



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting February 9, 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.

Ron Gillihan, Chairman called for "Pledge of Allegiance".

Roxana Gumucio, Executive Director called roll. The following members were present: Anita Allen, Kelly Barger, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Yvette Granger, Patricia Richmond, Judy McAllister, Mona Sappenfield, Amy Tanksley, and Dianne Teffeteller.

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

MINUTES-

Minutes for the December 1, 2014 board meetings were submitted for changes and/or approval.

Motion made by Nina Coppinger and seconded by Patricia Richmond to approve the December 1, 2014 minutes. Motion carried unanimously.

Roberts Rule of Order:

For 2015 the board needs to vote to adopt Roberts Rule of Order.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to adopt Roberts Rules. Motion carried unanimously.

Elect Board Chair and Vice Chair:

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

MOTION made by Frank Gambuzza and seconded by Judy McAllister to elect Ron Gilliam as Chair and Kelly Barger as vice chair of the State Board of Cosmetology and Barber Examiners for 2015. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Deputy Commissioner, Commerce and Insurance, Bill Giannini:

Deputy Commissioner Giannini presented Year End financial information and the budget for the combined board. He explained that fees have not been increased in over a decade and although that is never the recommendation, it is prudent for the board to consider all the options, including the possibility of a small increase to some of the licensing fees. The board asked for all fees to be provided for them to review by a new subcommittee. Deputy Commissioner Giannini introduced Assistant Commissioner Brian McCormack.

Rachel Powers, Commerce and Insurance Program and Policy Development Director:

The 2015 legislative session has so far introduced one bill that affects the State Board of Cosmetology and Barber Examiners. Ms. Powers appeared before the board as the Legislative Liaison and explained the process and updated the Board on the following bill:

SB0178-HB1867 Cosmetology Instructors – Approves individuals with cosmetology licenses who have obtained a Bachelors of Science in Education to not have to complete the 300 educational hours.

Ms. Powers discussed the cleanup bill that Senator Bell had requested assistance on and many of the points that will be addressed on that bill. As of the meeting date, it had not been filed.

Lisa Akbari Cosmetology Institute, School reconfiguration of building:

Ms. Akbari presented a floor plan of the same building the current school is located in. They are planning to restructure the building and move the cosmetology school to a different part and use the additional square footage for other business ventures. The change in layout is completely different therefore an inspection by board member and field inspector will be required. Board members asked questions.

MOTION made by Amy Tanksley and seconded by Diane Teffeteller to approve restructuring of school as a change in location application pending a completed inspection by a board member and field inspector. Motion carried unanimously.

Timothy Baker, Baker’s Barber College, New Barber School:

Mr. Baker appeared before the board with a new school application for Baker’s Barber College located in Chattanooga. Documents presented to the board include the school application, floor plan, enrollment agreement, and one new student applications, along with the fee have all been received at the board office. Board members made suggestions on how the layout could be improved to better serve the students and be more practical usage of the space. They offered assistance and guidance and asked that he represent a new layout at the March meeting.

MOTION made by Kelly Barger and seconded by Patricia Richmond to deny new school application until the layout is improved. Motion carried unanimously.

Shante Randolph, American University of Barbering Online Programs:

Ms. Randolph appeared before the board to share the programs she will be offering online. These include exam preparation, master barber instructor training and professional development programs. After reviewing the information provided, it is clear that the exam preparation programs and the instructor training are not required by the current law and rules and therefore could be offered to help the licensees and the industry without further approval needed from the board. The professional and executive development programs could be considered instructor educational seminar hours which would need board’s approval. The Board requested she appear at the March board meeting and provide a plan for an online program for a continuing education seminar.

APPLICATIONS FOR EXAMINATION-

At the February 2014 board meeting, the board reviewed a situation where Mr. Binh Vuong was caught cheating on his theory exam with PSI. The board voted during the 2014 meeting to place his testing on hold for one full year because of the incident. They also requested that Mr. Vuong appear before the board for consideration of further testing. The board office will need to receive a current application to take the exam completed by Mr. Vuong and verify all the information. Mr. Vuong answered questions and requested permission to take the Tennessee examination and obtain his manicuring license.

MOTION made by Nina Coppinger and seconded by Yvette Granger to approve request to take the Tennessee examination. Motion carried unanimously.

Applications for testing were previously reviewed at the December 1, 2014 board meeting for brothers Roberto David Muñiz and Roberto Daniel Muñiz. After careful consideration of all the information the board voted to deny the request until a full audit of the school hours submitted could be reviewed. The board office retrieved files from storage and went through all the hours submitted between 2006 and 2009 from barber schools. In conclusion:

Records could only confirm that 546 hours were turned in on behalf of Roberto David Muñiz. A letter was mailed to Mr. Muñiz on December 16, 2014 advising that he would need to continue at a school in order to complete the 1,500 hours required and then be submitted to take the examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to deny request to take the Tennessee examination. Motion carried unanimously.

Records submitted by the school could confirm that 1,505 hours were turned in on behalf of Roberto Daniel Muñiz. A letter was mailed to Mr. Muñiz on December 16, 2014 advising that his information would be reconsidered at the February meeting and that he should attend to answer questions. The board office has not heard from Mr. Muñiz, However on a previous telephone conversation with him he, Mr. Muñiz stated to the Executive Director that he never applied for a license in Connecticut. Also, he passed the theory exam in November and only needs to pass the practical exam.

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

Applications for examination for Kirhonda Autmon, Tauren Boyd, Kimberly Bunn, Lori Carr, Antonio Coleman, Antonio Cook, Keunte Douglas, Clinton Gunn, Timothy Hernandez, Tommy Horton, Charlie Johnson, Ashley Latimer, Michael Lindsay, Epiphany Mewborn, Andre Moore, Jessica Niter, Tyson Osborne, Tekesha Pittman, Eric Rice, Mary Ann Robertson, Brooke Robinson, Angela Taylor, Kenisha Taylor, Derrick Thomas, Shantel Thornton, and Andre Turner. All applicants have felonies; their applications to take the Tennessee examination are 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 Yvette Granger to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Application for testing with hours in cosmetology for Gabriela Revellese from the Czech Republic. Translated documentation includes birth certificate, graduation diploma showing school years in the field in 1995 and 1996. Also provided is a letter regarding her employment with L'Oreal. Ms. Revellese appeared before the board to answer questions.

Recommendation – is that the applicant take the Tennessee Examination.

Motion made by Amy Tanksley and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for testing with hours in cosmetology for Jenna-Lee Mainse from Canada. Diploma states 1,500 hours completed in 2011.

Recommendation – is that the applicant take the Tennessee Examination.

Motion made by Mona Sappenfield and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for testing with hours in cosmetology for Wilnelia Vega Peña from Puerto Rico. Transcript from 2011 is for manicuring curriculum and separate transcript from 2005 is for cosmetology curriculum. Certificates between the two total 1,890 hours.

Recommendation – is that the applicant take the Tennessee Examination.

Motion made by Judy McAllister and seconded by Diane Teffeteller to approve recommendation. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Sweetings Cosmetology and Braiding Institute represented a request for approval of school license reinstatement. Mrs. Danette Sweetings appeared before the board at the December 1, 2014 board meeting. After careful consideration of all the information the board voted that Mrs. Sweetings needed to hire more instructors to make sure the school, students and the public being serviced were all in compliance and the students were not left alone. Ms. Sweetings explained that she has two additional instructors hired and ready to start working as soon as the school is reinstated.

MOTION made by Diane Teffeteller and seconded by Yvette Granger to approve request to reinstate school license. Motion carried unanimously. School to be inspected if not have had one lately.

Request for approval of a change in ownership for Lee's Nails, located in Nashville, Tennessee. The shop application was completed as an initial application when in fact it is a change in ownership. The relationship between the previous shop owner, Ms. Mary LaMaide and the current owner, Ms. Phui Thi Bui is not established because the shop failed to keep the board records current and in correlation with the business licenses. In reviewing this application Ms. Bui will be the owner and manager of this shop. She currently holds a manicuring license. However she had her cosmetology license revoked in April 2013 for obtaining a reciprocal license by fraudulent means. At that time the board did not do anything with her manicurist license. Pursuant to Tenn. Code Ann. § 62-4-127 the board may refuse to issue a license for several things among them fraud in procuring a license.

Recommendation - is that the applicant be denied the change in ownership.

MOTION made by Nina Coppinger and seconded by Kelly Barger to deny request for change of ownership. Motion carried unanimously.

Request for Waivers:

Request from James Gresham II for waiver of rule 0200-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Mr. Gresham passed his master barber practical examination in June 2014. Under the Barber statute the applicant must reapply for the examinations within six months after applicant is notified.

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

Request from instructor Shantez Muhammad for an extension of her required continuing education hours to 2015. She attended for the first time in 2012 but had stress and changes in 2014 causing her to miss attending a seminar. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

MOTION made by Yvette Granger and seconded by Amy Tanksley to approve request. Motion carried unanimously.

Request from instructor Connie Fogg for an extension of her required continuing education hours. Ms. Fogg attended a session in 2014 when she should have attended in 2013. In 2005 a request to accept a session from Alabama was presented to the board and denied. At that time the board approved her extension and allowed her to go between 2006 – 2007. That would have been her one time extension allowed by the statute.

MOTION made by Kelly Barger and seconded by Yvette Granger to deny request. Motion carried unanimously.

Request from instructor Sherricia Renix for an extension of her required continuing education hours to 2015. Ms. Renix had to retest for her instructor license in 2011 and did not upgrade until 2013. She would have needed to attend a seminar by 1/31/2015 to be in compliance. There was no board meeting in January and given that she was required to retest, she has never received the one time extension for continued education.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve request. Motion carried unanimously.

Request from instructor Johnathan Seay for an extension of his required continuing education hours to 2015. He did not attend the session in 2014 but office records show he has always attended as required and not asked for an extension.

MOTION made by Kelly Barger and seconded by Patricia Richmond to approve request. Motion carried unanimously.

Request from instructor Sharone Gray for an extension of her required continuing education hours to 2015. Ms. Gray became a licensed instructor in 2014 and should have attended for the first time in 2014. She states in her letter that she was given incorrect information about what seminars would count toward her cosmetology instructor license so she attended a two day seminar at MTSU plus others.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve request. Motion carried unanimously.

Request for waiver of time period to complete coursework from Latoya Nation. Pursuant to Tenn. Code Ann. § 62-4-123, the cosmetology courses shall be completed within seven (7) years from the date the student enrolls in a school. Ms. Nation started school on January 14, 2008 and is missing 74 class hours in order to complete the curriculum. Her letter explains the reason for her not continuing school since 2009.

MOTION made by Diane Teffeteller and seconded by Kelly Barger to approve request. Motion carried unanimously. The Board requested that she has to the end of March to complete the remaining hours.

Coffee County Beauty Academy, Name Change

Ms. Buchanan, owner of Coffee County Beauty Academy submitted an application to change the name of the school from Coffee County Beauty Academy to Coffee County Beauty Academy in Tullahoma.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve change in school name. Motion carried unanimously.

Miller-Motte Technical College, Change on Location

The Miller-Motte Technical College presented an application to change the school name. In reality the schools address needs to change to reflect the correct number for the building in order for licensure information to match the accrediting agency records The school name is staying the same.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve change in license information. Motion carried unanimously.

School Authorization:

In compliance with Public Chapter 863 and 818 Aveda Institute Nashville, located in Franklin and Austin's Beauty College, Inc., located in Clarksville requested authorization to provide postsecondary education.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve the board office to send letters authorizing postsecondary education to each of the schools listed above. Motion carried unanimously.

Event Consideration for Field Trip Hours:

Ms. Pearl Walker, coordinator for Let Your Hair Down, presented information about the non-profit group from the Memphis area that is reaching out to the hair and fashion industry as well as the general public for opportunities to get together, network and spotlight vendors. The group would like to have future professionals involved in these events and asked the Executive Director for consideration of these hours as field trip hours that schools can give credit for. The board is presented with the information because it does not meet the current educational and marketing hours that are approved in the board office without further review by the board. The board requested that an instructor always be present and that school can only ask to attend these functions twice a year.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve the request. Motion carried unanimously. And an instructor must be present.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:10 AM on Monday, December 1st to review reciprocity applications and make recommendations to the Board.

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

Committee members decided to have Ms. Coppinger continue as the chair of the reciprocity committee for all of 2015.

The applications reviewed consisted of the following:

Application for reciprocity of aesthetics license from Florida for Kimberly Johnson. Certification shows initial licensure in June 2009 with 1,200 hours and no practical State examination. Ms. Johnson provided proof of work experience since 2010 as a paramedical skincare specialist. She also has additional hours as a paramedical esthetician. She would have taken the required examination for that medical certification.

Recommendation - is that the applicant take the Practical test.

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 Remon Abdelmalik. Mr. Abdelmalik appeared before the board to answer questions about his school hours and experience obtained in Damascus. Certification shows initial licensure in June 2014 by reciprocity. Michigan State board has previously explained that when they except hours outside of the United States, they require the examination and they have several languages other than English. Mr. Abdelmalik provided translated documents showing 1,800 hours received in 2011.

