# MINUTES

The Tennessee State Board of Cosmetology Held a meeting August 1, 2011 at 9:00 a.m. in Nashville, Tennessee.

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

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and 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 the cosmetology schools in attendance.

MINUTES-

Minutes from the May 2, 2011 Board meeting submitted for approval.
MOTION made by Diana Buchanan and seconded by Pearl Walker for approval. Motion carried unanimously.

Minutes from the June 6, 2011 Board meeting submitted for approval.
MOTION made by Nina Coppinger and seconded by Janet Wormsley for approval. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Lynn England, Administrative Law Judge for the State of Tennessee appeared before the Board to discuss and explain to the Board Members their responsibilities in the process of the different types of hearing. Judge England pointed out several key issues Board Members are responsible for in participating in the various hearings.

Eboni Agbontaen, Memphis, Tennessee- Present-
Ms. Agbontaen appeared before the Board at the request of the Board. The Board reviewed Ms. Agbontaen request for retention of hours she completed at Sheffield Technician School that exceeded the seven (7) year requirement for completion of hours in the curriculum from original date of enrollment. Ms. Agbontaen's original date of

enrollment in the cosmetology curriculum at Sheffield was 08/13/2000. Ms. Agbontaen did not complete her hours when enrolled at Sheffield and later enrolled at Tennessee Academy at which time she did not complete the required fifteen hundred hours within seven (7) years. Ms. Agbontaen stated when she enrolled at Tennessee Academy she was enrolling with plans to complete the 1500 hours because she thought her hours from the precious school were expired. Ms. Agbontaen stated the person who enrolled her at Tennessee Academy advised her she would not need to complete the full 1500 hours because she could use the hours from Sheffield Technician School..

MOTION made by Nina Coppinger and seconded by June Huckey to deny the request. Voice Vote was taken: Five (5) against the request and two (2) for approval of request.

Marlena Mackendrick Hardin, Nashville, Tennessee-Present-
Ms. Hardin requested to appear before the Board today concerning cosmetologist using machines or equipment in the practice of cosmetologist. Ms. Mackendrick is requesting the Board to grant her approval to use machines and she is license as a cosmetologist in Tennessee. She stated she was previous owner of a company that manufactured esthetics equipment and in the State of Florida she was permitted to use machines. She no longer has that company now lives in Tennessee and she wants to go to work in a Spa and be able to use machines.

Attorney for the Cosmetology Board Terrance Bond advised Ms. Mackendrck she would need to contact her legislature to propose a law change which would allow cosmetologist in Tennessee to used machines.

MOTION made by Muriel Smith to take no action at this time seconded by June Huckeby. Motion carried unanimously.

Catherine Allison-Tennessee Ridge, Tennessee-Present-
Ms. Allison is here today at the request of the Board. Ms. Allison submitted an application for reciprocity of manicurist license from Ohio. Certification from the Ohio State Board states she received license in the state of Ohio in 1981 by reciprocity from Minnesota. Certification from the Minnesota State Board states they have no record of licensure for Ms. Allison. The Board questioned Ms. Allison as to how she obtained her original hours in Minnesota and they show no record of her holding a license in that state.

MOTION made by Muriel Smith and seconded by June Huckeby to approved Ms. Allison application for reciprocity. Motion carried unanimously.

COSMETOLOGY SCHOOLS-

Gould's Academy of Cosmetology is adding an esthetics curriculum to the courses offered at the school. Board Member Pearl Walker has visited the academy and everything was in compliance and approval has been issued for the school to offer the esthetics curriculum.

MOTION made by June Huckeby and seconded by Muriel Smith to approve addition of the esthetics curriculum. Motion carried unanimously.

Empire Beauty School located 7106 Moores Lane Brentwood, Tennessee was flooded for the second time. As most of you might have seen on the news the photo of the automobile that went thru the window of the school due to the flooding. The first floor of the school is a total loss it will need to be rebuilt. The on-site staff has begun meeting with city building inspectors and electrical engineers to get the power turned on for the 2nd floor ASAP. Once that happens, they will be able to use the 2nd floor and to accommodate for the lost of the 1st floor they have obtained space across the street 93 Seaboard Lane, suite 1006 Brentwood. I approved the use of the temp location.

Board approval and no need for vote due to act of MOTHER NATURE.

Application for a new school of cosmetology, " Douglas J. Aveda Institute Knoxville". Mr. Scott Weaver school owner is here to answer any questions you might have. You have in your packet the school application, bond, floor plan and 20 enrollment agreements with proof of high school education attached. You will notice you have two (2) floor plans Phase 1 and Full Plans are how they are labeled. Mr. Weaver explained the first floor plan is for the current opening of the school and the second floor plan if for the later expansion of the school.

