MINUTES

The Tennessee State Board of Cosmetology held a meeting June 4, 2012 at 9:00am in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huckeby, Muriel Smith and Janet Wormsley. Virgilene Lotze, Diana Buchanan and Pearl Walker were absent.

Others present were: Beverly Waller, Executive Director, Rachel Powers, Staff Attorney, Hosam Williams, Paralegal nd Hazel Buttrey Licensing Technician.

Meeting was called to order by Board Chairman Linda Colley.

Linda Colley, Board Chairman called for roll call.

Linda Colley, Board Chairman welcomed everyone to the board meeting and acknowledged cosmetology schools in attendance.

MINUTES-

Minutes for the April 2, 2012 and May 7, 2012 meetings submitted for change and or approval.

MOTION made by June Huckeby and seconded by Muriel Smith approval of the April 2, 2012 minutes. Motion carried unanimously.

MOTION made by Janet Wormsley and seconded by June Huckeby approval of the May 7, 2012 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Rovetta Foye requested to appear before the Board today to discuss the Natural Hair Styling curriculum with Board Members and to propose changes to the current Natural Hair Styling curriculum. The changes proposed changes are to increase the amount of hours in the curriculum from 300 hours to 750 hours. Also add thermal hair styling, hair cutting and hair shaping to the curriculum. Board Members advised Ms. Foye the proposed changes would require changes in the law for the Natural Hair Styling curriculum by legislation and she should contact her legislator. No motion required.

Mona Sappenfield request to appear before the board today to discuss the scope of practice for license aesthetician and the bill proposed in the legislation SR94 during the 2012 legislative session which would place restrictions on aestheticians providing laser services to the public. Ms. Sappenfield stated changes need to be made by the Board concerning the practice of aesthetics. She also advised that Georgia Career Institute which offers the esthetics curriculum teaches aesthetician students laser training. Ms. Sappenfield provided the Board with an abundance of information from training to usage of lasers by aestheticians. Board Members requested Ms. Sappenfield to forward the information she had to the Board Director who would forward the information to all Board Members for review and discussion at the next board meeting.. Board Members also advised Ms. Sappenfield changes in the scope of practice for aesthetician would require law change. Ms. Sappenfield stated she would forward the information to Board Director.

Gayatriben Nathabhi Patel-

Ms. Patel request to appear before the Board today concerning her application for reciprocity which was reviewed at the last board meeting. The Board voted she would be required to set for the state board examination. Ms. Patel received license in the State of Illinois by endorsement. Ms. Patel and the gentleman who was with her and spoke for her stated taking the examination would be a hardship on her and requested the board to change the previous vote.

MOTION made by June Huckeby and seconded by Muriel Smith the previous vote would stand requiring applicant to set for the state board examination Motion carried unanimously. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination approval for Samuel Jones, Rachel Twilley and Bianca Buck who have felony convictions submitted along with the required information, disclosure from the applicant and letter of examination recommendation from the cosmetology school attended.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of each application for examination with a signed agreed order, Motion carried unanimously.

SEMINAR EXTENSION REQUEST-

Request for extension from Betty L. Idema- Last date of seminar attendance was August 2009 and she was required to complete 16 hours by 2011. She has submitted a medical statement explaining her reason for not attending the seminar by 2011.

MOTION made by Nina Coppiner and seconded by Muriels Smith approval of the extension request and she is required to attend a seminar in 2012 to complete the required 16 hours of continuing education. Motion carried unanimously.

Extension request from Holly Helton. The Board had reviewed her request for extension at the April meeting and requested a medical statement as to her non attendance of the seminar to complete the required 16 hours of continuing education since 2008. Medical statement is submitted for review.

MOTION made by Muriel Smith and seconded by Janet Wormsley approval of the extension request and she is required to attend a seminar in 2012 to complete the required 16 hours of continuing education. Motion carried unanimously.

Request for extension from the 2010 instructor seminar from Mamie J. James. She states in her letter she was the primary care giver for a family member which was her reason for not attending the seminar and has submitted a medical statement from the doctor of the family member. Her last seminar attendance was July 2008.

MOTION made by Muriel Smith and seconded by Nina Coppinger approval of the extension request and she is required to attend a seminar in 2012 to complete the required 16 hours of continuing education. Motion carried unanimously.

RECIPROCITY APPLICATIONS-

Application for reciprocity of cosmetology license from New York for Christie E. Weaver who completed 1000 hours in the cosmetology curriculum and original date of licensing as 07/30/2009. She has submitted a statement requesting to challenge the Board of Tennessee because she has worked in a salon since 2008 and submitted a resume stating extended work experience such as assisting, attending hair shows, and academy training to prove she has put in time as a young hairdresser.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant is required to complete 500 hours of instruction in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Pennsylvania for Vicky Huynh. Pennsylvania requires 200 hours in the manicurist curriculum and applicants original date of licensing is 01/28/2009.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant is required to complete 400 hours of instruction in the manicurist curriculum in a license school and set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Hong Thi Bui from Florida. Certification is from New Mexico which states she obtained license in that state by reciprocity 01/11/2010.