Motion made by Ron Gillihan and seconded by Patricia Richmond to approve reciprocity. Motion carried unanimously. Per the Board must take the practical test.

Application for reciprocity of cosmetology license from Michigan for George Awad. Mr. Awad appeared before the board to answer questions about his school hours and experience obtained in Damascus. Certification shows initial licensure in July 2014 by reciprocity. Michigan State board has previously explained that when they except hours outside of the United States, they require the examination and they have several languages other than English. Mr. Awad's request went before the board in June 2013 and was requested to take the Tennessee examination. Because of the language problem he took the exams in Arabic and obtained his license in Michigan. Documents provided show pictures and education going back to 1994.

Motion made by Ron Gillihan and seconded by Patricia Richmond to approve reciprocity. Motion carried unanimously. Per the Board must take the practical test.

Application for reciprocity of manicurist license from New Mexico for Yen Thi Doan. Certification shows initial licensure in 2008 and school information was presented showing 600 hours obtained in 2008. Ms. Doan previously presented documentation with licensure and education from Texas from 2013. Because most students do not redo school, the board office researched the New Mexico licensure and determined that the information was not in fact emailed from the State Board and that the license number belonged to another cosmetologist.

Recommendation - is that the applicant be denied reciprocity.

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

Application for reciprocity of cosmetology license from North Carolina for Thomas Lambiase, Jr. The North Carolina certification shows initial licensure in 1984 by reciprocity from Connecticut. His Connecticut license was also issued in 1984 but they do not require a practical exam. Mr. Lambiase was unable to appear before the board but he is requesting waiver of the practical exam because he has been practicing in the field since 1984 and has a job waiting on him.

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

MOTION made by Yvette Granger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Virginia for Minh Le. Certification shows initial licensure in August 2004 by reciprocity outside of the country. Mr. Le provided a letter from a Georgia accountant for proof of work in the industry.

Recommendation - is that the applicant take the Tennessee Examination.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from North Carolina for Nga Thi Nguyen. Certification shows initial licensure in March 2009 by reciprocity from Florida. She was issued separate manicuring and aesthetics license, both are still active. Ms. Nguyen appears to have originally been licensed in Florida in 2008 and would not have been required to take the examination. She currently holds an active manicuring license in Tennessee by reciprocity from Florida. She has provided tax records from 2009 – 2013 but they all show work in the manicuring industry.

Recommendation – is that the applicant take the Tennessee Examination.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation. Motion carried unanimously. MOTION made by Patricia Richmond and seconded by Ron Gillihan that she will need to take both parts of our test and we need proof of her current Florida license.

Application for reciprocity of cosmetology license from Florida for Julianne Plantz. Certification shows initial licensure in 1995 with 1,200 hours but no practical exam. Ms. Plantz was unable appear before the board but he is requesting waiver of the practical exam because she has been practicing in the field since 1995. She has provided tax records and letters from employers

stating work experience in the industry since 2007 and a note from her saying she has been working since 1993.

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

MOTION made by Yvette Granger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Reconsideration of reciprocity application of master barber education and experience from Iraq for Ivan Rajab. Certification shows initial licensure in January 1977 with 1,200 hours by examination. Mr. Rajab previous presented his request at the June 2014 board meeting and was denied reciprocity. Documents provided show barber training completed between August 2010 and September 2012. He is unable to provide a transcript of the hours however his application states he completed 864 hours. .

Recommendation - is that the applicant complete additional hours and take the Tennessee examination.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation and take 636 hours . Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Shauna Spears. Certification shows initial licensure in 2007 with no practical exam. Ms. Spears was presented to the board at the October 2014 board meeting and at that time the certification form Florida stated that she received her original license in 2014 with 1,200 hours transferred from Tennessee. This meant that she did not complete the curriculum to test and start practicing within the seven (7) years required. Florida corrected their mistake proving that she moved from Tennessee to test and practice in Florida. Ms. Spears returned to the school in Tennessee in 2014 to complete 242 hours and to bring her total to 1,500 hours.

Recommendation - is that the applicant take the practical test.

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

Application for reciprocity of manicurist license from California for Phuong Tran. Certification shows initial licensure in 2013 as well as a transcript from 2013 showing 600 hours received in California. Mr. Tran previously presented an application for reciprocity in 2013 and was denied because his Minnesota license from 2008 was revoked.

Recommendation - is that the applicant be denied reciprocal license.

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

Application for reciprocity of cosmetology license from Florida for Ryan Timmerman. Certification shows initial licensure in April 2010 with 1,277 hours per transcript but no practical exam. Ms. Timmerman is also licensed in Ohio as a managing cosmetologist which requires 300 additional hours. The Ohio certification shows licensure by examination.

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 license from Georgia for Chinh Trung Tran. Certification shows initial licensure in 2009 y examination. Mr. Tran provided a letter explaining that she went to school in 1994 with 320 hours that match what was required at that time. He has provided tax records for years 2009 through 2013 showing work in the industry.

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 of natural hair styling license from Florida for Wolimata Wade. Certification shows initial licensure in 2005 with 16 hours required and no examination. Ms. Wade appeared before the board to answer questions and explain previous experience in Senegal. Documents provided show three years of education and a diploma from 2006. Proof of the renewed Florida license needs to be received by the board office.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Colorado for Brandi Weiss. Certification shows initial licensure in 2010 by reciprocity from Florida. Her certification from Florida was issued in 1992 with 1,200 hours but no practical exam. Ms. Weiss provided tax records for 2010 through 2014 with proof of work in the industry. She is requesting a waiver of the practical exam since she has been working in the field for so many years. The board requested she provide additional records as proof of work experience over the years or take the practical exam.

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

MOTION made by Yvette Granger and seconded by Ron Gillihan to deny recommendation. Motion carried unanimously.

The committee meeting adjourned at 8:55 AM.

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

MOTION made by Patricia Richmond and seconded by Diane Teffeteller to approve all decisions made by the reciprocity committee as amended. Motion carried unanimously. And keep Nina Coppinger as the chairman.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:00 AM on Monday, February 9th to review the allegations of **133** complaints and make recommendations to the Board.

Attending were Board members, Bobby Finger, Frank Gambuzza, Amy Tanksley and Dianne Teffeteller. Recommendation to make keep the same chair was presented.

Committee members decided to have Ms. Teffeteller continue as the chair of the complaint committee for all of 2015.

PREVIOUS CASES WITH NEW INFORMATION

1. Case No.: L12-COS-RBS-2012007611

Case No.: L12-COS-RBS-2012003591

First License Obtained: 05/14/2008

License Expiration: 08/31/2015

Complaint history: 2008026941 & 2009009771 combined w/2011006661 closed with a payment of \$4,000 civil penalty; 2011025981, closed and combined w/2012003591 above.

The Board previously authorized a formal hearing against the Respondent for unlicensed activity and sanitation violations. After the necessary time had passed without response, the matter progressed to litigation. As the matter moved through legal, it has been verified that the shop is now out of business and is no longer operating, according to the area inspector.

Recommendation: Close the cases and flag the Respondent's license file for further activity in the event that the Respondent attempts to obtain a license.

Decision: Decision: Recommendation approved.

2. Case No.: L14-COS-RBS-2014012131

(Shop owner and manager)

First License Obtained: 03/22/1999

License Expiration: 03/31/2015

Complaint history: None

3. Case No.: L14-COS-RBS-2014012121

(Manicure shop)

First License Obtained: 08/19/1994

License Expiration: 08/31/2015

Complaint history: 1070, closed with no action

The above-referenced matters were presented to the Board at its November 2014 as follows: A Notice of Violation issued on June 4th, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a manicurist (also owner and manager of the shop), was performing a manicure on client in her shop without possessing a valid license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 (Responsibilities of owner and manager of a shop). The Respondent's personal license expired on March 31st, 2013. Based on this presentation the Board authorized a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the shop and its owner. UPDATE: Further investigation of this matter revealed that the Respondent had sent in her license renewal fees on time, but due to an administrative error a late fee was generated which prevented the Respondent from receiving her license that led to this instant complaint. The Respondent's license is now in a good standing and valid through March 31, 2015.

Recommendation: Dismiss the complaints.

Decision: Recommendation approved.

4. Case No.: L14-BAR-RBS-2014012011

(Barber shop)

First License Obtained: 07/17/2007
License Expiration: 06/30/2015
Complaint history: None

5. Case No.: L14-BAR-RBS-2014012021

(Owner of the shop)

First License Obtained: 09/03/1996
License Expiration: 08/31/2016
Complaint history: None

This matter was presented to the Board at its November 2014 as follows: A Notice of Violation issued on June 5th, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed barber shop, was allowing a licensed cosmetologist to cut a client's hair with a clipper without possessing a valid master barber license. Further, according to the Notice, the shop did not have a licensed master barber manager. Based on this presentation the Board authorized a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 to each respondent for failing to have a manager present during operation for a total civil penalty of \$1,250.00. UPDATE: The Respondent has sent in a written statement stating that he was under the impression that the individual in question was a licensed barber and upon discovering that she only possessed a cosmetology license he immediately obtained a cosmetology shop license. The owner also states that at the time of the inspection the shop manager decided not to be the manager, but he has since designated a new manager for the shop. Respondent has requested reconsideration of the fee.

Recommendation: Authorize to keep the penalties the same on each consent order.

Decision: Recommendation approved.

6. Case No.: L10-BAR-RBS-2010000381

First License Obtained: 08/16/2005
License Expiration: 07/31/2015
Complaint history: 2007087421, closed with Letter of Warning; 2008016131, closed by

**Consent Order and payment of
\$500 civil penalty**

The above-referenced Respondent was sanctioned for having an unlicensed barber working in the shop. Owner says that the unlicensed individual was not an employee of the shop and was not working on a customer the day that the violation was written. The unlicensed individual was practicing for the barber exam on a shop employee. The unlicensed individual has since passed away. It is the opinion of the litigation counsel that this matter be closed with a Letter of Warning.

Recommendation: Close the case with a Letter of Warning.

Decision: Recommendation approved.

7. Case No.: L14-COS-RBS-2014011861

(Cosmetology shop)

First License Obtained: 12/11/2013

License Expiration: 11/30/2015

Complaint history: None

8. Case No.: L14-COS-RBS-2014011871

(Manager of the shop)

First License Obtained: 01/25/2013

License Expiration: 01/31/2015

Complaint history: None

The Board previously authorized a formal hearing with authority to settle this matter with a civil penalties to both the shop owner and manager who is the same person for allowing a master barber to practice in a cosmetology shop and for not having a manager in the shop. UPDATE: Shortly after the Consent Order was sent and received by Respondent, the owner of the Respondent's shop submitted a written response and provided proof that his shop held valid barber and cosmetology shop licenses, and that the master barber who was at the shop during the inspection is the co-manager for the shop. Board office records indicate the shop was issued a barber shop license on October 17, 2012 and such license is valid through September 30, 2016.

Recommendation: Rescind the previously issued Consent Orders and close the cases with Letters of Warning for not having a cosmetology shop manager.

Decision: Recommendation approved.

9. Case No.: L14-COS-RBS-2014016481

(Cosmetology shop)

First License Obtained: 11/14/2012

License Expiration: 09/30/2016

Complaint history: None

10. Case No.: L14-COS-RBS-2014016491

(Shop owner and manager)

First License Obtained: 06/25/1992

License Expiration: 12/31/2016

Complaint history: None

The Board previously authorized a formal hearing with authority to settle the above-referenced matters with a consent order for a civil penalty of \$500.00 against the shop and its owner/manager for allowing an employee to provide regulated services with an expired license along with a sanitary violation for dirty brushes kept in a clean drawer. Due to a clerical error in the July 9, 2014 Notice of Violation, it was interpreted that there were two unlicensed persons on premises other than the licensee working on an expired license. This person renewed her license two days after the Notice of Violation was issued. The owner of the Respondent's shop has sent in a written statement explaining the issue that there was only person working with an expired license. The individual in question renewed her license within a few days of the inspection and there is no prior record.

Recommendation: Authorize for formal hearing for violation of the sanitation code with authority to settle the matter beforehand with a civil penalty of \$250. Send a letter of instruction that penalty will be made on the unlicensed activity because per the board's policy it was cured within a few days.

Decision: Recommendation approved.

11. Case No.: L14-COS-RBS- 3014006131

First License Obtained: 02/10/2006

License Expiration: 02/28/2016

Complaint history: None

A notice of violation was signed by respondent on April, 4, 2014 as the manager of a shop. A consent order was sent to the respondent assessing civil penalties. Respondent contacted counsel and stated that respondent is not a manager and has never been given any responsibilities besides being a nail technician. This was confirmed by RBS. The owner of the shop is being disciplined for the same violations.

Recommendation: Close this case as not a violation.

Decision: Recommendation approved.