MOTION made by Muriel Smith and seconded by Diana Buchanan to have the Board Member and Board Inspector for the area inspect the proposed new school for approval to open. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

The flowing applications have been submitted for examination approval with felonies. All the required information has been submitted, disclosure from the applicant and a letter of examination recommendation from the school. The applicants are: Derrick Clark, Adarreon Golden, Lynna Kowen, Shalenia Odom, Marcus Cook, Jessica List, Amber Gandy, David Presley, Keithan Gause, Jerell Owens, Meredith Brown, Angela Wilson, Tiffany Williams (two applications aesthetician and cosmetologist), Scott Haynes, and Melissa Miller.

MOTION made by Nina Coppinger and seconded by Muriel Smith to approve applications for examination with signed agreed orders. Motion carried unanimously.

Application for the manicurist examination for Phuong Troung was submitted to the Board at the April meeting. The Board declined the application for examination for approval due to dates of enrollment in Georgia Beauty School located in Norcross, Georgia conflicted with date of her enrollment in Cookeville High School. The applicant has submitted information from Georgia Beauty School that list her accumulation of hours from –Good Friday, Spring Break, Summer Break, Fall Break and Saturday classes at the school. Also submitted was a copy of the Putnam County School Calendar for the 2009 and 2010 school year. Applicant enrolled in the Georgia Beauty School 04/01/2010 to 11/30/2011.

MOTION made by June Huckeby and seconded by Janet Wormsley to deny the application for examination. Motion carried unanimously.

RECIPROCITY-

Application for reciprocity of aesthetician license from California for Tina Troung. Certification verifies she obtained her aesthetician license in California 11/4/2008. California requires 600 hours of instruction in the esthetics curriculum. She submitted a 5 year work history but it is not as an aesthetician.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant is required to complete one hundred fifty (150) hours of instruction in the aesthetician curriculum in a license school and pass the state board aesthetician examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Jennett Vo. Certification verifies she obtained aesthetician license in California 02/02/2010 therefore no five (5) year work history as an aesthetician. California requires 600 hours of instruction in the esthetics curriculum.

MOTION made by Nina Coppinger seconded by Jane Wormsley applicant is required to complete one hundred fifty (150) hours of instruction in the aesthetician curriculum in a license school and pass the state board aesthetician examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Mary Hudgens. Certification verifies she obtained her aesthetician license in California 10/07/2009 therefore no five (5) year work history as an aesthetician. California requires 600 hours of instruction in the esthetics curriculum.

MOTION made by Nina Coppinger seconded by Diana Buchanan applicant is required to complete one hundred fifty (150) hours of instruction in the aesthetician curriculum in a license school and pass the state board aesthetician to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of manicuring license from California for Dung Nguyen. Certification verifies she completed four hundred (400) hours of instruction in the manicurist curriculum and her original licensing date 03/01/1999. She has submitted a five (5) year work history from a Tax service in Florida and it states "We have prepared the tax return for Ms. Nguyen for 5 years". It does not state what five years. Applicants are required to provide proof of a recent 5 year work history.

MOTION made by June Huckeby and seconded by Muriel Smith to request additional information. Motion carried unanimously.

Application for reciprocity of manicuring license from Illinois for Robin Desmond. Certification from the Illinois State Board verifies she became license in that state in 1991 and was grandfathered in. She has stated she attended nail training in 1982 at Ja'Nique Nails in Indianapolis, Indiana a business which no longer exists. It was not a licensed training school so it was not monitored for hours. She did not obtain license in the State of Indiana. For proof of 5 year work history she has submitted affidavits from her co-workers and herself.

MOTION made by June Huckeby seconded by Nina Coppinger to deny the application for reciprocity and applicant will be required to complete six hundred (600) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of manicuring license from Mississippi for Daphne Wallace. Certification from the Mississippi State Board verifies she completed 250 hours in the manicuring curriculum and obtained license 03/10/1999. She has submitted a work history as follows 2008 occupation nail specialist, 2009 hair dresser, 2010 beautician and a letter from Hair Trends Salon that states she was employed at this establishment and received the earnings in 2006 and 2007 but it does not state what her occupation was.

MOTION made by Muriel Smith and seconded by June Huckeby to deny the application for reciprocity. Applicant will be required to complete three hundred fifty (350) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Nikita Benson. Certification from the Pennsylvania verifies she completed 1250 hours of instruction in

the curriculum and obtain original license 06/30/2008 therefore no five (5) year work history.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to complete two hundred fifty (250) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Kentucky for Melissa Smith. Certification from the Kentucky State Board verifies she completed 1800 hours of instruction in the cosmetology curriculum and is license as an Apprentice Cosmetologist since 06/01/10.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to pass the state board cosmetology examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license from Alabama for Thao Nguyen. Certification from the Alabama State Board verifies he obtained initial license in that state 06/25/2008 and he "Apprenticed with Nail City" to qualify for license.

