



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
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LEGAL SECTION COMPLAINT STATUS REPORT MEMO

FILE TITLE: PYRAMID BEAUTY SCHOOL
FILE NUMBER: L15-BAR-RBS-2015012111
ATTORNEY: LAURA MARTIN

1. NEW MATTER RECEIVED IN LEGAL DATE: 06/11/2015

Comments _____

2. MATTER SENT TO INVESTIGATIONS: DATE:

Comments _____

3. INVESTIGATIVE REPORT RECEIVED FROM INVESTIGATIONS

DATE:

Comments _____

4. MATTER PRESENTED TO BOARD: DATE:

Comments _____

5. FINAL ACTION BY BOARD: DATE: 9/30/2015

Close- Respondent signed a Consent Order for the voluntary revocation of cosmetology school license # 77 and barber school license # 31.



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LEGAL SECTION COMPLAINT STATUS REPORT MEMO

FILE TITLE: PYRAMID BEAUTY SCHOOL
FILE NUMBER: L15-COS-RBS-2015012101
ATTORNEY: LAURA MARTIN

1. NEW MATTER RECEIVED IN LEGAL DATE: 06/11/2015
Comments _____

2. MATTER SENT TO INVESTIGATIONS: DATE:
Comments _____

3. INVESTIGATIVE REPORT RECEIVED FROM INVESTIGATIONS
DATE:
Comments _____

4. MATTER PRESENTED TO BOARD: DATE:
Comments _____

5. FINAL ACTION BY BOARD: DATE: 9/30/2015

Close- Respondent signed a Consent Order for the voluntary revocation of cosmetology school license # 77 and barber school license # 31.



**STATE OF TENNESSEE
BEFORE THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS**

IN THE MATTER OF :)	
)	
PYRAMID BEAUTY SCHOOL)	
(Licenses #77 and # 31))	Case No. L14-BAR-RBS-2015012111 and
)	2015012101
1292 MADISON AVENUE)	
MEMPHIS, TENNESSEE 38104)	

CONSENT ORDER

PYRAMID BEAUTY SCHOOL (hereinafter "Respondent") voluntarily enters into this Consent Order to avoid formal charges and a contested case proceeding with respect to the matters described herein.

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Tennessee State Board of Cosmetology and Barber Examiners (hereinafter "Board") acceptance and has no force and effect until such acceptance is evidenced by the entry of the Board.

2. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board from further participation or resolution of these proceedings.

3. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or actions herein addressed.

4. Respondent fully understands that this Consent Order will in no way preclude proceedings by state government representatives, other than the Board for violations of the Tennessee Board of Cosmetology and Barber Examiners or the Board's Administrative Rules addressed specifically in this Consent Order, against the Respondent for violations of law under statutes, rules, or regulations of the State of Tennessee, which may arise out of the facts, acts, or omissions contained in the Findings of Fact and Conclusions of Law stated herein, or which may arise as a result of the execution of this Consent Order by the Respondents.

5. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Board.

AUTHORITY AND JURISDICTION

TENN. CODE ANN. § 62-3-101, *et seq.*, and TENN. COMP. R. AND REGS. 0200—1—.18 [CIVIL PENALTIES] and TENN. COMP. R. AND REGS. 0780—5—11—.01 [INVESTIGATORY AND HEARING COSTS], authorize the Board to take disciplinary action, including the assessment of civil penalties and costs, against any person licensed or required to be licensed pursuant to TENN. CODE ANN. § 62-3-101, *et seq.*, as consequences of any violation of the Tennessee Barber Laws and/or any rules promulgated thereunder.

PARTIES

1. The Board is the lawful agent through which TENN. CODE ANN. § 62-3-101, *et seq.* and the rules promulgated thereunder are administered and is authorized to bring this action.

2. Respondent held a barber school license # 31 and cosmetology school license # 77 issued by the Board, at all times relevant to the proceedings of this matter.