12. Case No.: L14-COS-RBS-2014015451

First License Obtained: 11/09/2010

License Expiration: 11/30/2016

Complaint history: None

A notice of violation was signed by respondent on June 25, 2014 as the manager of a shop. A consent order was sent to the respondent assessing civil penalties. Respondent contacted counsel and stated that respondent is not a manager and has never been given any responsibilities besides being a nail technician. This was confirmed by RBS. The owner of the shop is being disciplined for the same violations.

Recommendation: Close this case as not a violation.

Decision: Recommendation approved.

13. Case No.: L14-COS-RBS- 2014012911

First License Obtained: 09/30/2008

License Expiration: 09/30/2016

Complaint history: None

Respondent signed a notice of violation on December 12, 2014 alleging that shop license was not present and that there was no manager on site. A consent order was sent to the

Respondent assessing civil penalties. Respondent contacted counsel and said that they did have a proper shop license present but that it was placed behind the expired one. Additionally, Respondent states that a manager was present, but there was confusion between the shop and the inspector when asked for the manager. Indeed the signature on the Notice of violation is the listed manager of the shop.

Recommendation: Close this case with a letter of warning that the most current license should be displayed so that it is obvious to the public that the shop contains a valid license. Dismiss the violation concerning not having manager present.

Decision: Recommendation approved.

14. Case No.: L14-BAR-RBS- 2014011261

(Owner of the shop)

First License Obtained: 05/13/1997

License Expiration: 05/31/2015

Complaint history: None

15. Case No. I14-BAR-RBS-2014011201

(Barber Shop)

First License Obtained: 06/27/2005

License Expiration: 06/30/2015

Complaint history: None

Respondent received two notices of violation as the owner of a licensed barber shop and manager. Complaint alleged that respondent as a manager, and as shop owner allowed a licensed master barber to practice regulated services while the shop license had expired and while there was no manager at the shop. Two consent orders were sent to the Respondent as manager and shop owner both assessing civil penalties of \$1250. The Respondent contacted counsel and stated that the shop had been co-owned and that the only contact listed with the license was the other owner. Respondent also states that the other owner had been in the actual manager role, mostly running the shop. At the time of inspection the other owner had left the shop but the respondent did not know that they weren't listed as the contact for the license; meaning they had not received a renewal notification nor had they received a notice of violation.

**Recommendation: Reauthorize for civil penalty on the shop license for \$1250.
Dismiss the penalty on the individual license for lack of notice.**

Decision: Recommendation approved.

16. Case No.: L14-COS-RBS-2014014451

(Manicure Shop License)

First License Obtained: 05/25/2010

License Expiration: 10/31/2015

**Complaint history: 2011008841, closed by consent order and payment of \$500 civil penalty;
2012021461, closed with Letter of Warning**

17. Case No.: L14-COS-RBS-2014014471

(Skin Care Shop License)

First License Obtained: 08/07/2012

License Expiration: 07/31/2014

Complaint history: None

18. Case No.: L14-COS-RBS-2014014461

(Shop Manager)

First License Obtained: 04/17/2012

License Expiration: 04/30/2016

Complaint history: None

Respondent received three notices of violations on June, 13, 2014 for a manicure shop license and a skin care shop license as the shop manager. Three consent orders were sent to the respondent assessing civil penalties that together totaled \$1250. The complaint alleges that the shop had a hot wax machine but no one licensed to provide that service. Respondent has provided a valid skin shop license that was current at the time of inspection. Respondent alleges that the employee who is there licensed skin care specialist wasn't working when the inspector came to the shop, but that this individual is the one who uses the wax machine.

There is not allegation that the inspector saw any customer receive this service. The inspector also cited the Respondent for having dusty working stations. Respondent says this station is where they perform powder nail sets and while those stations are cleaned regularly dust from the sets had acquired from the previous customer. Lastly, the inspector cites the Respondent for having employees not wearing nametags. Respondent refutes this entirely alleging that all employees were wearing name tags at the time of inspection as well as any other time they are working.

Recommendation: Dismiss the unlicensed activity violation against the Skin care shop license since the shop has a valid license and the inspector did not see any unlicensed person perform this service. Reauthorize the penalties for sanitation and name tag violations against the manager and the Manicure shop license for \$250 for each license.

Decision: Recommendation approved.

19. Case No.: L14-COS-RBS- 2014012351

(Cosmetology Shop License)

First License Obtained: 06/11/1991

License Expiration: 09/30/2016

Complaint history: None

20. Case No.: L14-COS-RBS- 2014012361

(Cosmetologist/aesthetician and shop owner)

First License Obtained: 10/12/1984

License Expiration: 04/30/2015

Complaint history: None

21. Case No.: L14-BAR-RBS- 2014012401

(Master barber)

First License Obtained: 04/26/1996

License Expiration: 04/30/2016

Complaint history: None

22. Case No.: L14-BAR-RBS- 2014012391

(Barber Shop Manager)

First License Obtained: 08/13/1986

License Expiration: 09/30/2016

Complaint history: None

23. Case No.: L14-BAR-RBS- 2014012381

(Barber Shop License)

First License Obtained: 01/20/1990

License Expiration: 04/30/2016

**Complaint history: 2005012411, closed by consent order and
payment of \$550 civil penalty**

On June 7, 2014 all of the above respondents received notice of violations pursuant to an inspection. The Shop has a Barber and Cosmetology shop License held by one individual. At the time of the inspection there were three unlicensed individuals offering regulated services; a cosmetologist who is licensed in GA but not in TN, and two men practicing barbering services. One of the barbers left the shop before information could be gathered so no complaint is open against him. The other had a license where the renewal fees had been paid but because of an issue with DHS had been suspended. The Cosmetologist has settled the case against her individual licenses. A civil penalty was assessed against the Cosmo shop license, the barber shop license and the individual license of the respondent who owns both those licenses totaling \$4000 for allowing unlicensed activity. A Civil penalty has been assessed against the Manager of the Barbers for allowing two unlicensed individuals practice totaling \$2000. A civil penalty was assessed against the Individual whose license was suspended because of DHS. The owner of the shop who owns \$4000 has contacted counsel stating that she did not realize that the Barber with the DHS issue wasn't licensed. Additionally she will not be able to pay a \$4000 fine and continue to operate her business. She hopes that the board might reconsider her fee in light of these circumstances. The Manager of the barbers also contacted counsel and stated that he did not know that the individual with the DHS issue was unlicensed since he had shown him his receipts for his renewal fees. He also did not fully understand the issues that face managers. He asks the board to reconsider his fee in light of these circumstances. The Individual whose license was suspended because of DHS contacted counsel stating that he was never informed

by the board that his license was suspended. However, DHS did inform us that his license was suspended and that he had notice of that suspension.

Recommendations:

Reduce the civil penalty against the owner from \$4000 to \$2000. As an owner she had no reason to know that DHS had suspended and individual's license. Assess \$1000 against her personal license for allowing unlicensed activity and \$500 against each of her shop licenses.

Reduce the civil penalty against the Barber Manager from \$2000 to \$1000. As a manager he had no reason to know that DHS had suspended a license.

Reauthorize the \$1000 penalty against the individual license that was suspended because of DHS. DHS inform individuals when they owe child support and when they are in default of those payments. DHS informs this board that licenses must be suspended after they have notified the individuals.

Decision: Recommendation approved.

24. Case NO.: L14-COS-RBS- 2014018651

(Shop owner and manager)

First License Obtained: 09/08/1975

License Expiration: 05/31/2011

Complaint history: None

25. Case NO.: L14-COS-RBS- 2014018641

(Cosmetology shop)

First License Obtained: 01/28/1994

License Expiration: 04/30/2015

Complaint history: None

On August 31, 2012 the respondent received two notices of violation as the shop owner and as the shop manager. The complaint alleged that the respondent's individual license to practice had expired and that there was no covered container for soiled towels. Each complaint led to a consent order that assessed civil penalties that together totaled \$1750. The respondent

contacted counsel asking for this penalty to be reconsidered in light of mitigating factors. Several parents, siblings and in-laws had deceased and have been ill and the respondent was the primary care giver. There are several doctors notes testifying that Respondent was the care giver for these family members and that respondent was the sole transportation for some family members to various appointments. During this time the Respondent's licenses had to be renewed. The shop license was renewed and a month later the Respondent renewed the individual license. At this time the respondent owed a late fee of \$25 on the individual license. Respondent did not know about the fee, and claims to have never been informed. Respondent claims that in the midst of the numerous family issues that year, the respondent didn't realize that only one license was valid since Respondent did in fact send in a fee for both, just not the late fee. Respondent asserts that the fee owed will be hard if at all possible to pay since the respondent is the only person working at the shop and Respondent has not been able to work full time given the family issues detailed above.

Recommendation: Reduce the civil penalties to \$750 in light of the late fee issue and the family troubles. Assess \$500 against her shop owner's license and \$250 against her individual license along with a cease and desist letter to the respondent to stop practicing any regulated services until her shop license is valid.

Decision: Recommendation approved.

26. Case No.: L14-BAR-RBS-2014001871

First License Obtained: 09/17/1999

License Expiration: 09/302013

Complaint history: None

27. Case No.: L14-BAR-RBS-2014001881

First License Obtained: 10/22/2009

License Expiration: 09/30/2013

Complaint history: None

Respondent Shop was cited for not having a manager on duty and sanitation violations. A person claiming to be the Individual Respondent was written up for working on an expired license and not having a license displayed. The Notice of Violation in this case was signed for by the individual Respondent. The complaint indicated that the person who signed the Notice of Violation did not have an ID on him at the time. Respondent contacted counsel and claims that he has never worked at Respondent Shop. He also said that he never met the inspector

and he never signed any Notice of Violation. When asked why someone would claim to be him and he said that he was friendly with some of the barbers that worked there and that maybe someone panicked. Respondent admitted to having an expired license, but says that he does not cut hair currently – he works the graveyard shift loading and unloading freight. Respondent faxed legal a copy of his driver’s license and a notarized copy of his signature. Even though it had been about a year, the inspector says that the person pictured on the driver’s license does not look familiar to him at all and the inspector does not recall meeting him. An investigation of the Respondent shop shows it is out of business. The manager of the shop owns a nightclub in Memphis and is not a licensed barber. His history suggests that opening multiple businesses under new names is common practice so it is anticipated that he may try to open another barber shop in the near future

Recommendation: Close and flag the case against the shop so that the board will be notified if this manager attempts to open a new Barber Shop. Close the case against the individual respondent, the only witness the state has does not believe they have ever met the respondent and no identification was taken at the time of inspection.

Decision: Recommendation approved.

NEW COSMETOLOGY CASES

1. Case No.: L14-COS-RBS-201018731

First License Obtained: 07/11/2011

License Expiration: 07/31/2015

Complaint history: None

A notice of violation was presented to respondent on August, 1, 2014 (who is the licensed owner and manager of a licensed Manicure shop). The notice alleges that the respondent allowed or directed an unlicensed person to provide regulated services on a customer. The Respondent told the inspector that the unlicensed person was her daughter who was in town from California helping her out. The unlicensed person left the shop through a back door and the respondent said she did not know where the unlicensed person had gone. Additionally, the notice alleges that there were unsanitary or improperly cleaned tools, uncovered trash bins, and workers not wearing ID tags.

Recommendation: Authorize a formal hearing for offering regulated services by an unlicensed person with authority to settle the matter with a consent order in the amount of \$250 for the unlicensed activity and \$250 for the unsanitary conditions on each license.

Decision: Recommendation approved.

2. Case No.: L14-COS-RBS-2014019161

First License Obtained: 10/03/1986

License Expiration: 04/30/2015

Complaint history: None

3. Case No.: L14-COS-RBS-2014019161

First License Obtained: 10/10/1986

License Expiration: 06/30/2016

Complaint history: None

Two notices of violation were presented to the respondents, who are the manager and owner of the shop on August, 6, 2014. The notices allege that both the shop license and the owner's individual license were expired at the time of the inspection. Inspector states that both were practicing services at the time of the inspection. It is also alleged that neither the manager nor the owner were wearing a nametag and additionally that there were improperly cleaned tools that were not in their appropriate containers.

Recommendation: Authorize for a formal hearing for each respondent as owner and manager for the name tag violation, having improperly cleaned and stored tools, and the expired licenses violations. Allow authority to settle the matter before hand with a consent order to each respondent assessing a civil penalty of \$1000 each.

Decision: Recommendation approved.

4. Case No.: L14-COS-RBS-2014019291

First License Obtained: 02/03/2009

License Expiration: 02/28/2015

Complaint history: None

5. Case No.: L14-COS-RBS-2014019321

First License Obtained: 05/09/2006

License Expiration: 05/31/2016

Complaint history: None

Two notices of violation were presented to the Respondent (who are both managers and owners) on August, 7, 2012. The complaint alleges that one of the respondents was giving a haircut to a named customer while the cosmetology shop's license was expired.

Recommendation: Authorize a formal hearing for practicing without a shop license with authority to settle the matter with a consent order assessing \$500 on each license.

Decision: Recommendation approved.

