



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750

July 14, 2016

VIA CERTIFIED MAIL AND FIRST CLASS U.S. MAIL

Project Belle LLC
ATTN: Armand Lauzon, Managing Member
909 Beacon Street U4
Boston, MA 02215

**RE: *Before the Tennessee State Board of Cosmetology and Barber Examiners
Case No. COS-2016013441
Consent Order in lieu of Formal Disciplinary Proceedings***

Dear Respondent:

I serve as attorney for the Tennessee State Board of Cosmetology and Barber Examiners (the "Board"). Please be advised that the Board recently considered the above-referenced consumer complaint alleges, in part, that your company is offering and advertising for cosmetology services through www.projectbelle.com on location outside of the current state law and rules, in violation of the Tennessee Cosmetology Act of 1986 ("the Act"), Tenn. Code Ann. § 62-4-101, *et seq.*, or the administrative rules duly enacted thereunder. Upon consideration of the complaint, the Board found probable cause to charge you with one or more violation of the Cosmetology Act "Act" or the rules.

The Board has authorized me to resolve this matter without a formal hearing by a Consent Order making formal proceedings unnecessary. Enclosed you will find an unexecuted Consent Order which provides for you to pay a civil penalty in the amount of **Five Hundred Dollars (\$500.00)** for the enclosed violation(s).

Any violation of the Act or the rules constitutes grounds for disciplinary action by the Board. These include the revocation, suspension of or refusal to renew any license held pursuant to the Act, the assessment of civil penalties of up to One Thousand Dollars (\$1,000) per day for each violation of the Act or the rules, and the actual and reasonable costs of hearing and investigation of a disciplinary matter pursuant to Tenn. Code Ann. § 62-4-127, Tenn. Comp. R.

and Reg. 0440—01—14 [CIVIL PENALTIES] and 0780—05—11—.01 [INVESTIGATORY AND HEARING COSTS].

The Board has authorized this office to file formal disciplinary charges against you if you do not choose to settle beforehand. This letter and the enclosed Consent Order shall serve to notify you of the facts and conduct that warrant disciplinary action and provide you an opportunity to show compliance with all lawful requirements in the State of Tennessee for the avoidance of stronger disciplinary measures.

In order to resolve this matter informally by Consent Order and without formal disciplinary proceedings, you should sign and date the Consent Order and return it **within thirty (30) days of your receipt of this letter**, along with the civil penalty payment of \$500.00 made payable to the "State of Tennessee". **PLEASE NOTE, you must return both the ENTIRE Consent Order (signed and dated), and the civil penalty payment to the following address:**

**TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
ATTENTION: LAURA MARTIN
DAVY CROCKETT TOWER, FIFTH FLOOR
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243**

The offer to resolve this matter by executing the Consent Order is limited to the above-specified thirty (30)-day period. **If the executed Consent Order has not been received by this office within the thirty (30)-day period, the offer will be considered withdrawn, formal disciplinary charges will be filed against you and a hearing set before an Administrative Law Judge.** Such formal disciplinary proceedings could likely result in the imposition of penalties more severe (i.e. revocation, more severe civil penalties and costs) than those proposed in the Consent Order.

Thank you for your prompt attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,



Laura E. Martin
Assistant General Counsel

Enclosures



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

IN THE MATTER OF :

**PROJECT BELLE LLC
909 BEACON STREET U4
BOSTON, MA 02215**

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Case No. COS-2016013441

CONSENT ORDER

PROJECT BELLE LLC (hereinafter "Respondent") voluntarily enters into this Consent Order to avoid formal charges and a contested case proceeding with respect to the matter 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. § 62-4-127 (Inspections — Cause for suspension, revocation, and for denial of license), TENN. COMP. R. AND REGS. 0440—1—.14 [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 the Tennessee Cosmetology Act of 1986, as amended, TENN. CODE ANN. § 62-4-101, et seq., or any rules lawfully enacted thereunder.

PARTIES

1. The Board is the lawful agent through which the Act and its rules are administered and is authorized to bring this action.
2. Respondent did not and does not hold a valid cosmetology shop license issued by the Board, at all times relevant to the proceedings of this matter.