MOTION made by Nina Coppinger and seconded by June Huckeby certification of licensing is required from the Florida State Board of Cosmetology to verify original hours of instruction in the manicurist curriculum which is 240.Applicant will be required to complete 360 hours of instruction in the manicurist curriculum and set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Kentucky for Jerrell Gene Thieke. Certification verifies applicant is license in the State of Kentucky as an Apprentice Cosmetologist since 09/06/2011and completed 1800 hours in the cosmetology curriculum.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant is required to set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician instructor for Katherine L. Alt. Michigan requires completion of 400 hours to qualify for esthetics license and 300 hours for instructor. Initial date of licensing 02/09/2010.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to complete 350 hours of instruction in the esthetics curriculum and set for the state board aesthetician examination. After obtaining aesthetician license in Tennessee applicant can submit reciprocity application for instruction license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Trang Bui from Pennsylvania. Certification verifies 1250 hours in the cosmetology curriculum and initial date of licensing 11/22/10. She has submitted a transcript of the cosmetology course she completed in Florida for 1300 hours.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete 250 hours in the cosmetology curriculum in a license school and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Melissa A. Johnson. Certification of licensing verifies completion of 1200 hours in the curriculum and initial date of licensing 09/15/11.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to complete 300 hours of instruction in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Binh Huynh from Georgia. Certification from the Georgia State Board verifies 525 hours in the manicurist curriculum and original date of licensing 03/09/2009. Applicant indicates on application hours of instruction were obtained in an apprentice program.

MOTION made by Muriel Smith and seconded by June Huckeby to request additional information on hours of instruction from the school or shop applicant obtained hours of instruction. Motion carried unanimously.
MOTION made by Nina Coppinger and seconded by Janet Wornsley after required information is received if meets the requirements for licensing as required in Tennessee Ms. Waller is given approval to approve the application. Motion carried unanimously.

Application for reciprocity of cosmetology license from Jodi Mead. The application was submitted at the May Board meeting but the request was incorrect she was not requesting cosmetology instructor. Applicant is requesting the Board to combine the hours she has completed in the curriculums, 1250 hours in cosmetology and 163 hours in the cosmetology Instructor curriculum which totals 1413 and approve her for cosmetology license or set for the exam.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant is required to complete 250 hours of instruction in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimous.

COSMETOLOGY SCHOOLS-

Applications for change of ownership for Paul Mitchell the School Nashville and Paul Mitchell the School Murfreesboro. Each school is 100% owned by Jon Nave University of Cosmetology Inc. As the schools are in the Paul Mitchell School Network they are modifying their ownership of each to include Paul Mitchell corporate partners with the local ownership group.

MOTION made by Nina Coppinger and seconded by Janet Wormsley approval for change of ownership. Motion carried unanimously.

MISCELLANEOUS-

The Barber Board reviewed the question which was submitted to the Board concerning cosmetologist buzzing the head and then shaving the head and determine that practice falls under the scope of practice for barbering.

Request from Connie Moyher the Cosmetology Instructor at Portland High School to offer the "Junior Instructor" at Portland High School.

MOTION made by Nina Coppinger and seconded by Janet Wormsley to deny the request. Motion carried unanimously.

Request for standards of disinfection for colored towels as you cannot use bleach. The person submitted this states she personally contracted ring worms from practices at a license cosmetology school.

MOTION made by Nina Coppinger and seconded by Janet Wormsley the bleach made for colored clothing should be used for colored towels. Motion carried unanimously.

Email from Rosemarie Otto, Interim Director, Health-Related Boards and Executive Director Board of Medical Examiners.
"April 18, 2012 Speaker Ramsey signed Senate Resolution 94 which urges the board of medical examiners, in consultation with the department of health, the board of nursing, the board of osteopathic examiners, the committee on physician assistants and the board of cosmetology, to promulgate rules and regulations by no later than January 1, 2013, to prescribe standards applicable to the practice of cosmetic procedures or treatment involving , but not limited to , the use of laser invasive technology and the use of chemical peels.
On May 23, 2012 the Board of Medical Examiners name Michael Zanolli MD as their representative to a Task Force to consult these boards to carry our the direction of SR94. Board Members are to designate a member to represent them in this matter. After the Board has designated a member the initial meeting will be held August 24, 2012.

MOTION made by Nina Coppinger and seconded by Muriel Smith to designate Rachel Powers Attorney for the Cosmetology Board an representative on the committee for Board of Cosmetology. Motion carried unanimously.

CONSENT ORDERS-

MOTION made by June Huckeby and seconded by Muriel Smith approval of consent orders. Motion carried unanimously.

ADDITONAL

Application for examination approval Alichia Frias who has a felony conviction. Required information has been.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of application with signed agreed order. Motion carried unanimously.

Application for examination approval for Erica Rutledge who has a felony conviction. Application is pending letter of examination recommendation from school attended.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of application after requested documentation (letter for examination recommendation from school attended) is received by the board office and signed agreed order.

Application for reciprocity of cosmetology license from Mexico for Ma Carmen Vaca. Applicant has submitted documentation stating she completed 1880 hours at Beauty Academy "Grecia 7" in Mexico.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete 750 hours of instruction in the cosmetology curriculum in a license school and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Dien Troung. Certification of licensing from the California State Board verifies 400 hours of instruction and initial date of licensing 11/03/2011.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant is required to complete 200 hours in the manicurist curriculum and set for the state board manicurist examination. Motion carried unanimously.