FINDINGS OF FACT

- 1) On April 10, 2015, the Respondent submitted a monthly hour report for March 2015 student hours. The reports were faxed. Both cosmetology and barber hours were faxed together for a total of six pages.
- 2) The instructors listed on the above report included two master barber instructors and two cosmetology instructors. A total of 20 full time and 40 part time students were listed. At least 52 students are for cosmetology disciplines, a majority of them were manicuring students.
- 3) Manicuring is a cosmetology discipline and not a discipline licensed, conducted, or taught by master barbers.
- 4) In 2014, a previous complaint was opened against Respondent specifically regarding Respondent's failure to accurately and ethically maintain, report, and credit hours to students. This complaint resulted in the cosmetology school license #77 being suspended for approximately one month. The Board reinstated the license with the stipulation that going forward, all monthly hour reports sent to the Board office would be without error.
- 5) .The March 2015 hours faxed on April 10, 2015 indicated master barber instructors taught manicuring students along with cosmetology instructors when in fact master barber instructors cannot teach the cosmetology disciplines. When questioned, the school owner sent a new report that included manicuring instructor Be Nguyen. The respondent says this

instructor has taught at her school for a long time. Be Nguyen has never previously appeared on any report faxed to the office from this school.

- 6) Additionally, on March 31, 2015 the Board office received a complaint from Mr. Romone St. Clair, a previous student of Pyramid Beauty School.
- 7) Mr. St. Clair is a United States military veteran whose tuition at Respondent's school was, at least in part, paid for by the United States Veteran Administration as an entitlement to Mr. St. Clair for military service under the Montgomery G.I. Bill
- 8) Mr. St. Clair complained that the hours and attendance information kept by the Respondent was incorrect.
- 9) As a result of these errors, Mr. St. Clair was required to dispute his attendance records with the Veterans Administration. The mistakes in the records of his attendance and hours caused the VA to attempt to garnish his income. He was able to successfully dispute the records and stop the garnishment. The final result was that while he did owe the VA some money, it was drastically different than the amount they originally pursued, because of the incorrect record keeping of the Respondent.
- 10) From on or about 2013 to 2014, Mr. St. Clair witnessed Respondent state that they would not report hours attended by students if students disagreed with Respondent regarding classes, duties and payment of tuition.
- 11) From on or about 2013 to 2014, Respondent, offered to get Mr. St. Clair additional funds from federal aid when he had no interest or need for the money. In the presence of Mr. St. Clair, Respondent made the same offer to other veterans and witnessed some take out money without understanding the implications or needing the money for school purposes.

Respondent told some veterans that if they did not sign up for the aid, they would not be able to continue attending the school

12) The school owner from on or about 2013 to 2014, while he was attending Respondent's school, Mr. St. Clair witnessed a gun pulled out on the school floor when customers were present. Respondent instructed students not to discuss this issue with anyone outside the school.

13) From on or about 2013 to 2014, while he was attending Respondent's school, Mr. St. Clair witnessed Respondent intentionally attempting to circumvent the Fire Marshall's code and/or inspections.

CONCLUSIONS OF LAW

1) Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Code Ann. § 62-3-127 which states as follows:

It is unlawful for any person, firm or corporation to own, operate or conduct a barber school or college of barbering without a certificate of registration issued by the board and paying the fee required for registration as provided in this chapter."

2) 1) Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Code Ann. § 62-3-121 (6-7) which states as follows:

"The board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one (1) or combination of the following causes: ... (6) Immoral or unprofessional conduct;"(7) A violation of this chapter or any rules adopted under this chapter."

3) Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Comp. R. And Regs. 0200-1-.02(4)(d) which states as follows:

"Every barber school shall: (d) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly

reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the board will be issued for violation of this rule."

- 4) Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Code Ann. § 62-4-127(b)(9-10) which states as follows:

"(b) The board may suspend, revoke or refuse to issue or renew any license under this chapter for any of the following causes: ... (9) A violation of this chapter or of any rules duly promulgated under this chapter; or (10) Failure to comply with a lawful order of the board."

- 5) Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Comp. R. And Regs. 0440-1-.05 (4) which states as follows:

"Every school of cosmetology shall:; (4) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule."