FINDINGS OF FACT

1. On or about February 22, 2016, the Board office received a consumer complaint alleges, in part, that the Respondent is offering and advertising for cosmetology services through www.projectbelle.com on location outside of the current state law and rules.
2. A review of the Respondent's website revealed that the Respondent is allowing licensed hair stylists, aestheticians, and manicurists to do in-home work to the public in the State of Tennessee without possessing a valid cosmetology shop license issued by the Board and outside the statutory requirements, and that the Respondent does not prompt a potential customer to verify if a person setting up an appointment falls into the statutory exception.
3. Respondent, at no time relevant to the proceedings of this matter, held a valid cosmetology shop license issued by the Board.
4. Respondent hereby admits to the foregoing findings of fact.

CONCLUSIONS OF LAW

1. TENN. CODE ANN. § 62-4-102(a) [DEFINITIONS], states, in pertinent part, as follows:
 - (a) As used in this chapter, unless the context otherwise requires:
...
 - (3) "Cosmetology" means any of the following practices:
 - (A) Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similar work on the hair of any person by any means;

- (B) Caring and servicing of wigs and hair pieces;
- (C) Manicuring;
- (D) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the hands, arms, face, neck or feet with hands or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams;
- (E) Placing or applying artificial eyelashes;
- (F) Giving facials, applying makeup, giving skin care or removing superfluous hair by tweezing, depilatories or waxing;
- (G) Providing a necessary service that is preparatory or ancillary to a service pursuant to this subdivision (a)(3); or
- (H) Treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(4) "Cosmetology shop" means any place of business where any person engages or offers to engage in any practice of cosmetology for a fee or other form of compensation, but does not include a manicure shop or skin care shop;

...

(13) "Manicure shop" means any place of business where any person performs or offers to perform only manicuring services for a fee or other form of compensation;

...

(21) "Skin care shop" means any place of business where any person performs or offers to perform exclusively aesthetics services for a fee or other form of compensation; ...

2. Tenn. Comp. R. and Regs. 0440—2—.01 [DEFINITIONS], which states, in part, as follows:

(1) As used in this Chapter, unless the context requires otherwise, the definitions of terms contained in Tenn. Code Ann. § 64-4-102 are applicable. In addition:

(a) "Establishment" means any cosmetology, manicure, skin care or natural hair stylist shop or school of cosmetology;

...

(d) "Shop" means a cosmetology shop, manicure shop, skin care shop or natural hair styling shop.

...

(f) "Violation" means any breach or failure to abide by the statutes, rules and orders enforceable by the Tennessee State Board of Cosmetology and Barber Examiners and any unprofessional conduct by any individual or entity licensed or required to be licensed under the Tennessee Cosmetology Act.

3. Tenn. Comp. R. and Regs. 0440—2—.07, [EQUIPMENT], which states, in part, as follows:

(7) A cosmetology, skin care, natural hair stylist or manicure shop located in a mobile home or mobile unit will not be approved for a license unless it is placed on a permanent foundation or otherwise rendered immobile.

4. Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," does not fall under TENN. CODE ANN. § 62-4-109 [EXEMPTIONS], which states, in pertinent part, as follows:

(a) The following persons are exempt from this chapter:

(1) Persons and establishments engaged exclusively in massage, as defined by § 63-18-102;

(2) Duly registered barbers and technicians operating in duly registered barber shops only;

(3) Physicians and surgeons or trained nurses, trained nurses assistants, aides or similar personnel, acting solely in their professional capacities;

(4) Any person rendering cosmetology services in the person's own home without charge to the recipient;

(5) Any person who demonstrates or applies, or both, cosmetics without charge in a retail establishment; and

(6) Any person who engages in hair wrapping; provided, that the person posts a notice at the place of business indicating that the person is not licensed by the state board of cosmetology and barber examiners; and provided, further, that the person uses disposable instruments or implements that are sanitized in a disinfectant approved for hospital use or approved by the federal environmental protection agency. Before engaging in hair wrapping, a person shall attend sixteen (16) hours of training provided by a licensed school of cosmetology and shall receive a certificate indicating attendance at the training. The certificate shall be retained and displayed on request. The training shall consist of eight (8) hours concerning health and hygiene issues and eight (8) hours concerning relevant state law.

5. Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Code Ann. § 62-4-118 [SHOPS; REQUIREMENTS], which states, in part, as follows:

(a) Except as otherwise provided hereunder, it is unlawful to operate a shop without conspicuously displaying a valid license issued by the board under this chapter.