The Board reviewed the application for examination for Marcus Andrew Williams at the previous board meeting. Mr. Williams request for acceptance of hours he completed in the cosmetology curriculum in high school that are expired. These hours were from 2004 to 2007. Applicant enrolled in Pyramid Beauty School in 2009 and completed 243 hours in 2012. The Board requested I contact the school owner as to information as to the lengthy period of time the applicant took to complete 243 hours. The school owner stated he had completed the hours earlier but he had not satisfied this financial obligation.

MOTION made by Muriel Smith and seconded by June Huckeby to table the application and request the school owner to supply information to the board office as to his actual dates of completion. Motion carried unanimously.

Request from Paul Mitchell the School Nashville for approval of a field trip. The field trip dates June 1-5 several students will be traveling to the Premiere Hair Show in Orlando, Florida with the supervision of a licensed instructor.

MOTION made by Nina Coppinger and seconded by Janet Wormsley approval of the field trip request. Motion carried unanimously.

A new contract has been signed with PSI for Cosmetology examinations. The contract process for the State of Tennessee was followed with RFP issued bids taken and PSI was awarded the contract. One major change with this contract: PSI WILL APPROVE APPLICATIONS FOR EXAMINATIONS-CANDIDATES WILL MAIL APPLICATIONS AND SUPPORTING DOCUMENTS TO PSI THE APPLICATION. THIS PROCESS WILL SPEED UP THE TIME CANDIDATES CAN SCHEDULE EXAMINATIONS. WE ARE NOW IN THE PROCESS TO GET THIS STARTED: INFORMATION WILL BE SENT TO THE SCHOOLS, NOTIFICATION WILL BE PLACED ON THE BOARD WEBSITE/ PSI'S WEBSITE AND ETC. WE ARE HOPEFUL TO GET THIS STARTED ASAP.

MOTION made by June Huckeby and seconded by Muriel Smith approval of legal report. Motion carried unanimously.

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TO: **Tennessee State Board of Cosmetology**

FROM: **Rachel L. Powers, Assistant General Counsel**

DATE: **June 4, 2012**

SUBJECT: **June Legal Report**

RE-PRESENTED MATTERS:

1. 201200757-1
First License Obtained: 01/27/1993
License Expiration: 07/31/2012
History: 200900138-1 (formal charges authorized)
201102549-1 Closed w/no action 10/10/2011

This matter was first presented to the Board in May 2012 as follows: *A March 2, 2012 Notice of Violation alleges that a licensed cosmetologist was in the process of cutting a client's hair while no shop manager or owner was present in a licensed full service cosmetology shop.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

This case is being represented since there are formal charges pending against this Respondent as previously authorized by the board in Case No. 200900138-1, regarding similar issues previously addressed. Further, an amended recommendation will be a more efficient use of board resources.

Amended Recommendation: Combine with the other pending case and authorize formal hearing.

BOARD DECISION: CONCURRED

2. **201200458-1**
First License Obtained: 02/18/1997
License Expiration: 10/31/2013
History: 200604603-1 Closed 12/03/2009 w/$2,500.00 CP Satisfied
200901439-1 Closed 01/06/2011-License Probation Consent Order

This matter was presented to the Board in March 2012 as follows: *A February 1, 2012 Notice of Violation alleges that a wax machine and all implements necessary to perform waxing services were found in a licensed manicure shop. The inspector provided a copy of the last inspection sheet for the shop, dated October 4, 2011, wherein the inspector gave written notice to the owner that no waxing services could be provided in the manicure shop.*

Recommendation: Issue an ORDER directing the Respondent to pay a $1,500.00 civil penalty.

After reviewing the signed License Probation Consent Order executed on December 28, 2011, it appears that the Respondent (current shop owner) was not a party of the Probation Agreement, but such agreement was entered and signed by the former owner of the shop.

Amended Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a 1,000.00 civil penalty.

BOARD DECISION: CONCURRED

REGULAR REPORT:

3. **201201014-1**
First License Obtained: 08/02/1995
License Expiration: 08/31/2013
History: Violation Issued 02/08/02 Paid $300.00 CP

An April 24, 2012 Notice of Violation alleges an unlicensed individual was performing manicure services in Respondent shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

4. **201103184-1**
First License Obtained: 04/11/2007
License Expiration: 06/30/2013
History: No Prior Complaints

A September 29, 2011 consumer complaint alleges Respondent cosmetologist operates an unlicensed shop from her home. No answer to the complaint has been received from the

Respondent as of the date of this report. The board office requested an inspector to visit the Respondent shop to gather further information. The inspector reported no signs indicating cosmetology work was being performed, but it did appear the home was being remodeled as there was a shampoo bowl out in the drive.

Recommendation: Close with no further action.

BOARD DECISION: CONCURRED

5. 201201011-1
First License Obtained: 04/10/1995
License Expiration: 08/31/2013
History: Violation Issued 05/13/2003 Paid $600.00 CP

An April 20, 2012 Notice of Violation alleges the inspector witnessed a manicurist in Respondent shop performing an eyebrow wax on a client. The Notice of Violation further alleges the manicurist did not have a name tag.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $750.00 civil penalty.