6. Case No.: L14-COS-RBS-2014019351

First License Obtained: 02/02/2008

License Expiration: 01/31/2016

Complaint history: 2008027361, closed by consent order and payment of \$1000 civil penalty

7. Case No.: L14-COS-RBS-2014019361

(Owner of the shop)

First License Obtained: 01/16/2003

License Expiration: 01/31/2015

Complaint history: None

8. Case No.: L14-COS-RBS-2014019391

First License Obtained: 06/28/2005

License Expiration: 06/30/2015

Complaint history: None

Three notices of violation were presented to respondents (who are the licensed owner and the acting manager of a manicure shop) on August 7, 2014. The notice alleges that as the inspector

arrived at the manicure shop a woman who was performing a manicure on a customer immediately ran out of the shop exiting through a back door. The acting manager respondent stated that he did not know the woman's name or address. There was no license for the woman who had exited the shop.

Recommendation: Authorize a formal hearing against each license for allowing persons to practice manicuring without a valid license with authority to settle the matter beforehand with a consent order assessing a \$1000 to each license.

Decision: Recommendation approved.

9. Case No.: L14-COS-RBS-2014019471

First License Obtained: 08/14/1972

License Expiration: 08/31/2015

Complaint history: None

Respondent received a notice of violation on August 9, 2014. Complaint alleges that the shop license was expired and during inspection the Respondent was performing a hair treatment on a client. Additionally, the complaint alleges the shop was unsanitary in many ways including a bad odor, dirty floor, broken equipment; towels clean and dirty were not in covered containers. Lastly the inspection sheet was not posted. Inspector has pictures showing the unsanitary conditions. A consent order was previously sent to this same individual as a shop owner for the same violations arising from the same inspection. The consent order assessed a civil penalty of \$1000. The consent order has not been responded to.

Recommendation: Combine this with the case against this shop owner that is already in litigation and keep the penalty the same for the amount that was already sent to the respondent for the same violations. Issue a second consent order citing both licenses, and authorize for a formal hearing. Also send a second cease and desist letter until legal issues have been rectified.

Decision: Recommendation approved.

10. Case No.: L14-COS-RBS- 2014019401

First License Obtained: 6/28/2012

License Expiration: 6/30/2014

Complaint history: None

A notice of violation was presented to the Respondent on August 7, 2014. Respondent owns an (expired) licensed cosmetology shop where respondent is the only person who works at the shop. The respondent's shop license had expired and the respondent did not have a personal license to practice cosmetology. Inspector does not offer evidence that respondent was actually practicing cosmetology.

Recommendation: Authorize a formal hearing for violation of shop offering services not authorized by license with authority to settle the matter before hearing with a consent order assessing a penalty of \$1000.

Decision: Recommendation approved.

11. Case No.: L14-COS-RBS-2014019551

First License Obtained: 02/12/1997

License Expiration: 02/28/2017

Complaint history: 2013024521, closed via Consent Order and payment of \$250 civil penalty

12. Case No.: L14- COS-RBS- 2014019541

First License Obtained: 01/27/1997

License Expiration: 01/31/2009

Complaint history: 2006014021, closed with no action; 2013008291, settled via payment plan

Respondent received two notices of violation as the shop and its owner/manager on July 30, 2014 alleging practicing regulated services without a license. Complaint alleges that respondent was practicing regulated services at the time of inspection. On that date the Respondent's license was suspended because of an issue with child support and DHS. Shortly after this notice was issued the Respondent worked with DHS and then reinstated respondent's license.

Recommendation: Close both cases. This was a follow up inspection that pertained to a separate case against this individual that has been resolved. Respondent is currently compliant with all relevant statutes and is on a payment plan for the case that this follow up inspection resulted from.

Decision: Recommendation approved.

13. Case No.: L14-COS-RBS-2014019581

(Shop owner and manager)

First License Obtained: 08/08/2012

License Expiration: 08/31/2016

Complaint history: None

14. Case No: L14-COS-RBS 2014019571

(Manicure shop)

First License Obtained: 11/16/2012

License Expiration: 09/30/2016

Complaint history: None

Two notices of violation were issued to Respondent (as the manager and owner of the shop) on August 12, 2014. Complaint alleges that there was a hot wax machine on a rolling cart in the back room covered by a towel. Complaint also alleges that Identification tags were not being worn. Complaint also alleges that there unsanitary conditions in the shop, including no enclosed storage areas for towels and tools that were improperly cleaned or stored. Complaint offers no information as to whether hot wax machine was in use, if the ID tag violation occurred while manicuring a patron or any details concerning the unsanitary conditions.

Recommendation: Authorize for a formal hearing for the sanitary code violations with authority to settle the matter before hand with a consent order assessing a penalty of \$500.

Decision: Recommendation approved.

15. Case No.: L14-COS-RBS-2014019751

(Acting manager)

First License Obtained: 12/13/1996

License Expiration: 12/31/2016

Complaint history: None

16. Case No: L14-COS-RBS-2014019741

(Manicure shop)

First License Obtained: 10/03/2013

License Expiration: 09/30/2015

Complaint history: None

Two notices of violation were presented to the respondent who said he was the "acting manager" for the shop on August 13, 2014. The "acting manager" signed both notices. Complaints allege that there was a hot wax machine turned on in a back room. No employee was waxing a customer. The room was furnished to accommodate clients for waxing purposes. There was no shop license for skin care only manicuring. Additionally there were soiled towels that were not in covered containers and an uncovered trash can. Shop did a change of ownership and was issued a new license # 37150 on 12/30/14

Recommendation: Since there is no proof that the respondent who was cited as the manager is the actual shop manager, close the case against the manager. Authorize a formal hearing for violations against the shop license for a shop offering unlicensed services and unsanitary conditions with authority to settle the matter before hearing by consent order assessing penalties against the shop owner for \$1000 for unlicensed services and \$250 for unsanitary conditions.

Decision: Recommendation approved.

17. Case No.: L14-COS-RBS-2014020061

(Shop co-owner)

First License Obtained: 07/23/1999

License Expiration: 07/31/2013

Complaint history: None

18. Case No. : L14-COS RBS-2014020051

(Cosmetology shop)

First License Obtained: 03/15/2002

License Expiration: 02/28/2014

Complaint history: None

19. Case No.: L14-COS-RBS-2014020081

(Shop co-owner and manager)

First License Obtained: 01/08/1992

License Expiration: 11/30/2014

Complaint history: None

Respondent received three notices of violation on August 8, 2014. Respondents are joint owners and managers. All three complaints alleged that the shop license was not displayed, individual licenses were not displayed and that there were sanitary code violations. Complaint offers no evidence that individual with expired license was practicing at the time of inspection. The shop license is currently renewed in the system, but the individual license in question is not.

Recommendation: Authorize for a formal hearing the sanitary code violation and the expired shop license with authority to settle the matter before hand with a consent order assessing a penalty of \$750.

Decision: Recommendation approved.

20. Case No.: L14-COS-RBS-2014020191

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Owner of a shop received a notice of violation on august 15, 2014. Complaint alleges that upon entering the shop inspector saw respondent set up to work though there is no testimony that Respondent practiced regulated services at the time of the inspection. Respondent told inspector that she only cleans at the shop and then left the shop. The manager tried to get a hold of the respondent but she did not answer. Respondent does not hold a license.

Recommendation: Close the case and issue a cease and desist letter to respondent concerning potential unlicensed activity.

Decision: Recommendation approved.

21. Case No.: L14-COS-RBS-2014020211

(Shop owner)

First License Obtained: 05/19/1993

License Expiration: 12/31/2015

Complaint history: None

22. Case No.: L14-COS-RBS-2014020221

(Shop manager)

First License Obtained: 10/19/2007

License Expiration: 10/31/2015

Complaint history: None

23. Case No.: L14-COS-RBS-2014020171

(Cosmetology shop)

First License Obtained: 05/23/1991

License Expiration: 02/28/2014

Complaint history: None

Respondents received three notices of violation (for shop, owners, and managers) on August 15, 2014. Complaint alleges that there was no valid shop license displayed, that two individuals did not have licenses displayed, and miscellaneous sanitary code violations. The shop is in the process of changing ownership. Respondent told inspector that she was not aware that the shop license had been closed. Complaint offers no testimony that any individuals were practicing regulated services on expired licenses at the time of inspection. The shop license is currently valid and does not seem to have been expired on the date of inspection.

Recommendation: Issue a letter of warning to the shop that all employees must have current licenses to practice. Authorize a formal hearing for each respondent for the unsanitary code violations with authority to settle the matter beforehand with a consent order assessing \$250 on the owner, manager, and the shop. This will total \$750.

Decision: Recommendation approved.

24. Case No.: L14-COS-RBS-2014020621

(Shop owner and manager)

First License Obtained: 05/13/2004

License Expiration: 05/31/2016

Complaint history: None

25. Case No.: L14-COS-RBS-2014020601

(Manicure shop)

First License Obtained: 08/05/2013

License Expiration: 07/31/2015

Complaint history: None

A notice of violation was presented to the respondent's employee on August 21, 2014. Complaint alleges that respondent, who is the licensed owner and manager of the manicure shop was offering waxing services without a license and failed to have a manager present at the time of the inspection. No employee was practicing waxing services but machine was on and was in a room furnished to accommodate such services. Complaint offers a picture of the facility with the machine in support of this allegation.

Recommendation: Combine these two cases since the shop license and the manager license is held by the same person. Authorize for a formal hearing for violation of shop offering services not licensed by shop and not having the shop owner or manager present. Allow authority to settle the matter with a consent order assessing a penalty of \$1500 (\$500 on each license for offering services and \$250 on each license for not having a manager present).

Decision: Recommendation approved.

26. Case No.: L14-BAR-RBS- 2014030891

(Barber school)

First License Obtained: 10/16/2002

License Expiration: 10/15/2015

Complaint history: 2010026381, closed with Letter of Warning; 2010032831, dismissed; 2011029311, closed by consent order and payment of \$500 civil penalty; 2013016351, Formal Charges Authorized; 2014018451, closed by signing a consent order for voluntary license suspension

Respondent received a notice of violation on December 5, 2014. Complaint alleges that an inspection was conducted as a result to an administrative complaint. Inspector found three Barber Students at the school but none of them were doing anything at the time of inspection. There were two instructors and during the inspection the owner and her son showed up. The school's license was expired two months before the time of inspection. The license is current at this time.

Recommendation: Authorize for a formal hearing for the violation of unlicensed activity with authority to settle the matter beforehand with a consent order assessing a civil penalty of \$1000.

Decision: Recommendation approved.

27. Case No.: L14-COS-RBS- 2014024371

First License Obtained: 04/28/2000

License Expiration: 09/01/2015

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

Complaint was sent to Respondent on September 25, 2014 asking for a response to the allegations that the school had not been properly reporting hours. Complaint was opened pursuant to an investigation opened by the board against the Respondent school. The Respondent has since come before this board with a new plan for reporting hours and keeping appropriate records.

Recommendation: Close with a letter of Warning advising the school of the regulations regarding reporting student hours.

28. Case No.: L14-COS-RBS- 2014020751

First License Obtained: 07/27/2005
License Expiration: 11/30/2014
Complaint history: None

On August 23, 2014 respondent, who is the manager and owner of a manicurist shop received a notice of violation pursuant to an inspection. Upon entering the shop the inspector saw an individual in the process of giving a manicure, the individual ran out of the shop immediately. Inspector told shop owner to bring back the individual, the shop owner complied. The individual was not licensed to practice manicuring nor were they wearing a name tag.

Recommendation: Authorize for a formal hearing for the violation of being a manager and allow and unlicensed person to practice in the shop with authority to settle the matter beforehand with a consent order assessing a civil penalty of \$1000.

Decision: Recommendation approved.

29. Case No.: L14-COS-RBS-2014020761

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

Respondent received a notice of violation on August 23, 2014. When inspector entered into nail shop, Respondent was in the process of giving a manicure to a customer. Respondent then fled shop. Respondent returned to shop after being called back by the shop owner and manager. Respondent did not have a license to practice manicuring.

Recommendation: Authorize for a formal hearing for the violation of practicing without a license with authority to settle the matter beforehand with a consent order assessing a civil penalty of \$1000.

Decision: Recommendation approved.

30. Case No.: L14-BAR-RBS-2014030621

(Barber School License) (Administratively Opened)

First License Obtained: 09/27/2002
License Expiration: 09/26/2015

Complaint history: 2003169821 dismissed; 200317300, closed by Agreed Order; 2004188051, dismissed; 2005011351, closed by Consent Order and payment of \$5,000; 2006021801, 2006024771, 200639701 and 2006039721: closed w/no action; 2007072151, 2007086991: closed and flagged; 2008006581, closed w/no action; 2008006591, 2009006861: closed and flagged; 2010033591, closed by Consent Order and payment of \$500 civil penalty; 2011029341, closed w/no action; 2014019041 & 2014018211, Formal Charges Authorized

31. Case No.: L14-COS-RBS-2014030631

(Cosmetology School License)

32. Case No. L14-COS-RBS- 2014030611

(Cosmetology School License) (Administratively Opened)

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, Formal Charges Authorized

A complaint was sent in anonymously against Respondent on December 2, 2014. Upon contacting the number provided on the complaint it was confirmed that complainant was a school instructor. The Respondent had suspicions that the instructor had filed the complaints and the instructor has since been fired in retaliation. The instructor no longer claims anonymity and intends to testify against Respondent if needed. The third complaint was opened administratively on December 9, 2014 by this board because student's hours were being incorrectly reported. There are currently an additional four complaints opened against this school.