6. Respondent's acts and conduct, as set forth in the foregoing "Findings of Fact," constitutes violations of Tenn. Code Ann. § 62-4-125 [HYGIENE; RULES AND REGULATIONS], which states, in part, as follows:

(d) It is unlawful:

(2) For any person, firm or corporation that holds a cosmetology, manicurist or aesthetician license to practice cosmetology outside a shop or school, or for any person, firm or corporation that holds a natural hair styling license to practice natural hair styling outside a shop or school, except:

(A) In any nursing home;

(B) In the residence of the person treated when the person is actually ill;

(C) In any hospital or infirmary;

(D) In a funeral establishment;

(E) In a retail establishment, to demonstrate or apply, or both, cosmetics without charge; or

(F) At the site of television, motion picture, video or theatrical productions, photographic sessions or similar activities.

7. TENN. CODE ANN. § 62-4-127(b) [INSPECTIONS; LICENSES; DENIAL, SUSPENSION OR REVOCATION], states, in pertinent part, as follows:

"The board may suspend, revoke, or refuse to issue or renew any license under this chapter for any of the following cause(s):

...

(9) A violation of this chapter or of any rules duly promulgated under this chapter;

8. 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. § 62-4-127 (Inspections — Cause for suspension, revocation, or for denial of license), as well as grounds for the imposition of civil penalties and costs upon the Respondent pursuant to TENN. COMP. R. AND REGS. 0440—1—.14 [CIVIL PENALTIES] and TENN. COMP. R. AND

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. § 62-4-127 (Inspections — Cause for suspension, revocation, and for denial of license) of the Act and TENN. COMP. R. AND REGS. 0440—1—.14 [CIVIL PENALTIES] of the Board's Administrative rules that Respondent:

1. Pay **CIVIL PENALTIES** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**. Payment shall be made immediately of the date this agreement is executed by the Board, and payment shall be mailed to:

**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243**

2. In addition, it is further **ORDERED** that Respondent and all persons in any way assisting, aiding, or helping Respondent in any of the aforementioned violations of the Tennessee Cosmetology Act of 1986 (the "Act") or the Rules, shall **CEASE AND DESIST** from all such

activities in violation of the Act 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 the Act alleged by the Board to have occurred with respect to the actions involving Respondent 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 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.

APPROVED FOR ENTRY:

Authorized signer(s) for Respondent
Project Belle LLC

Date

Respectfully Submitted,

Laura E. Martin, BPR No. 033093

Date

Assistant General Counsel

Tennessee State Board of Cosmetology and Barber Examiners

500 James Robertson Parkway

Davy Crockett Tower

Nashville, TN 37243

(615) 741-3072

ENTERED this _____ day of _____, 2016.

Laura E. Martin, Esq.

Caleb Darnell

From: Jon Lillard
Sent: Monday, February 22, 2016 10:21 AM
To: Caleb Darnell
Cc: Roxana Gumucio; Laura Martin
Subject: FW: [TDCI] Update: Complaint regarding Project Belle

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Other attachment, Open Complaint, Consumer Complaint, ATTN!



Tim Smith (TDCI)

Feb 22, 10:14 AM

Good Morning,

Thank you for contacting the Tennessee Department Of Commerce and Insurance Customer Service Division. My name is Tim and I will be more than happy to assist you today. I will have one our licensing specialist look over this question and we will be in contact with you shortly. I do appreciate your patience and we look forward to serving you.



Karen Kops

Feb 22, 9:39 AM

Hello,

I'm writing to advise you of a local company, www.projectbelle.com, offering and advertising for cosmetology services on location which I believe is outside of current state law rules. As a business owner with a brick and mortar shop adhering to all state law requirements, I find this type of competition highly disturbing. Kindly look into this at your earliest convenience.

Thank you,

Karen Kops

You are an agent. Add a comment by replying to this email or [view ticket in Zendesk](#).

Ticket # 7961

Status On-hold

Requester Karen Kops

CCs Jonathan Lillard

Group Cosmetology and Barber

Assignee Tim Smith
Priority Normal
Type Ticket
Channel By Mail

This email is a service from TDCI. Delivered by [Zendesk](#)