- 6) Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Code Ann. § 62-4-120(d)(1)(A-B) which states as follows:

(d)(1) A person, firm or corporation shall be eligible to receive a license or renewal of a license to operate a school only if the school employs at least: (A) One (1) licensed instructor, where the enrollment is twenty (20) students or less; (B) Two (2) licensed instructors, or one (1) licensed instructor and one (1) junior instructor who has not been employed as a junior instructor for more than three (3) years, where the enrollment is greater than twenty (20) but no greater than forty (40) students; and

- 7) The above-described acts in violation of applicable law independently and/or collectively constitute grounds for the revocation of, suspension of or refusal to renew any Board-issued license that the Respondent currently holds pursuant to TENN. CODE ANN. § 62-3-121, as well as grounds for the imposition of civil penalties and costs upon the Respondent pursuant

to TENN. COMP. R AND REGS. 0200—1—.18 [CIVIL PENALTIES] and TENN. COMP. R AND REGS. 0780—5—11.—01 [INVESTIGATORY AND HEARING COSTS].

ORDER

NOW, THEREFORE, on the basis of the foregoing, and Respondent’s waiver of the right to a hearing and appeal under the Act and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 to 4-5-404 (2011), and Respondent’s admission of jurisdiction of the Board, the Board finds that Respondent, for the purpose of settling this matter, admits the Findings of Fact and Conclusions of Law, agrees to the entry of this Order and agrees that this Order is in the public interest, necessary for the protection of the public and consistent with the purposes fairly intended by the policy and provisions of the Board of Cosmetology and Barber Examiners and the rules promulgated thereunder.

IT IS ORDERED, pursuant to TENN. CODE ANN. § 62-3-121 *et seq.* and TENN. COMP. R AND REGS. 0200—1—.18 of the Board’s Administrative rules that Respondent Pyramid Barber School:

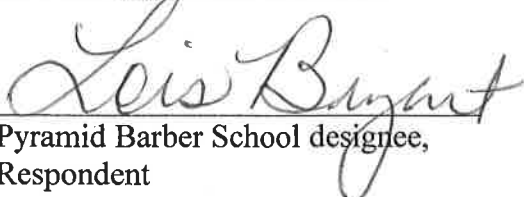
1. Consent to the **REVOCATION** of school licenses number 31 and Number 77.
2. In addition, it is further **ORDERED** that all persons in any way assisting, aiding, or helping Respondent, Pyramid Barber School, in any of the aforementioned violations of TENN. CODE ANN. § 62-3-121 *et seq.* or the Rules, shall **CEASE AND DESIST** from all such activities in violation of TENN. CODE ANN. § 62-3-121 *et seq.* or the rules.
3. **IT IS ORDERED** that this Consent Order represents the complete and final resolution of, and discharge with respect to all administrative and civil, claims, demands, actions and causes of action by the Board against Respondent for violations of TENN. CODE ANN. § 62-

3-121 *et seq.* alleged by the Board to have occurred with respect to the actions involving Respondent, Pyramid Barber School, and the facts contained herein.

4. This Consent Order is in the public interest and in the best interests of the parties, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By the signatures affixed below, Respondent, Pyramid Barber School, affirmatively states that Respondent has freely agreed to the entry of this Consent Order, that Respondent waives the right to a hearing on the matters underlying this Consent Order and to a review of the Findings of Fact and Conclusions of Law contained herein, and that no threats or promises of any kind have been made to Respondent by the Board, or any agent or representative thereof. The parties, by signing this Consent Order, affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement as set forth in this Consent Order, are binding upon them.

ENTERED this 18 day of Sept, 2015.

APPROVED FOR ENTRY:


Pyramid Barber School designee,
Respondent

9/18/2015
Date

Respectfully Submitted,

Laura E. Martin

Laura E. Martin, BPR No. 033093

Assistant General Counsel

Tennessee State Board of Cosmetology and Barber Examiners

500 James Robertson Parkway

Davy Crockett Tower

Nashville, TN 37243

(615) 741-3072

9/30/2015

9/18/2015
Date