Pursuant to an investigation against this school it was determined that the school could not provide accurate daily records of hours for at least 5 students. There were only payment receipts. There have been multiple other indications that students pay for hours and aren't

actually instructed; including the instructor's complaint, the lump sum reporting of hours as opposed to the monthly reports required, and that several times inspectors have gone to the school and found no cosmetology students present at the school.

The Respondent has sent in a letter of response calling these baseless allegations. Respondent refutes any insinuation that students are awarded hours that have not been earned. Lastly, Respondent says that issues with VA benefits were mistakes and are being handled through a VA benefits coordinator.

The issues presented above are pervasive and the Respondent has shown no actions on any complaint to correct the behavior in the allegations. The allegations made in the seven total complaints open are largely the same, indicating that none of these behaviors are mistakes or isolated incidents. No consent order has been signed or responded to. These other complaints have already been authorized for litigation.

Recommendation: Combine all complaints against this Respondent School to one case. Authorize for a formal hearing for all allegations with authority to settle the matter beforehand with a consent order revoking the Respondent's licenses to run a Barber or Cosmetology School.

Decision: Recommendation approved.

33. Case No.: L14-COS-RBS- 2014022271

First License Obtained: 10/20/1980

License Expiration: 08/31/2016

Complaint history: none

34. Case No.: L14-COS-RBS- 2014022291

First License Obtained: 08/11/1980

License Expiration: 04/30/2015

Complaint history: none

Respondent who is the owner and manager of a cosmetology shop received and signed two notices of violation on August 26, 2014. The complaint alleges that the shop was operating on an invalid shop license, that the inspection sheet was not displayed, and that identification tag(s) were not being worn. Complaint offers no testimony to suggest that the respondent was engaged in practicing cosmetology at this time.

Recommendation: Combine the two cases and authorize for formal hearing for the invalid shop license and inspection sheet violations with authority to settle the matter beforehand with a consent order assessing \$750.

Decision: Recommendation approved.

35. Case No.: L14-COS-RBS-2014022341

First License Obtained: 7/21/2006

License Expiration: 7/31/2015

Complaint history: 2012022741, Board authorized \$500 consent order for litigation

36. Case No.: L14-COS-RBS-2014022371

First License Obtained: 06/22/2005

License Expiration: 06/30/2015

Complaint history: None

Two notices of violation were received by the shop owner and the shop manager on September 3, 2014. Complaint alleges that an employee with an expired license was giving a haircut. Individual renewed license that day. Complaint also alleges that tools were not properly cleaned.

Recommendation: Authorize for a formal hearing for the manager/owner allowing unlicensed person to practice and sanitary violations with authority to settle the matter before had with a consent order sent the owner for \$750 and a consent order sent the manager for \$750.

Decision: Recommendation approved.

37. Case No.: L14-COS-RBS-2014022621

First License Obtained: 12/06/2007

License Expiration: 12/31/2015

Complaint history: None

On August 27, 2014 the Respondent received a notice of violation. The complaint alleges that the manager of the shop is the new owner of the shop but has not yet changed the license. The manager did not have a personal license posted or a name tag on at the time of inspection. There is no testimony that the individual was practicing any regulated service while not wearing a name tag or not having a personal license posted. The Respondent has contacted counsel saying that the previous owner had agreed as a part of the sale of the company to stay on for 6 months and help transfer clients and reward old gift certificates. Respondent had planned to sign final papers and change ownership of the shop at that time. Respondent did identify himself as an owner. Since the time of the inspection the shop has applied for a change in ownership but it has not been approved by the board because of this complaint

Recommendation: Authorize for a formal hearing the practicing without a valid license posted and sanitary violations with authority to close the matter beforehand with a consent order assessing a civil penalty of \$750. Authorize processing the application for ownership change before this matter is settles so that the true owner of the shop will be reflected on the license.

Decision: Recommendation approved.

38. Case No.: L14-COS-RBS- 2014022671

First License Obtained: 05/10/1996

License Expiration: 05/31/2016

Complaint history: None

An agreed citation pursuant to an inspection was sent to the respondent manager of a shop on September 15th that the respondent did not return. The complaint alleged that no employees were wearing nametags and that there was an unlicensed person practicing under the supervision of the manager. There were also various sanitation violations including dirty buffers and nail files, trash cans without tops, container improperly labeled, and exposed surfaces unclean.

Recommendation: Authorize for a formal hearing the sanitation code violations with authority to settle the matter beforehand with a consent order for \$500.

Decision: Recommendation approved.

39. Case No.: L14-COS-RBS- 20140222711

(Cosmetology shop)

First License Obtained: 05/15/2006

License Expiration: 08/31/2016

Complaint history: None

40. Case No.: L14-COS-RBS- 20140222721

First License Obtained: 04/28/2006

License Expiration: 04/30/2016

Complaint history: None

Respondent is the shop owner and manager and received two agreed citations assessing \$1000 each. Respondent has not signed or responded to either citation. Citations were sent pursuant to an inspection from September 4, 2014. Complaint alleges that there was an unlicensed person in the shop, identification tags were not being worn and that there were various sanitation issues. The shop license was expired as was not a valid inspection sheet posted. There was no testimony offered as to who was practicing cosmetology at the time of inspection.

Recommendation: Combine the two cases since the respondent is the same person and authorize for a formal hearing for the violations of unsanitary condition, and owner/manager offering services not licensed by shop. Allow authority to settle the matter before hearing with a consent order assessing a civil penalty of \$1000 on each license.

Decision: Recommendation approved.

41. Case No.: L14-COS-RBS-2014022731

First License Obtained: 04/15/1998

License Expiration: 03/31/2016

Complaint history: None

Respondent received an agreed citation assessing a civil penalty of \$1000 pursuant to an inspection on June 6, 2014. Respondent has not signed the citation. Complaint alleges that shop was operating on an invalid license, and that shampoo bowls were not clean.

Recommendation: Authorize for a formal hearing for the violations mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$1000.

Decision: Recommendation approved.

42. Case No.: L14-COS-RBS- 2014022761

First License Obtained: 11/09/1995

License Expiration: 06/30/2016

Complaint history: 2014011841, Formal Charges Authorized

Respondent received an agreed citation assessing a civil penalty of \$250 pursuant to an inspection on September 4, 2014. Respondent has not signed the citation. Complaint alleges a manicurist was not wearing a name tag. Complaint offers no testimony as whether this manicurist was practicing on a client while not wearing a name tag.

Recommendation: Close the case with a letter of warning advising the shop of the Code section that requires name tags being worn while engaged with a customer.

Decision: Recommendation approved.

43. Case No.: L14-COS-RBS- 2014022791

First License Obtained: 04/13/2011

License Expiration: 03/31/2015

Complaint history: None

Respondent received an agreed citation assessing a civil penalty of \$100 pursuant to an inspection on September 9, 2014. Respondent has not signed the citation. Complaint alleges that shop was had an unlicensed person giving a manicure at the time of inspection. The person ran out of the shop immediately after seeing the inspector. The owner could not provide a name or license for the individual. The respondent is not the unlicensed actor.

Recommendation: Authorize for a formal hearing for the violation mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$1000.

Decision: Recommendation approved.

44. Case No.: L14-COS-RBS- 201 402282

(Cosmetology shop)

First License Obtained: 06/18/2007

License Expiration: 09/30/2016

Complaint history: None

45. Case No.: L14-COS-RBS- 2014022831

(Manager of the shop)

First License Obtained: 06/27/2014

License Expiration: 06/30/2016

Complaint history: None

Respondents (who are the manager and owner of a cosmetology shop) each received an agreed citation assessing a civil penalty of \$1000 each pursuant to an inspection on September 9, 2014. Neither respondent has signed the citation. Complaint alleges that the shop was operating without a manager present. Complaint also alleges sanitary code violations, including shampoo bowls not clean, tools improperly stored, and exposed surfaces unclean. Inspector provides photos in support of these allegations.

Recommendation: Authorize for a formal hearing for the violations mentioned above with authority to settle the matter before hand with a consent order to both manager and owner assessing a civil penalty of \$1000 each.

Decision: Recommendation approved.

46. Case No.: L14-COS-RBS- 214023001

(Cosmetology shop)

First License Obtained: 05/29/2003

License Expiration: 07/31/2013

Complaint history: None

47. Case No.: L14-COS-RBS- 2140230011

(Manager of the shop)

First License Obtained: 08/12/1980

License Expiration: 08/31/2016

Complaint history: None

Respondents as the manager and as the owner both received agreed citations assessing a civil penalty of \$1000 each pursuant to an inspection on September 9, 2014. Neither citation has been signed. Complaint alleges that shop license was expired at the time of inspection. The Owner Respondent has contacted counsel and wishes to take responsibility for both citations stating that the second respondent was never a manager and no longer works at the Salon.

Recommendation: Combine the cases and Authorize for a formal hearing for the owner for the violation mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$2000 or a lower penalty on either violation if the board finds this appropriate.

Decision: Recommendation approved.

48. Case No.: L14-COS-RBS-2014023051

Case No.: L14-COS-RBS-201401891

First License Obtained: 03/21/1994

License Expiration: 09/01/2015

Complaint history: 944141, Dismissed; 199901377, Dismissed; 2009008501, closed w/ no action; 201002401 & 2010015001, closed w/no action; 2011025891, closed w/ Letter of Warning; 2012023111, closed with no action; 2013003011, closed w/ Letter of Warning

An inspection of the Respondent Cosmetology School was conducted on September 10, 2014 as a follow up from an inspection in July that noted the school was under construction but still operating. The complaint from the inspector alleges that the school is not ready for an inspection and that there is still a large amount of construction taking place. There are some students still practicing on the student floor. The Respondent school plans to be done with construction by September 30. The complaint does not allege any actual violation, and the inspector states that the follow up inspection cannot take place until after construction on the school has completed.

Recommendation: Close with a Letter of Warning to the School advising them of the sanitary code rules. Send an inspector to the school within 30 days to ensure that the construction is now complete and to finish the pending follow up inspection.

Decision: Recommendation approved.

49. Case No.: L14-COS-RBS- 201402306

First License Obtained: 05/28/1997
License Expiration: 08/31/2016
Complaint history: 2011023681, closed with a Letter of Warning

Respondent received an agreed citation assessing a civil penalty of \$1000 pursuant to an inspection on September 11, 2014. The respondent has not signed the citation. Complaint alleges that the shop was operating without a manger present. Complaint also alleges sanitary code violations, including tools not properly stored with proper sanitation techniques used because pens and staplers were found in the tool drawers.

Recommendation: Authorize for a formal hearing for the violations mentioned above with authority to settle the matter before hand with a consent order to both manager and owner assessing a civil penalty of \$1000 each.

Decision: Recommendation approved.

50. Case No.: L14-COS-RBS- 2014023161

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

A notice of violation was issued pursuant to an inspection on 9/12/14. The complaint alleges that an unlicensed individual was giving a pedicure at the time of inspection to a customer. When asked if the individual had license, the individual stated that they did not and that they were "just helping out". The individual's permanent address is in Florida, though there a local address listed.

Recommendation: Authorize for a formal hearing for the violation mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$1000 each.

Decision:

51. Case No.: L14-COS-RBS- 2014023171

(Shop Owner)

First License Obtained: 12/15/1994
License Expiration: 12/31/2016

Complaint history: None

52. Case No.: L14 COS-RBS – 2014023191

(Manicure shop)

First License Obtained: 09/11/2002

License Expiration: 08/31/2016

**Complaint history: 2006039381, closed by consent order and
payment of \$750 civil penalty**

Respondent for each complaint is the same individual who is the shop owner and manager. The Notices of Violation were presented on September 12, 2014. Complaint alleges that there was an unlicensed person giving a pedicure at the time of inspection and that there was no manager present at the time of inspection.

Recommendation: Combine the cases and authorize for a formal hearing for the violations mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$500 on each license.

Decision: Recommendation approved.

53. Case No.: L14-COS-RBS- 2014023201

First License Obtained: 07/27/2001

License Expiration: 07/31/2015

Complaint history: None

Respondent received a notice of violation on September 12, 2014. Complaint alleges that at the time of inspection respondent was giving a pedicure while not wearing a name tag.

Recommendation: Authorize for a formal hearing for the violation mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$100.

Decision: Recommendation approved.