BOARD DECISION: CONCURRED

6. 201200016-1
First License Obtained: 06/25/2009
License Expiration: 06/30/2013
History: No Prior Complaints

A December 7, 2011 consumer complaint alleges that on July 26, 2010 complainant's face and eyes were severely burned when she received a Brazilian blowout at Respondent shop. The complainant further alleges no protection equipment or vent hoods were used and she was told the product was all natural. A response from the Respondent shop's attorney explains there is currently a civil suit pending between the Respondent and the complainant. The Respondent shop's response also states the Respondent recognizes the Board's concern for the public and it's safety and further assures the Board that it no longer offers the product and hasn't since November 2010, as such product has been discontinued by the manufacturer.

Recommendation: Close and flag.

BOARD DECISION: CONCURRED

7. 201201008-1
First License Obtained: 10/05/2009
License Expiration: 09/30/2013
History: No Prior Disciplinary Action

An April 20, 2012 Notice of Violation alleges there were towels lying everywhere in the shop to dry and the shop had dirty restrooms.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

8. 201201016-1
First License Obtained: 12/19/2008
License Expiration: 12/31/2012
History: 200901078-1 Closed w/no action 12/10/09
200902295-1 Closed 12/02/10 w/ $1,000.00 CP Satisfied

An April 27, 2012 Notice of Violation alleges two (2) unlicensed individuals were performing manicure and pedicure services in a licensed manicure shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $750.00 civil penalty.

BOARD DECISION: CONCURRED

9. 201200761-1
First License Obtained: 05/14/2008
License Expiration: 08/31/2013
History: 200802694-1 & 200900977-1 combined w/ 201100666-1 closed w/$4,000 CP
201102598-1 combined w/201200359-1 [formal charges authorized] (wax machine in the shop)

A March 16, 2012 Notice of Violation alleges an unlicensed individual was performing pedicure services in the Respondent shop; files, buffers and nail dusters were improperly stored at three (3) manicure stations in the Respondent shop; the inspector found a used wax machine and wax in the Respondent's manicure shop; and no owner or manager was present at the Respondent shop during inspection.

Recommendation: Combine with the above cases and authorize a formal hearing.

BOARD DECISION: CONCURRED

10. 201201004-1
First License Obtained: 10/11/2007
License Expiration: 10/31/2013
History: No Prior Complaints

An April 11, 2012 Notice of Violation alleges that a licensed cosmetologist did not have his license posted at the work station in a licensed cosmetology shop. No services were being provided at inspection time.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

11. 201200918-1
First License Obtained: 02/11/2008
License Expiration: 01/31/2014
History: 200901438-1 closed 09/28/09 w/$1,000.00 CP Satisfied

A March 20, 2012 Notice of Violation alleges an unlicensed individual was performing manicure services in Respondent shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $750.00 civil penalty.

BOARD DECISION: CONCURRED

12. 201201012-1
First License Obtained: 12/02/2010
License Expiration: 10/31/2012
History: No Prior Complaints (under this license number)

An April 25, 2012 Notice of Violation alleges the Respondent shop had open containers of cat food and cat bowls on the floor. The shop was covered in junk for an alleged yard sale and all stations were very dirty and unsanitary. Respondent shop owner had a previous shop license which was revoked pursuant to an Agreed Order in 2010 due to extreme sanitation issues.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty with a probationary period of one (1) year.

BOARD DECISION: Authorize formal hearing with authority to settle by Consent Order and payment of a $1,000.00 civil penalty with a probationary period of one (1) year.

13. 201201023-1
First License Obtained: 03/21/1994
License Expiration: 09/01/2012
History: Disciplined 11/29/95 w/$100.00 Satisfied

A consumer complaint received on January 3, 2012 from the Tennessee Department of Consumer Affairs alleges that the Respondent school damaged the complainant's hair by leaving

a permanent in too long. The Respondent school could not fix her hair as a result of the damage caused. The complainant alleges her hair is broken and damaged beyond repair and will never be the same. The complainant now has bald spots and suffers extreme embarrassment. A response received from the Respondent school states all services were performed in a proper manner, but due to the complainant's dry hair there was no way to prevent the damage. Respondent school recommended conditioning treatments, which were offered for free in efforts to maintain good customer service. The Respondent school's response provides that the complainant was provided seven (7) free treatments to condition her hair from over processing and did not complain about the services until the free services ceased.

Recommendation: Close with no further action.

BOARD DECISION: CONCURRED

14. 201200776-1
First License Obtained: 02/01/2010
License Expiration: 10/31/2013
History: No Prior Complaints

A March 23, 2012 Notice of Violation alleges that two (2) unlicensed individuals were performing pedicure services in the Respondent shop and ran out once the inspector identified himself. A manicurist in the Respondent shop confirmed the individuals were unlicensed and the owner then identified the individuals.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

15. 201200740-1
First License Obtained: 02/29/2000
License Expiration: 09/01/2012
History: 201100326-1 & 201100333-1 Dismissal w/no action 04/04/11
201103179-1 Closed w/no action 02/08/12
201100781-1 [formal charges authorized]

A consumer complaint received on March 7, 2012 alleges that the complainant, a student of the Respondent school, has never had an aesthetics instructor. The Complainant feels she will not be prepared for state boards due to lack of class time, product and the small ratio of instructors to students. Further, the complainant is of the opinion that a junior instructor teaching her classes portrays a terrible image of the school. A response to the complaint from the Respondent school states this student is disrespectful and unprofessional. The response states for the complainant to succeed, she must attend classes and complete assignments timely, which the Respondent school alleges she has not done consistently during her enrollment. The Respondent school's response

further provides there are adequate instructors present for all classes and there is an aesthetics instructor as well.

