BAR-RBS- 2014032451

First License Obtained: 07/25/2006

License Expiration: 07/31/2016

Complaint history: None

Respondent received a notice of violation on December 23, 2014 pursuant to an inspection. The shop had no name or shop sign. There was no license posted. Legal counsel later determined that this person was not the manager or owner and no longer works at that establishment. Disciplining this person would not affect the shop that was operating unlicensed.

Recommendation: Close this complaint. Send an inspector to this location to determine the owner of the shop

Decision: approved

The meeting adjourned at 8:50 AM.

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

Cosmetology Consent Orders and Agreed Citations – October - Totaling \$16,050.00

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

Agreed Citations – Letters of warning

The following 5 case numbers were sent letters of warnings as part of the agreed citation process:

2015021599

2015021601

2015021673

2015021675

2015021677

MOTION made by Dianne Teffeteller and seconded by Mona Sappenfield for approval of the letters and to close the complaints Motion carried unanimously.

NEW BUSINESS

Rule Making Committee update:

The Rule Making Committee of the State Board of Cosmetology and Barber Examiners met at 8:45 AM on Monday, November 2nd.

Attending were Board members Kelly Barger, Mona Sappenfield, Frank Gambuzza, and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Laura Martin, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

Proposed language change to define aesthetics was discussed. Ms. Barger suggested adding requirements to school renewals that would provide substantive changes to the board office.

Attorney for the board, Laura Martin, explained why the proposed rules will be handled as three separate sets of rules: shops, schools and the change in fees. This should allow the process to move more efficiently. She explained the flex analysis and the economic statement which is prepared for each of the three draft set of rules. The board agreed to accept the recommended language Ms. Martin proposed.

MOTION made by Mona Sappenfield and seconded by Dianne Teffetter for approval of each set of rules, the flex and economic statement as presented. Vote was done by roll call. All three sets were approved unanimously.

The meeting adjourned at 10:20 AM.

Report with possible new renewal fees:

Board members were emailed the full spreadsheet of fees on Monday, October 26th for their review and questions. On the October 5, 2015 board meeting, the fee increase from \$50 to \$60 along with some other changes to the renewal amounts, were approved by the full board. With that approval and the decision to make all fees the same between the cosmetology and barber disciplines, all other fees were reviewed and recommendations made. The only exception that cannot be made the same is the master barber late fee which is set in the law. The board reviewed and talked about all the fees.

MOTION made by Frank Gambuzza and seconded by Amy Tanksley for approval of the fee changes as amended. Motion carried unanimously.

Pyramid Beauty School:

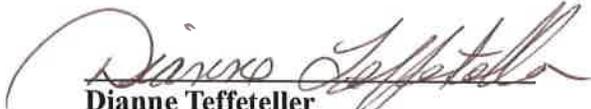
Both the barber and the cosmetology school license for Pyramid Beauty School were revoked with a signed Consent Order. The school officially stopped teaching on October 6, 2015. The last monthly hour's report the board office has received is through September 30th. Based on that information, the school had 15 full-time and 20 part-time cosmetology students and 8 barber students. The office has been in touch with the Veterans Administration representative because they had previously filed complaints against this school as well as called and emailed periodically with questions. When the license was revoked, The Director comminuted with the VA in order to assist veterans and make the agency aware. To date only four students have contacted the office with questions. The Director spoke to one instructor and three of those students. The Director would like permission to complete withdrawal documents for students on the reports. The office will do this process as it did previously with another school. Each student will need to complete an affidavit stating how many hours they completed; board office will match it to the reports and provide each student with a withdrawal document.

MOTION made by Patricia Richmond and seconded by Nina Coppinger giving permission to the Executive Director to provide withdrawal forms and release hours as students request them. Motion carried unanimously.

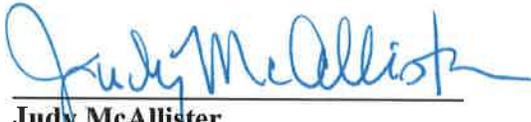
Additional Questions:

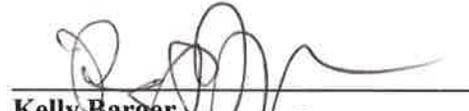
Motion to adjourn

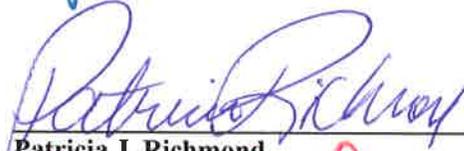
MOTION to adjourn made by Dianne Teffeteller and seconded by Frank Gambuzza. Motion carried unanimously.


Dianne Teffeteller

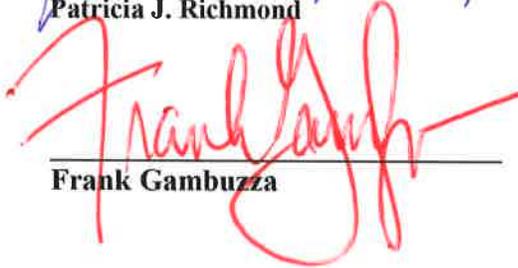

Nina Coppinger

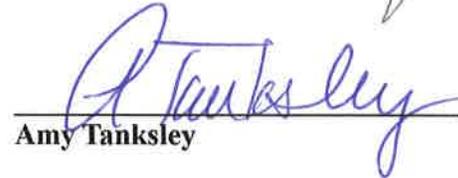

Judy McAllister


Kelly Barger


Patricia J. Richmond


Mona Sappenfield

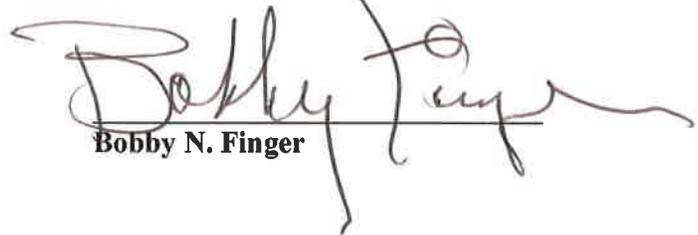

Frank Gambuzza

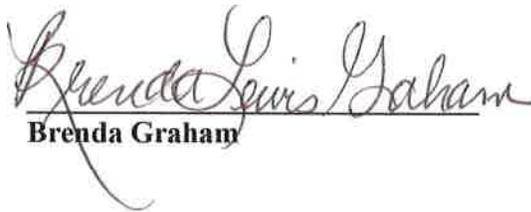

Amy Tanksley

Anita Charlton

Yvette Granger


Ron R. Gillihan


Bobby N. Finger


Brenda Graham