54. Case No.: L14-COS-RBS- 2014023391

(Manicure shop)

First License Obtained: 12/21/2005

License Expiration: 12/31/2015

Complaint history: 2008001161, closed by consent order and payment of \$3000 civil penalty; 2013019411, closed with Letter of Warning; 2014003331 & 2014009041, closed by consent order and payment of \$500 civil penalty

55. Case No.: L14-COS-RBS- 2014023431

(Manager of the shop)

First License Obtained: 03/15/2006

License Expiration: 03/31/2016

Complaint history: 2014009031, closed by consent order and payment of \$250 civil penalty

Respondents are the manager and owner of a nail and skin care shop. Upon inspection on September 10, 2014, inspector saw that no licenses were posted at work stations. When asked for the license, the owner produced 41 active and current licenses. The owner told the inspector that he had been told by a past inspector that keeping all the licenses in a photo album would be easier for inspector and that it would not violate the statute. The inspector informed him this was not true and posted each licensed at a work station right then.

Recommendation: Close both cases with a letter warning advising the respondent of the statute code section that requires that licenses be posted at each individual work station.

Decision: Recommendation approved.

56. Case No.: L14-COS-RBS- 201402347

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Respondent received an agreed citation assessing a civil penalty of \$1000 pursuant to an inspection on September 12, 2014. The respondent has not signed the citation. Complaint alleges that the shop was operating without a valid shop license. There were also individuals practicing that did not have their licensed displayed and employees not wearing nametags.

Recommendation: Authorize for a formal hearing for the violations mentioned above with authority to settle the matter before hand with a consent order to both manager and owner assessing a civil penalty of \$1000 each.

Decision: Recommendation approved.

57. Case No.: L14-COS-RBS- 2014023481

(Cosmetology shop)

First License Obtained: 03/03/1997

License Expiration: 08/31/2014

Complaint history 2014002031, Formal Charges Authorized

58. Case No.: L14-COS-RBS- 2014023491

(Shop owner and manager)

First License Obtained: 03/07/1989

License Expiration: 05/31/2016

Complaint history: None

Respondent who is the owner of the respondent shop received two notices of violation on September 12, 2014. The complaint alleged that the shop license was expired, that the owner's individual license was expired and that there was no inspection sheet displayed. The respondent showed the inspector that she had paid for individual license renewal, this is confirmed in RBS.

Recommendation: There is currently an open complaint for this shop alleging unlicensed activity. Dismiss the individual license violation and combine the violation of the shop licensed with the currently opened complaint. Authorize for a formal hearing with authority to settle the matter before hand with a consent order assessing a civil penalty of \$500 on this violation along with what was previously assessed against the shop in the currently open complaint.

Decision: Recommendation approved.

59. Case No.: L14-COS-RBS- 2014023581

(Cosmetology shop)

First License Obtained: 10/22/1991
License Expiration: 05/31/2016
Complaint history: None

60. Case No.: L14-COS-RBS- 2014023601

(Shop owner and manager)

First License Obtained: 04/28/1978
License Expiration: 02/28/2016
Complaint history: None

Respondent for each complaint is the same individual who is the shop owner and manager. Agreed citation assessing civil penalties of \$1000 each were sent to the respondent. Neither citation has been signed or returned. The complaint alleges that there was no valid shop license, and that the inspection sheet wasn't posted.

Recommendation: Combine the cases and authorize for a formal hearing for the violations mentioned above with authority to settle the matter before hand with a consent order assessing a civil penalty of \$2000.

Decision: Recommendation approved.

61. Case No.: L14-COS-RBS- 2014023701

(Unlicensed individual)

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

62. Case No.: L14-COS-RBS- 2014023661

(Manicurist/skin care shop)

First License Obtained: 12/16/2013
License Expiration: 10/31/2015

Complaint history: 2014007021, closed by consent order and payment of \$750 civil penalty

63. Case No.: L14-COS-RBS- 2014023671

First License Obtained: 12/15/2011

License Expiration: 12/31/2015

Complaint history: 2013024161, closed by an Agreed Order for the voluntary of license surrender and payment of \$200 hearing costs

Pursuant to an Inspection on September 17, 2014 the inspector found an individual giving a pedicure who had not ever received a license. Individual told inspector that she had gone to some school but then had a baby couldn't finish school. There was no manager or owner in the shop. Three notices of violation were issued, one to the individual, one to the shop and one to the owner who are the same person.

Recommendation: Authorize for a formal hearing with authority to settle the matter beforehand with a consent order assessing \$1000 penalties on both licenses and \$1000 to the unlicensed person.

Decision: Recommendation approved.

64. Case No.: L14-COS-RBS- 2014023741

(Manicure shop)

First License Obtained: 07/27/2009

License Expiration: 06/30/2015

Complaint history: 2012022771, closed by consent order and payment of \$750 civil penalty

65. Case No.: L14-COS-RBS- 2014023751

(Manager and co-owner)

First License Obtained: 02/24/2005

License Expiration: 02/28/2017

Complaint history: None

66. Case No.: L14-COS-RBS- 2014023771 (Unlicensed individual)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Two respondents received the three notices of violation on September 17, 2014. The shop owner is also the shop manager. During inspection a women was witnessed giving a pedicure. She ran to the back room after seeing the inspector. Manager stated that she wasn't licensed but was helping out since they were busy.

Recommendation: Authorize for a formal hearing with authority to settle the matter before hand with a consent order assessing \$1000 on the shop license and \$1000 on the manager license and \$1000 against the unlicensed individual.

Decision: Recommendation approved.

67. Case No.: L14-COS-RBS- 2014023931

First License Obtained: 08/01/2000

License Expiration: 10/31/2015

Complaint history: 20050202341, closed by consent order and payment of \$2000, 2006041911, closed by consent order and payment of \$1000; 2007056721, closed by consent order and payment of \$2000, 2007069671, closed by consent order and payment of \$1000; 2008007841, closed by consent order and payment of \$1000; 2009005951, closed by consent order and payment of \$ 1,800; 2012007591, closed by consent order and payment of \$2000

An inspection of the manicure shop took place on September 18, 2014. As the inspector entered the shop they saw that two people were exiting through the rear door. One of the two individuals came back. She was a licensed employee. When asked about the other person, the employee stated that she had been a customer. The owner and other stated that the person who had left did not work at the shop and would not identify her. Complaint also alleges that employees were not wearing nametags.

Recommendation: Authorize for a formal hearing the name tag identification violation with authority to settle the case beforehand with a consent order assessing a civil penalty of \$250.

Decision:

68. Case No.: L14-COS-RBS-2014025731

First License Obtained: 01/24/2005

License Expiration: 01/31/2015

Complaint history: None

This complaint was opened on October 10, 2014. The Respondent was sent an agreed citation. When a signed copy didn't arrive in the mail this complaint was sent to the legal department. Since that time the respondent has signed and returned the agreed citation.

Recommendation: Close this case with the agreed citation.

Decision: Recommendation approved.

Cosmetology/Barber Complainant Cases

1. Case No.: L14-COS-RBS-2014020491

First License Obtained: 04/04/2013

License Expiration: 04/30/2015

Complaint history: None

Complainant alleges unlicensed practice by the respondent. Complainant alleges that respondent is a former employee who used to be a licensed hair stylist at complainant's shop. After the period of employment ended complainant alleges that the respondent began to serve

clients at respondent's residence without a proper shop license. Complainant alleges that there are pages or posts from Facebook that support this allegation as well as a named former client who Complainant alleges would confirm she now has her done at the respondent's home. Respondent alleges that this is not true and that complainant has been harassing her.

If the Respondent is offering or engaging in regulated services in a residence without a valid shop license this is a potential violation of Tenn. Code Ann. §§ 62-4-118. However, the home address of the Respondent is in Kentucky on The Fort Campbell Army Base. The Board's jurisdiction does not reach outside the state nor can the board regulate commercial activity on federal land.

Recommendation: Close this case with a letter to the complainant referring them to the Fort Campbell Provost Marshal's Office. All regulation of unlicensed activity would have to be processed through this office.

Decision: Recommendation approved.

2. Case No.: L14-COS-RBS- 2014019121

First License Obtained: 03/21/1994

License Expiration: 09/01/2015

Complaint history: 2005031431, 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

Complainant alleges that despite having completed these the required 1500 hours and participating in a graduation ceremony, the respondent school is requiring another 96 hours to reach completion. The respondent school has not released the student's (completed) hours to the state which bars the student from scheduling a state test for license. The complainant has submitted a certificate of completion from the respondent school as well as personal records in support of the above stated allegations.

Respondent asserts that complainant has not finished the 1500 hours. It is the policy of the school to allow students to participate in monthly graduation ceremonies even if students have remaining hours to complete. All students, (including the complainant) are verbally instructed to return their certificates after the ceremony until actual completion of 1500 hours. The respondent supplies written testimony from another named student alleging that the complainant told this student they had not completed the 1500 hours by the graduation

ceremony and their intention to keep the certificate to schedule a test for license using the certificate as proof of completion.

Giving a certificate of completion to a student who has not actually finished the required hours needed to schedule the state test for a license is a potential violation of Tenn. Code Ann. §§ 62-4-127 (b)(2) (unprofessional conduct). Whether or not the student has actually completed the required hours and the school's choice to not release these completed hours to the state is a contractual issue between the complainant and the respondent. This board should not seek involvement in matters that are not supported by statute. The complainant may seek relief in civil court if they so choose.

Recommendation: Close this case with a letter of warning to the Respondent school advising that handing out certificates of completion to students who have not completed their hours is unprofessional conduct. Send attached letter with a status update to the complainant with advisement that potential relief should be sought elsewhere.

Decision: Recommendation approved.

**3. Case No.: L14-COS-RBS-2014027021
First License Obtained: 03/18/1994**

License Expiration: 09/01/2015

Complaint history: 200150571, Dismissed; 2002110651, Dismissed; 2006012991, closed with a Letter of Warning; 2007073971, closed with action; 2007085211, Dismissed; 2008006181, Dismissed; 2009025561, closed w/no action; 2012017051, closed w/ no action.

Complainant alleges wrongful termination from Respondent's school of cosmetology. Complainant provides two documents where school wrote up complainant for violating school policy. One instance was for misuse of the time clock, complainant alleges this occurred when complainant forgot to clock out for a lunch break. The second violation was for disruptive or rude conduct, complainant alleges that the instructor wanted the complainant to take a client even though the client would not be finished before the end of complainant's shift. The instructor told complainant to either take the client or clock out. Complainant did neither but instead went to a break room. Complaint alleges that these two misconduct reports are not enough to terminate a student from the program.

The school's written policy notes that disruptive or rude behavior and misuse of time clock are both against school rules. The policy states that students can be placed on probation and/or dismissed for violations. So long as there is no indication of fraud or deception as there is not here, with what rigor or consistency the respondent school wishes to enforce this policy is not delineated by statute and thus a private matter. The issue is contractual between the

complainant and the respondent. The complainant may seek potential relief in civil court if they so choose.

Recommendation: Close the case on the grounds that there is no evidence to show that a violation of a statute or board policy has occurred.

Decision: Recommendation approved.

- 4. Case No.: L14-COS-RBS-2014020141**
First License Obtained: 10/21/2009
License Expiration: 10/31/2015
Complaint history: None

Complainant alleges that complainant received a pedicure from Respondent's Manicure and Skin shop that resulted in a recurring infection, a cyst, and a bone spur ultimately ending in surgery that stem from a cut to the toe by a nail tech at Respondent's shop during the pedicure. Complaint states that after the cut was made the nail technician put the complainant's feet back in the wash basin and that this is where the infection was born. Complainant has offered medical bills, pictures of the toe after surgery, insurance claims for medical care, and a bank statement showing a purchase from the Respondent's shop on the day the alleged infection was contracted. Complainant states that the manager originally said that the Respondent's insurance could help cover medical bills. The Complainant addresses the time lapse between the cut and seeking medical attention saying there was an assumption that the cut would heal but when it did not after a month, Complainant sought medical attention. Complainant alleges that there were many rounds of antibiotics and steroids prescribed before doctors diagnosed the need for surgery.

Respondent alleges that the complainant never brought the cut on the toe to the manager's attention at the time it happened. Noting that the medical records show the Complainant waited a month before seeking medical attention and that the allegedly resulting surgery was almost two years after the original pedicure from the respondent; the Respondent asserts that the complainant could have had many other pedicures in that time or received an infection in another way. Additionally, the respondent alleges that they offered a cash refund for the pedicure, and for gift cards that the complainant would no longer be using at the shop. The Respondent lastly states that if water from their shop caused an infection, other customers would have had the same experience as the Complainant. To date, no other complaint of infection from this shop has arisen.

Rules of Tenn. State Board of Cosmetology § § 0440- 2-12 prohibits a patron with a definite open sore to be treated in a shop or school unless the patron has a physician's note clearing them of contagious disease. Additionally the Rules also state in § § 0440-2-13(3) that all manicurists must maintain a supply of antiseptic spray to be used in the event that a patron's

skin breaks open during service. While the Complainant does offer significant evidence as to the extent of the injury, concrete evidence showing the injury happened when a cut was made at the Respondent's shop relies on complainant's testimony alone. Whether or not the Respondent is liable for medical costs incurred by the complainant is a private matter between the Respondent and the Complainant.