Recommendation: Close with no further action.

BOARD DECISION: CONCURRED

16. 201201010-1
First License Obtained: 06/17/2010
License Expiration: 04/16/2014
History: No Prior Complaints

An April 20, 2012 Notice of Violation alleges three (3) unlicensed individuals were performing pedicure services in the Respondent shop. Further, the inspector alleges the Respondent shop owner offered payment to the inspector in an envelope to attempt to bribe the inspector.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $750.00 civil penalty.

BOARD DECISION: CONCURRED

17. 201200851-1
First License Obtained: 03/23/2011
License Expiration: 03/31/2013
History: No Prior Complaints

A March 23, 2012 Notice of Violation alleges the shop license was not displayed in a licensed manicure shop and the owner of shop who is a licensed nail technician was not wearing an identification tag at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $250.00 civil penalty.

BOARD DECISION: CONCURRED

18. 201200773-1
First License Obtained: 03/18/1994
License Expiration: 09/01/2012
History: No Prior Disciplinary Action

A consumer complaint received on March 14, 2012 alleges that the school advertises classes for nail technician, but does not have the adequate accommodations to allow the students to be successful. The complaint alleges there are no working pedicure chairs, the restroom facilities are usually out of order and further the complainant attempted to attend school, but no instructors were present for scheduled classes. A response to the complaint states the complainant is the only manicure student and the Respondent school has had issues with her because her

expectations are too high. The response states the complainant expects one-on-one treatment and does not work well, if at all, with other students. The response further states the Respondent school maintains adequate restroom facilities and that all classes are taught as scheduled.

Recommendation: Close with no further action.

BOARD DECISION: Close and request a Board member and/or inspector to perform an inspection.

19. 201200775-1
First License Obtained: 08/21/2002
License Expiration: 11/30/2013
History: 200502114-1 Closed 11/07/05 w/$500.00 CP Satisfied
200604388-1 Closed 04/04/07 w/$500.00 CP Satisfied
201200301-1 Closed 04/13/12 w/ $500.00 CP Satisfied

A March 22, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual practicing manicuring in a licensed manicure shop. The inspector found dirty drill bits on the stations and dirty towels improperly stored. In addition, a licensed manicurist (the shop owner) was working on a client without wearing an identification tag at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $1,000.00 civil penalty.

BOARD DECISION: CONCURRED

20. 201201007-1
First License Obtained: 07/13/2006
License Expiration: 04/30/2014
History: No Prior Complaints

An April 18, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

BOARD DECISION: CONCURRED

21. 201200919-1
First License Obtained: 03/02/2012
License Expiration: 01/31/2014
History: No Prior Complaints

A March 30, 2012 Notice of Violation alleges the pedi spa was "very dirty", but it had not been used on that day and no services were being provided at inspection time.

Recommendation: Close with a letter of warning relative to sanitation.

BOARD DECISION: CONCURRED

22. 201200921-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A March 29, 2012 Notice of Violation alleges an unidentified individual was observed practicing cosmetology in unlicensed shop. The inspector noted there were two other work stations set up for services. Board office records indicate no shop application has been received to date.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

BOARD DECISION: CONCURRED

23. 201200854-1
First License Obtained: 05/13/2010
License Expiration: 03/31/2014
History: No Prior Complaints

A March 15, 2012 Notice of Violation alleges the owner of a licensed cosmetology shop relocated and opened the shop without receiving the required inspection. According to board licensing records, an application for change of location was received 3/19/12 and approved 4/17/12. No additional Notices of Violation have been issued since.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

24. 201200852-1
First License Obtained: 10/21/2009
License Expiration: 09/30/2013
History: No Prior Complaints

A March 6, 2012 Notice of Violation reports the shop license expired 9/30/11 and a copy of the Respondent manager's cosmetology license was posted, but expired 6/30/11. Board office records indicate that all fees have been paid and licenses have been now renewed.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

25. 201200682-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A February 24, 2012 and March 13, 2012 Notice of Violation allege that the Respondent shop was open for business without a valid shop license. The inspector reports on February 24th nail clippings on the floor and dirty files and clippers lying on the stool beside the pedicure chair. On March 13, 2012, the inspector reports nail clippings were on the floor, the trash can was not properly covered and no name tags were being worn.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty and CEASE and DESIST advisory notice.

BOARD DECISION: Authorize formal hearing with authority to settle by Consent Order with payment of a $1,000.00 civil penalty and CEASE and DESIST advisory notice.