Recommendation: Send an inspector to the shop to observe the sanitary practices of the shop. If there is no issue with sanitation practices close this case with a letter of warning to the respondent noting the above two sanitary rules of the board. Update the Complainant of the status of this complaint and advise that potential relief should be sought in civil court.

Decision: Recommendation approved.

5. Case NO. L14 - RBS – COS- 2014021341

First License Obtained: 03/07/2012

License Expiration: 03/31/2016

Complaint history: None

First License Obtained: 05/20/2014

License Expiration: 03/31/2016

Complaint history: None

Complaint was sent in anonymously alleging that Respondent was running a Cosmetology shop outside of the Respondent's residence without a license to do such. Complaint alleges that dogs live in her residence, that there is no posted sign that the Residence is a Cosmetology shop.

Respondent homeowner contacted counsel giving the name of the licensed cosmetologist that lives in the Respondent's home. Respondent claims that there is no business being run out of the home. The Cosmetologist occasionally renders services on friends for no fee. The only money that is exchanged is for the products used, not for profit or livelihood. Respondent also alleges that the complaint is from a neighbor who has tried contacted police on several occasions regarding dogs barking and parking in the street.

The conflict between Respondent and alleged complainant seems personal in nature. If, as the Respondent alleges, that services rendered are on friends and not for profit, this activity is not regulated by this board. Since the complainant is not willing to identify themselves or testify in this case there is very little to substantiate the allegation that a shop is being run without a license.

Recommendation: Dismiss the complaint for insufficient evidence.

Decision: Recommendation approved.

- 6. Case No.: L14-COS-RBS- 2014022191**
First License Obtained: 07/27/2005
License Expiration: 05/31/2015
Complaint history: 2012003751, closed with consent order and payment of \$500 civil penalty

Complaint was sent in by a consumer. Complainant alleges that while at the shop receiving a pedicure that the respondent witnessed multiple sanitary code violations. These included employees not washing hands, tools not being sanitized between customers, and foot baths not being washed between customers.

In response the Respondent shop owner's translator/friend contacted counsel to refute these allegations. Respondent contends that there is no sanitation issue at the shop but that customers do not see where sanitation practices occur. All tools are scrubbed clean in a back room and soaked in sanitation solution in the front of the store. This back room also has a sink where employees wash hands since the front sink is used primarily for customers. The three employees that were working the day of the Respondent's pedicure have all told the shop owner that there were no issues with sanitation practices that day.

There is no specific code to address how often employees should wash hands. The Complainant does not offer any specific employee name that violated a sanitation code section. Tools are allowed to be reused on different customers so long as they are properly sanitized. The response alleges that all these codes have been followed.

Recommendation: Close the case with a letter of warning advising the Shop of the sanitation code.

Decision: Recommendation approved.

- 7. Case No.: L14-COS-RBS- 2014022211**
First License Obtained: 10/30/2006
License Expiration: 10/31/2016
Complaint history: 200802360, closed by consent order and payment of \$1,000 civil penalty; 2014009011, closed by consent order and payment of \$750 civil penalty

Complainant is consumer who received a pedicure at Respondent's manicure shop. Complaint alleges that no employee in the shop was using the proper UV sanitation on tools in between customers. The complaint also alleges that the service from the person providing the respondent's pedicure was so inept that the person must have been unlicensed. The Complainant however does not provide a name for the individual.

Respondent sends a license who they allege is owned by the individual who received a pedicure. Respondent also alleges that all sanitation rules are practiced.

There is insufficient evidence to prove that unlicensed activity took place or to prove a sanitation violation. However the shop license does have a complaint history of two sanitation violations.

Recommendation: Close the case with a letter of warning advising the Respondent of the Sanitation Code and the unlicensed activity statute section. Send an inspector within 30 days to ensure all rules and regulations are being enforced.

Decision: Recommendation approved.

8. Case No.: L14-COS-RBS- 2014022221
First License Obtained: 05/04/2001
License Expiration: 04/30/2015
Complaint history: None

A complaint was sent in by a consumer on September 4, 2014. Consumer identifies themselves as also licensed manicurist. Complaint alleges that while have their nails done, the manicurist used tools improperly resulting in four bleeding cuticles. After the Complainant's cuticles where bleeding, she asked to have antiseptic applied to the nails and the respondent allegedly refused and instead super-glued the cuts together. Complainant alleges that this has caused infection on those fingers that Complainant has been treating topically. Lastly, Complainant alleges that the shop over charged for the service requested by \$10 compared to the advertised price in the shop. Complainant offers pictures of nails with swollen cuticles taken after the manicure in support of these allegations. The service was paid for in cash.

To this date the respondent has not sent a response to counsel concerning the complaint. Respondent was mailed a copy of the complaint on September 10, 2014.

Recommendation: Send an inspector to the shop within 30 days to observe manicuring practices and to verify the address. Authorize for a formal hearing for violation of the sanitary code violation requiring an application of antiseptic spray to cuts. Give authority to settle the matter beforehand with a consent order assessing a civil penalty of \$250.

Decision: Recommendation approved.

9. Case No.: L14-COS-RBS- 2014022231

First License Obtained: 04/26/2011

License Expiration: 03/31/2015

Complaint history: None

Complaint was filed by a consumer against the Respondent who is a licensed aesthetician. Complaint alleges that the morning after an eyebrow wax the Complainant began to swell over one of the eyes. The following day when swelling got worse complainant went to Baptist Minor Medical and was diagnosed with a staph infection. Complainant was prescribed antibiotics. Complainant went back to respondent shop to get the name of the person who waxed her eyebrows.

Response to the complaint respondent identified themselves as the person who waxed the complainant's eyebrows. The respondent alleged that when the complainant came to the shop the complainant had no documents to prove she had seen a doctor. Further, the respondent pointed out a bump on the swollen eyebrow that she believed to be a pimple or cyst that caused the staff infection.

While the staph infection may have in fact been caused by services at the shop, the complainant offers no allegation of a sanitary code violation. The complainant should seek damages in civil court if they so choose.

Recommendation: Close with a letter of warning advising the shop of the sanitary code. Send an inspector to the shop within 30 days to determine if there are unsanitary practices concerning the waxing practice.

Decision: Recommendation approved.

10. Case No.: L14-COS-RBS- 2014022961

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Complainant identifies themselves as an aesthetics student at Miller-Motte Technical College in Chattanooga, TN. Complainant wished to remain anonymous contending that the Respondent has a history of erratic and at times violent behavior. Complaint alleges that that Respondent is running beauty shop and offering regulated services for profit without having finished a school program and becoming appropriately licensed. Complaint alleges that the Respondent regularly

advertises the business at school and through the Respondent's Facebook page. The complainant offers documents showing Facebook advertisements and a business card of the Respondent's business in support of these allegations.

Respondent letter was sent to the Respondent's address but it was never claimed. Currently the Respondent is not licensed. There is an active Facebook page advertising products and services including lash extension, facials, and make up designs. It is not clear from the page if there is another licensed person who works at this shop or if the Respondent is the person offering these services.

Recommendation: Send a Cease and Desist letter to the Respondent's alleged business address concerning unlicensed activity. Send an inspector within 30 days to this address to determine if there is in fact a business being run by an unlicensed individual.

Decision: Recommendation approved.

11. Case No.: L14-BAR-RBS-2014017301

First License Obtained: 07/17/1972

License Expiration: 08/31/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed master/instructor and also owner of a licensed barber school, committed misconduct by failing to allow a supposedly former student to take her personal belongings and tools back from his school and that all her calls were being ignored in potential violation of Tenn. Code Ann. § 62-3-121(6).

The Respondent submitted a written response stating that the Complainant was accepted at his school, but has never officially enrolled at the school because she did not return in a completed contract to the school. There were communications between the Complainant and other school staff to bring in her contract and to finish her paperwork and also to look for any alleged missing tools. The Respondent denies any wrong doing or liability. There was no response from the complainant after the respondent sent a response.

Although the complaint fails to provide sufficient evidence to prove a violation of the Barber laws or rules, it appears that the Respondent should not allowed the Complainant on his school premises without a signed enrollment agreement pursuant to the Board's rule 0200-1-.01(4)(b).

Recommendation: Close the case with a Letter of Instruction advising the Respondent of the student enrollment requirements and to open clear communications with students to avoid any further conflicts or misunderstanding.

Decision: Recommendation approved.

12. Case No.: L14-BAR-RBS-2014021331

First License Obtained: 04/22/2013

License Expiration: 03/31/2015

Complaint history: None

A consumer complaint was been filed against the Respondent, a licensed barber shop on March 3, 2014. The complaint alleges that a barber stylist at the Respondent's shop cut the Complainant's ears and neck three separate times during a hair service he received at such shop. The third cut which was to his ear he describes as painful and continued to bleed long after he left the shop. When he asked the barber why he had been cut three times, the barber made an insensitive comment about bloodletting. The Complainant states that he is seeking a personal injury complaint. Complainant suspects that the level of incompetence displayed could have only come from an unlicensed individual. The Complainant provided photographs showing bleeds and cuts in his neck and ears. However, there is no concrete proof that those cuts and/or bleeds resulted from the hair service received at the Respondent shop. The Respondent was served with a copy of the complaint via certified mail, but no response has been received as of this date of this report. There is no statute that allows the Board to recover damages on behalf of a consumer. The Complainant may seek potential relief in civil court if they so choose.

Recommendation: Send an inspector to this shop within 30 days to check for unlicensed activity. Close the case with a warning letter to the Shop citing unprofessional conduct.

Decision: Recommendation approved.

13. Case No.: L14-COS-RBS-2014020701

Complainant alleges that the respondent cuts hair for money in their home. Complainant offers a specific pricing scheme allegedly used by respondent. No further proof is supplied. The respondent was notified of this and has not replied to this complaint.

Recommendation: Close the case with a warning letter to the respondent advising them against unlicensed activity.

Decision: Recommendation approved.

BARBER CASES

1. Case No.: L14-BAR-RBS-2014017711

First License Obtained: 07/26/2005

License Expiration: 07/31/2007

Complaint history: None

A Notice of Violation issued on July 17, 2014 alleges that the Respondent, formerly licensed, did not have a valid master barber license to perform barbering services to the public. Complaint offers no testimony to whether the Barber is engaged in barbering services

Recommendation: Close the case with a letter of warning advising the respondent against unlicensed activity. Send an inspector within 30 days to ensure compliance.

Decision: Recommendation approved.

2. Case No.: L14-BAR -RBS- 2014020521

(Barber shop)

First License Obtained: 05/29/1987

License Expiration: 09/30/2016

Complaint history: None

3. Case No.: L14-BAR-RBS-2014020541

(Owner of the shop)

First License Obtained: 02/06/1980

License Expiration: 06/30/2016

Complaint history: None

4. Case No.: L14-BAR-RBS-2014020531

(Unlicensed Barber)

First License Obtained: 09/14/2011

License Expiration: 09/30/2015

Complaint history: None

Three notices of violation were presented to all three Respondents on August 20, 2014. The notice alleges that a person was practicing without a valid license. There was not any allegation that the person with the expired license was practicing any service. The notice also alleges unsanitary conditions in the shop.

Recommendation: Authorize for a formal hearing for the unsanitary violation with authority to settle the matter beforehand with a consent order assessing a civil penalty of \$250 to the shop license and the owner of the shop. Close the case against the individual.

Decision: Recommendation approved.

5. Case No.: L14-BAR-RBS-2014017591

(Barber shop)

First License Obtained: 10/14/2008

License Expiration: 09/30/2016

Complaint history: None

6. Case No.: L14-BAR-RBS-2014017601

(Shop owner and master Barber)

First License Obtained: 11/02/1978

License Expiration: 06/30/2015

Complaint history: None

Notices of Violation issued on July 23, 2014 to the above-referenced Respondents shop and its owner allege that the Respondent's shop owner was practicing barbering without possessing a valid license in violation of Tenn. Code Ann. § 62-3-107. Board office records indicate that the Respondent's master barber license was renewed on August 14, 2014.

Recommendation: Combine the cases since the respondent is the same person. Authorize for a formal hearing for the violation of unlicensed activity as an individual and as a shop owner with authority to settle the case before hand with a consent order assessing civil penalties of \$500 on each license.

Decision: Recommendation approved.

7. Case No.: L14-BAR-RBS-2014018191

(Barber Shop)

First License Obtained: 03/08/2012

License Expiration: 02/28/2016

Complaint history: None

8. Case No.: L14-BAR-RBS-2014018181

(Shop manager and master barber)

First License Obtained: 04/19/2000

License Expiration: 04/30/2014

Complaint history: None

Notices of Violation issued on July 30, 2014 to the above-referenced Respondents shop and its manager alleging that the shop's manager was practicing barbering on clients without possessing a valid master barber license whereas his license was expired as of April 30, 2014. Board office records indicate that the license in question remains expired as of this date of this report. However, the inspector who issued the Notices is no longer working for the department and may not be available to testify as a witness at a formal hearing.

Recommendation: Authorize for a formal hearing for the unlicensed activity with authority to settle the matter before hand with a consent order assessing civil penalties of \$500 on each license along with a cease and desist letter to the shop that no regulated services may be practiced by unlicensed individuals.

Decision: Recommendation approved.

9. Case No.: L14-BAR-RBS-2014019141

First License Obtained: 11/06/2012

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on August 8, 2014 alleges that the Respondent a licensed barber shop, was open for business without having a manager present. The inspector states that no customers were present at the time of the inspections. Board office records indicated that the shop has been now closed for business as of September 30, 2014. Additionally, the inspector who issued the Notice is no longer working for the department and may not be available to testify as a witness at a formal hearing.

Recommendation: Close the case and flag the Respondent's license for further activity in the event that the Respondent attempts to obtain a license.

Decision: Recommendation approved.

10. Case No.: L14-BAR-RBS-2014019421

(Owner of the shop)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

11. Case No.: L14-BAR-RBS-2014019441

(Unlicensed Barber)

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Notices of Violation issued on August 8, 2014 to the above-referenced Respondents allege that an unlicensed individual was cutting a client's hair in an unlicensed shop.

Recommendation: Authorize for a formal hearing against each respondent for the unlicensed activity. Allow authority to settle the matter beforehand with a consent order sent to each respondent assessing a civil penalty of \$1000 each.

Decision: Recommendation approved.

12. Case No.: L14-BAR-RBS-2014020361

First License Obtained: 11/13/1995

License Expiration: 05/31/2016

Complaint history: None

13. Case No.: L14-BAR-RBS-2014020391

First License Obtained: 06/19/1991

License Expiration: 04/30/2016

Complaint history: None

Notices of Violation issued on August 14, 2014 to the above-referenced Respondent's shop and its owner/manager allege that there was no valid license displayed. However, Board records indicate that both of the shop and owner's licenses were valid at the time of the inspection. Further, the inspector provided photographs that were meant to support allegations of unsanitary conditions but show what appears to be a license posted on the wall. The Notices did not provide sufficiently detailed information as to which license was not displayed. The complaints allege that the shop was in a very unsanitary condition, including unclean shampoo bowl, uncovered trash containers, exposed surfaces not kept clean, unclean floors, and unclean work station and bar back.

Recommendation: Authorize for a formal hearing for each respondent for not the unsanitary conditions. Allow authority to settle the matters before hand with a consent order to each respondent assessing \$250 for unsanitary conditions on each licensed. Send a warning letter to the shop advising them that even when licenses are valid, all must be posted.

Decision: Recommendation approved.

15. Case No.: L14-BAR-RBS-2014021101

(Barber Shop)

First License Obtained: 04/02/2012

License Expiration: 03/31/2016

Complaint history: None

16. Case No.: L14-BAR-RBS-2014021121

(Owner and manager of the shop)

First License Obtained: 04/20/2007

License Expiration: 04/30/2015

Complaint history: None

Notices of Violations issued on August 26, 2014 to the above-referenced Respondents shop and its owner/manager allege that, during the shop's inspection, the area inspector found that the shop's license was expired. The Respondents were sent an agreed citation assessing a \$1,000 civil penalty on each. Respondents have not signed the citations, but submitted a written statement that the situation has been resolved and the shop license has been now renewed and requesting a waiver of the civil penalty. Board office records indicate that the shop license' renewal fee was paid on August 28, 2014 and license was renewed September 1, 2014.

Recommendation: Per the board's policy, close this case with a letter of warning since both licenses were renewed within two days of the citation by the respondents.

Decision: Recommendation approved.

17. Case NO.: L14-BAR-RBS- 2015002911

(Barber shop)

First License Obtained: 12/13/2002

License Expiration: 11/30/2016

Complaint history: 2013003241, Formal Charges Authorized

18. Case NO.: L14-BAR-RBS- 2015002951

(Shop manager)

First License Obtained: 08/01/1996

License Expiration: 07/31/2016

Complaint history: None

19. Case NO.: L14-BAR-RBS- 2015002941

(Shop owner)

First License Obtained: 07/11/1996

License Expiration: 07/31/2016

Complaint history: None

Respondents are the owner and manager of a barber shop. All three licenses were cited on January 26, 2015 for having an expired shop license and for one of the owner/manager's individual licenses being suspended. The complaint offers no testimony to suggest that the individual with the suspended license was working at the time of the inspection.

Recommendation: Authorize for a formal hearing against each license for the violation of opening the business on an expired shop licensed. Allow authority to settle the matter before hand with a consent order assessing a penalty of \$500 to each manager or owner and \$750 to the shop license.

Decision: Recommendation approved.

20. Case No.: L14-BAR-RBS-2014021381

(Barber shop)

First License Obtained: 03/09/1981

License Expiration: 04/30/2013

Complaint history: None

21. Case No.: L14-BAR-RBS-2014021401

(Shop owner and manager)

First License Obtained: 08/13/1965

License Expiration: 01/31/2016

Complaint history: None

Notices of Violations issued on August 26, 2014 to the above-referenced Respondent's shop and its owner/manager allege that, during the shop's inspection, the area inspector found that the shop's and the owner/manager's licenses were expired. The inspector states that exposed

surfaces were not kept clean, there was an unclean floor, and that tools were improperly stored. The Respondents were sent an agreed citation assessing a \$1,000 civil penalty on each.

The owner of the Respondent's shop has not signed the citations, but submitted a written statement stating he has been a master barber for almost 50 years and has never had a citation or a notice of violation and always has high inspection scores. The Respondent further states that he has been dealing with family and medical issues where his wife passed away in 2012 due to medical issues and he also had a head injury and brain bleeding and all of these issues have attributed to a decline in his business for the past several years and resulted a loss of income and financial strain. Additionally, the Respondent states that he renewed both of his shop and personal licenses online.

Board office records indicate that the Respondent's master barber license was renewed on September 30, 2014, and that the Respondent's shop license remains expired due to that the Respondent still owe approximately \$275 in renewal late fees.

Recommendation: Send a cease and desist letter to the respondent that they should not continue practicing until all licenses are renewed. Given the respondent's long career with no history, lower the penalties to \$250 on each license.

Decision: Recommendation approved.

22. Case No.: L14-BAR-RBS-2014022841

First License Obtained: 04/06/2010

License Expiration: 03/31/2016

Complaint history: 2013023381, closed by an Agreed Order and payment of \$250 civil penalty plus \$200 in administrative costs

This complaint arose a result of follow-up shop inspection relative to a previous matter which has been now resolved. As a result, a new notice of violation was issued on September 10, 2014 for operating the shop with an expired license. During the inspection the owner of the shop produced a money order receipt showing a payment for the shop's license renewal. It appears that the Respondent was assessed a \$25.00 late penalty for renewal, and immediately upon being notified, the Respondent made such payment. The shop license was renewed on the next day, September 11, 2014. The Respondent is now compliant with the Board's laws.

Recommendation: Close this case with a letter of warning since the license was renewed within 24 hours.

Decision: Recommendation approved.

23. Case No.: L14-BAR-RBS-2014023021

(Barber shop)

First License Obtained: 04/29/2003

License Expiration: 07/31/2013

Complaint history: None

24. Case No.: L14-BAR-RBS-2014023031

(Shop owner and manager)

First License Obtained: 03/21/2003

License Expiration: 03/31/2015

Complaint history: None

Notices of Violations issued on September 10, 2014 to the above-referenced Respondent's shop and its owner/manager allege that during the shop's inspection, the inspector found that the shop's license was expired.

Recommendation: Authorize for a formal hearing with authority to settle the matter beforehand with a consent order assessing a civil penalty of \$500 to the shop license.

Decision: Recommendation approved.

25. Case No.: L14-BAR-RBS-2014023031

First License Obtained: 09/13/2000

License Expiration: 09/30/2016

Complaint history: None

Respondent received an agreed citation assessing a civil penalty of \$2000 for unlicensed activity. Respondent has written counsel and claims that on the day of inspection they had not yet opened their new shop for business. They had been there interviewing possible employees and doing cosmetic work to the building. They allege that they gave one haircut for a friend. Since this complaint was opened they have attempted to apply for a shop license but their application has been placed on hold because of this complaint.

Recommendation: Given the Respondent's history of no complaints and the response which indicates that the shop was not yet open to the public reduce the penalties to \$250 on the individual license. Allow the application for a shop license to be processed.

Decision: Recommendation approved.

The meeting adjourned at 9:00 AM.

MOTION made by Nina Coopinger and seconded by Kelly Barger for approval of the Legal Report as amended. Motion carried unanimously.

Amended Rules from Rule Making Hearing:

Chief Counsel for Regulatory Boards, Anthony Glandorf presented the edited version of the rules from the January 5, 2015 public rule making hearing. The board received paper copies of all the rules for the Cosmetology and the Barber changes. After review, Ms. Coppinger suggested that the board have time to review the changes and make sure nothing was missed or incorrect. Mr. Glandorf explained the need to get the rules to the next stage but agreed to delay the roll call and motion to approve the rules until the March meeting. Board members are to submit all changes and questions to the Executive Director before the meeting to expedite the process.

MOTION made by Diane Teffeteller and seconded by Judy McAllister to take home the package and not approve them until the March 2nd Board meeting.

Cosmetology Consent Orders - December and January- Totaling \$45,500.00

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

Agreed Citations – Paid in October \$3,500.00

MOTION made by Patricia Richmond and seconded by Diane Teffeteller for approval Agreed Citations paid as amended and close the complaints. Motion carried unanimously.

Agreed Citations – Letters of warning

The following 23 case numbers were sent letters of warnings as part of the agreed citation process:

201402805
201402806
201403108
201403133
201403134
201403135
201403217
201500097

201500098
201500104
201500105
201500106
201500132
201500133
201500134
201500154
201500158
201500254
201500255
201500256
201500274
201500275
201500276

MOTION made by Kelly Barger and seconded by Patricia Richmond for approval of the letters and to close the complaints Motion carried unanimously.

NEW BUSINESS

Agreed Citation Revised Schedule:

During the August 2014 board meeting the board office and legal introduced and the board approved an agreed citation process. The board office and Legal have gone back and reviewed the categories, the penalty fees, the number of cases still moving to legal and have revised the schedule to better meet the needs of the shops, the licensees, and to deter the behavior of non-compliance. Guidelines for the revised schedule were provided for review.

MOTION made by Patricia Richmond and seconded by Diane Teffeteller to approve implementation of the revised agreed citation schedule. Motion carried unanimously.

PSI Added Foreign Language:

The projected date to add Spanish and Vietnamese to the cosmetology, aesthetics and manicuring exams is still March 2015. The board office will send an email blast when this goes live. Everyone is encouraged to sign up to receive these notifications.

Creation of new rule making committee:

The board discussed the need for the creation of a new committee to continue to work on the rules and look at the licensing fees. After careful consideration, the board elected Kelly Barger to be chairman, and Mona Sappenfield, Frank Gambuzza, Patricia Richmond, and Anita Allen also volunteered to be on the committee.

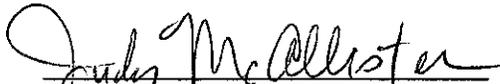
Additional Questions:

Motion to adjourn

MOTION to adjourn made by Patricia Richmond and seconded by Diane Teffeteller. Motion carried unanimously.

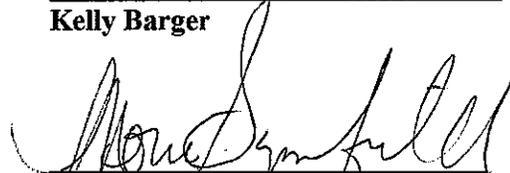

Dianne Teffeteller

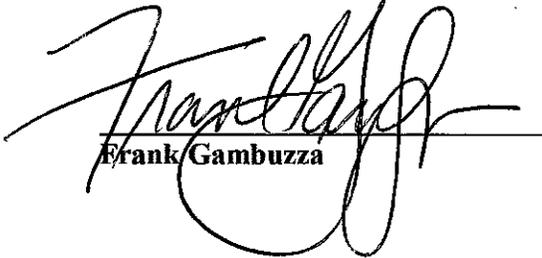

Nina Coppinger

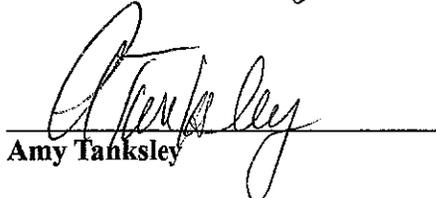

Judy McAllister

Kelly Barger

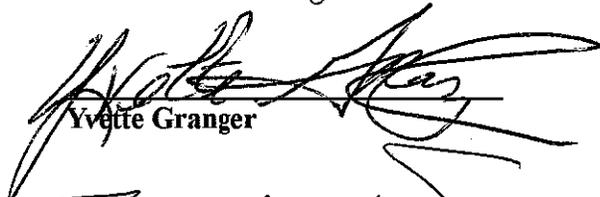

Patricia J. Richmond


Mona Sappenfield


Frank Gambuzza


Amy Tanksley

Anita Allen


Yvette Granger


Ron R. Gillihan


Bobby N. Finger