26. 201200675-1
First License Obtained: 04/18/2012
License Expiration: 03/31/2014
History: No Prior Complaints

A February 24, 2012 Notice of Violation alleges the owner of the shop relocated her shop two months before the shop being inspected. According to the Board licensing records, a new shop license application was submitted 2/24/12 (the same day as the Notice of Violation) and such application was approved 4/18/12. No services were being provided at the time of inspection and no additional Notices of Violation have been issued.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

27. 201200181-1
First License Obtained: N/A
License Expiration: N/A
History: This location had no prior complaints

An August 26, 2011 Notice of Violation alleges an unlicensed cosmetology shop was open for business and unlicensed individual was practicing eyebrow threading on a client. The inspector reported brow brushes out on the counter, one filled with lint and four (4) trash cans were uncovered. Board records indicate no shop application has been submitted to date.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

BOARD DECISION: CONCURRED

28. 201201005-1
First License Obtained: N/A
License Expiration: N/A
History: This location had no prior complaints

An April 12, 2012 Notice of Violation alleges the Respondent shop was open for business and a County Business Tax receipt was hanging, but no a valid cosmetology shop license was posted. Board records indicate no shop application has been submitted to date.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

BOARD DECISION: CONCURRED

29. 201200922-1
First License Obtained: 02/25/2010
License Expiration: 12/31/2011
History: No Prior Complaints

An April 12, 2012 Notice of Violation alleges an unlicensed individual was performing services in Respondent shop. Board office records indicate that the Respondent shop license expired on 12/31/2011 and remains expired as of the date of this summary.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty; and instructions to CEASE and DESIST operating the shop until a valid shop license is obtained and further discontinue permitting unlicensed individuals to practice until the appropriate licenses are obtained from the board.

BOARD DECISION: CONCURRED

30. 201201013-1
First License Obtained: 11/07/2001
License Expiration: 06/30/2012
History: No Prior Complaints

An April 26, 2012 Notice of Violation alleges no manager was present while a licensed master barber was observed cutting a client's hair without a barber shop license in a cosmetology shop. According to the licensing records, the shop submitted a barber shop license application and such application is pending.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

31. 201200923-1
First License Obtained: 12/06/2010
License Expiration: 11/30/2012
History: 201103059-1 Settled w/Payment Plan Terms 03/26/12 (Pending)

An April 12, 2012 Notice of Violation alleges an unlicensed individual was practicing manicuring in a licensed manicure shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty; and instructions to CEASE and DESIST permitting unlicensed individuals to practice in the shop with two years shop license probationary period.

BOARD DECISION: CONCURRED

32. 201201006-1
First License Obtained: 05/21/2012
License Expiration: 04/30/2014
History: No Prior Complaints

An April 17, 2012 Notice of Violation alleges that an unidentified individual was observed providing services on a client before the shop license was issued and/or inspected. Board office records indicate that a shop license application was received 4/17/12 (the same day as the Notice of Violation) and such application was approved 5/21/12.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

33. 201200855-1
First License Obtained: 05/18/2011
License Expiration: 05/31/2013
History: No Prior Complaints

A March 23, 2012 Notice of Violation alleges that unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

34. 201200898-1
First License Obtained: 03/07/2011
License Expiration: 02/28/2013
History: No Prior Complaints

A consumer complaint received on April 16, 2012 alleges the Respondent shop is a nuisance and causes harm to his restaurant patrons from failure to adequately ventilate the noxious odors and vapors as a result of the chemicals in the products offered by the Respondent shop in its regular course of business. The ceiling above the complainant's restaurant and the Respondent shop are open and both have connecting walls. The complainant requests the board mandate the shop adequately ventilate in order to prevent future harm. The inspector sent a report to the board office for the Respondent shop with a Grade score of 100. No response to the complaint has been received from the Respondent shop as of the date of this report.

Recommendation: Close with a letter of warning and flag.

BOARD DECISION: CONCURRED

35. 201200920-1
First License Obtained: 03/16/2010
License Expiration: 01/31/2014
History: No Prior Complaints

A March 29, 2012 Notice of Violation alleges the area inspector observed an unidentified individual styling a client's hair who is alleged to be unlicensed in a licensed cosmetology shop. The inspector further noted the shop license posted was expired and a licensed cosmetologist (the shop owner/manager) was servicing a client and her personal license expired 6/30/2010.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

BOARD DECISION: Authorize formal hearing with authority to settle by Consent Order with payment of a $1,000.00 civil penalty.

36. 201200983-1
First License Obtained: 03/21/1994
License Expiration: 09/01/2012
History: 200503145-1 Dismissal w/no action 10/03/05
200707200-1 Closed w/no action 11/05/07
200800582-1 Closed w/no action08/06/08
200900593-1 Closed 05/29/09 w/$500.00 CP Satisfied
200901487-1 Closed w/no action 12/09/09
201000272-1 Closed w/no action 10/11/10
201002371-1 Closed w/Cease & Desist letter 06/02/11
201002947-1 Dismissal w/no action 02/07/11

A consumer complaint received on March 14, 2012 alleges the Respondent school is uncooperative and rude. The complainant alleges the school is charging $300 for a course that details the information about a kit her daughter will need in order to take the state test at the Respondent school, instead of just advising them what the kit includes. A response to the consumer complaint from the Respondent school states the complainant's claims have no merit. The response further explains the complainant's daughter was directed to the PSI website in order to find answers to her questions and further recommended a course the school offers as a refresher, but in no way required it.

Recommendation: Close with no further action.

BOARD DECISION: Close and request a Board member and/or inspector to perform an inspection.

37. 201201156-1
First License Obtained: 01/05/2006
License Expiration: 09/01/2012
History: 200801518-1 Closed 11/14/08 w/L.O.W
200801644-1 Closed w/no action
200900976-1 [formal charges authorized combine with the above case]
201000733-1 Closed w/no action 08/02/10
201000734-1 Closed w/no action 10/11/10
201002370-1 Closed w/no action 12/06/10
201002918-1 Closed w/no action 12/06/10

A May 1, 2012 Notice of Violation alleges the inspector found an incomplete student file without educational history or a social security number for the student, as well as, improper storage of tools while the class was on break.

The Board has previously authorized a formal hearing against Respondent regarding similar issues. After further review, it is the opinion of both board and litigation counsel to proceed with formal hearing on both cases.

Recommendation: Combine cases and authorize formal hearing.

BOARD DECISION: CONCURRED

38. 201201158-1
First License Obtained: 10/28/1993
License Expiration: 04/30/2013
History: 200502082-1 Closed w/Letter of Instruction 11/08/05
200600571-1 Closed w/$1,000.00 CP Satisfied
201001753-1 Closed w/$1,000.00 CP Satisfied

An April 24, 2012 Notice of Violation alleges an unlicensed individual was observed doing a pedicure in a licensed manicure shop. The inspector asked the individual about her licensure status and the individual handed the inspector an approval letter from the Board office for cosmetology license by reciprocity from the state of Washington, but she had no receipt posted to prove a payment had been made to the board. According to the board licensing records, the individual applied for a manicurist license 3/15/12 and was approved 5/18/12.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

39. 201201160-1
201201164-1
First License Obtained: 02/17/2006
License Expiration: 06/30/2013
History: 200800329-1 Closed 10/01/08 w/$2,500.00 CP Satisfied
200801477-1 Closed 10/01/08 w/$2,000.00 CP Satisfied

An April 26, 2012 and May 11, 2012 Notice of Violation allege as follows: 1) April 26: An unlicensed individual was found practicing manicuring in a licensed manicure shop with a cosmetology license from the state of Georgia. In addition, the inspector reported dirty buffers in the tool drawers. 2) May 11: The inspector reported at a licensed cosmetologist's work station, all drill bits were not sanitized and improperly stored with nail dust on them and a wax machine of full of hot wax was found in the Respondent's manicure shop.

Recommendation: Combine cases and authorize a formal hearing with authority to settle by Consent Order with payment of a $1,000.00 civil penalty.

BOARD DECISION: CONCURRED

40. 201201159-1
First License Obtained: 02/20/2009
License Expiration: 09/30/2013
History: No Prior Complaints

An April 27, 2012 Notice of Violation alleges the area inspector entered the shop on complaint of an unidentified unlicensed individual working in the shop and one of the individuals who was performing a pedicure exited the building from the back door. The shop owner admitted the individual who left was unlicensed.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

41. 201200271-1
First License Obtained: 04/18/1995
License Expiration: 09/01/2012
History: 200801859-1 Closed w/no action 10/28/08
200901804-1 Closed 12/22/09 w/$1,000.00 CP Satisfied

A January 18, 2012 consumer complaint alleges the Respondent school hired her as a junior instructor trainee where she could attain hours to become a licensed junior instructor, but fired her without justification after working for a full year before notifying her of the high school degree requirements to become a junior instructor. The complainant further alleges the school owner is fraudulently signing her name to paperwork without approval and additionally making false remarks and statements about her to all the school's students. A response from the owner of the Respondent schools alleges a file audit was performed and the complainant's education was not in her file. The Respondent school then brought it to her attention and requested she provide it. After the complainant's failure to comply, the Respondent school fired the complainant in order to remain in compliance with state board rules and laws. Further, the school provided sufficient documentation which detailed the complainant had the necessary education for her enrollment and also agreed confirming her understanding of such by executing the enrollment contract.

Recommendation: Close with a letter of warning, and a CEASE and DESIST advisory notice regarding permitting any unqualified individuals to participate in instructor trainee courses in the school.

BOARD DECISION: CONCURRED

42. 201201162-1
First License Obtained: 06/05/2007
License Expiration: 05/31/2013
History: No Prior Complaints

A May 2, 2012 Notice of Violation alleges an unlicensed individual was observed providing a pedicure service to a client in a licensed shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

43. 201201161-1
First License Obtained: 10/05/2007
License Expiration: 02/28/2014
History: No Prior Complaints

An April 13, 2012 Notice of Violation alleges that two (2) unlicensed individuals were practicing on clients in a licensed manicure shop. Board office records indicate that an application for change of ownership was submitted 4/05/12 and such application is pending as of this summary.

Recommendation: Close with a letter of warning; and instructions to CEASE and DESIST permitting individuals who do not possess a valid manicurist license and request area inspector to perform a follow-up inspection.

BOARD DECISION: CONCURRED

44. 201201166-1
First License Obtained: 10/03/2007
License Expiration: 02/28/2013
History: 200900140-1 Closed 03/10/09 w/$1,000.00 CP Satisfied

A May 11, 2012 Notice of Violation alleges an unlicensed individual with a cosmetologist-manicurist license from the State of Texas performing a pedicure on a client without having a valid Tennessee license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

BOARD DECISION: CONCURRED

45. 201201163-1
First License Obtained: 12/02/2010
License Expiration: 10/31/2012
History: No Prior Complaints

A May 11, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist (who is also the shop owner and manager) posted a copy of her license in her shop and could not find her original license at inspection time.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

46. 201200644-1
First License Obtained: 09/17/1987
License Expiration: 02/28/2013
History: 201200422-1 Closed w/no action 05/08/12

A consumer complaint received on March 3, 2012 alleges the Respondent shop employee performed a bleaching process on the complainant's hair causing her hair to fall out and/or

leaving her hair dead except the roots. The Complainant further alleges that she contacted another cosmetology shop and was advised the volume of bleach used was too strong and overlapped into areas other than the roots which resulted in melting and causing her hair to fall out. The Complainant returned to the Respondent shop on later date and received a refund for the service she received. The owner of the Respondent shop was served with a notice of the complaint, but failed to respond as of the date of this summary.

Recommendation: Close with a letter of warning.

BOARD DECISION: CONCURRED

COSMETOLOGY
JUNE 2012
CONSENT ORDERS $21,750.00

Beautiful Nails 4355 Elvis Presley Blvd. Memphis, TN 38116	Violation issued November 18, 2011 Pd $1000.00 on 03-30-2012
Beautiful Nails 2616 Frayser Blvd. Memphis, TN 38127	Violation issued July 28, 2011 Pd $500.00 on 12-29-2011
Beautiful Nails 2616 Frayser Blvd. Memphis, TN 38127	Violation issued January 6, 2012 Pd $250.00 on 05-04-2012
Beauty Express 2100 Hamilton Place Suite 277 Chattanooga, TN 37421	Violation issued October 21, 2011 Pd $1000.00 on 04-19-2012
Cali Nails 1600 N. Jackson Suite 216 Tullahoma, TN 37388	Violation issued October 18, 2011 Pd $500.00 on 04-09-2012
Coumba's Africian Hair Braiding 1801 Jefferson Street Suite 203 Nashville, TN 37208	Violation issued October 25, 2011 Pd $500.00 on 05-22-2012
D & D Nail Spa 435 Sam Ridley Pkwy Smyrna, TN 37167	Violation issued May 25, 2011 Pd $1000.00 on 03-01-2012

Da-Vi Nails, Inc.
204 N. Anderson Lane
Hendersonville, TN 37075

Violation issued February 3, 2012
Pd $500.00 on 05-07-2012

Elysian Nails Spa
637 President Place
Smyrna, TN 37167

Violation issued December 14, 2011
Pd $500.00 on 03-30-2012

Geneses Hair Design
247 West Main
Suite N
Hendersonville, TN 37075

Violation issued July 13, 2010
Pd $500.00 on 05-03-2012

Gio's Salon
3908 Apache Trail
Antioch, TN 37013

Violation issued December 7, 2011
Pd $500.00 on 05-23-2012

Hair Pavilion
159 Gatone Drive
Hendersonville, TN 37075

Violation issued November 1, 2011
Pd $1000.00 on 03-30-2012

Hollywood Nails
200 Paul Huff Pkwy
Box 2
Cleveland, TN 37312

Violation issued November 18, 2011
Pd $500.00 on 04-24-2012

L & B Nails
334 Henslee Drive
Dickson, TN 37055

Violation issued December 1, 2011
Pd $500.00 on 03-30-2012

Michelle's Salon
3766 Ridgeway Road
Memphis, TN 38115

Violation issued April 15 & May 19, 2011
Pd $500.00 on 04-11-2012

Nail Bar on the Island 117 Harbor Town Sq Memphis, TN 38103	Violation issued November 22, 2011 Pd $500.00 on 05-23-2012
Nail Arts 309 N. Lowry Street Smyrna, TN 37167	Violation issued September 30, 2011 Pd $1000.00 on 04-04-2012
Nail Express 2215 Murfreesboro Pike Nashville, TN 37217	Violation issued April 16 & May 25, 2011 Pd $1500.00 on 03-30-2012
Nail Time 2874 Wilma Rudolph Blvd. #120 Clarksville, TN 37040	Violation issued September 27, 2011 Pd $1000.00 on 04-16-2012
Nails and Wax 1831 W. Broadway Maryville, TN 37801	Violation issued November 22, 2011 Pd $500.00 on 05-02-2012
Nails 88 921-D Tiny Town Road Clarksville, TN 37042	Violation issued August 5, 2011 Pd $1000.00 on 04-24-2012
Natural Nails & Spa 1707 East Central Ave #3 LaFollette, TN 37766	Violation issued October 26, 2011 Pd $500.00 on 04-16-2012
Sue's Cuts Unlimited 808 West Avenue Crossville, TN 38555	Violation issued January 13, 2010 Pd $1000.00 on 05-07-2012
The Ultimate Image Salon 1106 Rosewood Drive Ashland City, TN 37015	Violation issued October 20, 2011 Pd $500.00 on 04-16-2012

Venetian Nail Spa
300 Indian Lake Blvd.
Hendersonville, TN 37075

Violation issued December 3, 2009
Pd $5000.00 on 05-02-2012