MOTION made by Muriel Smith and seconded by June Huckeby to deny the application for reciprocity. Applicant will be required to complete six hundred (600) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Brandy Crofts. Applicant currently holds a valid license in the State of Florida. Letter from the Virginia State Board certifies she was Registered Cosmetologist Apprentice during her period she completed 3000 hours (18 months) of on the job training under the supervision of a licensed cosmetologist and two semesters of classroom training through Norfolk Technical Center.

MOTION made by Muriel Smith and seconded by Janet Wormsley to request applicant submit a five (5) year work history as a cosmetologist for review by the Board. Motion carried unanimously.

Application for reciprocity of aesthetician license from Virginia for Courtney Kimmel. Certification from the Virginia State Board certifies applicant was initially license 08/12/09 and was permitted waiver of the examination with documentation of training and acceptable experience. She was to submit that information to the Board for presentation with her reciprocity application but we have not received.

MOTION made by June Huckeby and seconded by Muriel Smith to request additional information for review by the Board. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Truc Do. Certification from the Georgia State Board verifies she was initially license 8/31/2009 and completed 525 hours of instruction in the manicurist curriculum therefore no five (5) year work history.

MOTION made by Diana Buchanan and seconded by Janet Wormsley applicant will be required to complete seventy-five (75) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Dixie Disney. New York required 1000 hours of instruction in the cosmetology curriculum. She submitted a 5 year work history which states her occupation as a hair dresser but the occupation for the year 2010 is listed as homemaker. She states in her letter her father passed away in 2010 and she had to take care of her mom and she did not work.

MOTION made by Muriel Smith and seconded by June Huckeby applicant will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Ethopia for Genet Meles. She has submitted a diploma which states she completed seven 7 months in hair dressing at the Women's Beauty Club Hair Dressing Center. No break down on what was covered in the seven 7 month curriculum.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to request applicant submit a breakdown of what was covered in the curriculum at the Women's Beauty Club and Hair Dressing Center. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for David Hough. Certification from the Florida verifies 1200 hours of instruction in the curriculum and original date of licensing as 10/12/10. He has submitted a certificate from Aveda Institute Florida which states he completed 1672.50 hours in cosmetology science.

MOTION made by Nina Coppinger and seconded by Pearl Walker to request applicant submit a notarized breakdown of what was covered in the cosmetology curriculum at Aveda Institute in Florida. Motion carried unanimously.

Application for reciprocity of manicuring license from Florida for Song Nguyen. Certification verifies completion of 240 hours in the curriculum and initial date of licensing 07/16/2009.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete two hundred sixty (260) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Rachel Rios. Certification verifies 1200 hours in the curriculum and initial license issued 10/16/2007.

MOTION made by Nina Coppinger and seconded by June Huckeby applicant will be required to complete three hundred (300) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Mexico for Magdalena Lopez-Valdez. She had submitted documentation which states she completed 1800 hours at Juanjo's Beauty & Coiffure Academy in Mexico. She is license in the State of Georgia. She sent a copy of her Georgia license she did not have a certification of her Georgia license sent to the Tennessee State Board from the Georgia State Board.

MOTION made by June Huckeby and seconded by Muriel Smith to table this application and request the applicant have a certification of licensing from the Georgia State Board submitted to the Tennessee State Board of Cosmetology for presentation to the Board of Cosmetology at the next meeting. Motion carried unanimously.

Application for reciprocity of aesthetician license from Pakistan for Aisha Hashmi. She submitted her certificate of completion of a two (2) year esthetics program from International Institute of Cosmetology and School of Beauty and passed the required board examination.

MOTION made by Nina Coppinger seconded by June Huckeby to request applicant submit additional information concerning the number of hours completed in the esthetics curriculum in Pakistan. Motion carried unanimously.

Application for reciprocity of cosmetology license from India for Guljur Dhanani. She has submitted certificate that she successfully completed and passes the course' Hair Dressing, Beauty Therapy, Yoga Therapy in a course under 300 hours and a Diploma for 1500 hours.

MOTION made by June Huckeby and seconded by Muriel Smith to require applicant to pass the aesthetician examination to qualify for license in Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Hamida Panjwani.The Board reviewed her application at the March 2011 meeting and requested a break down as to what was covered in the cosmetology curriculum at Trupti Beauty Parlour in India. She has submitted the requested breakdown .She qualified for license in New York by

equivalent experience from India. She obtained license in Oklahoma by reciprocity from New York.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to pass the state board cosmetology examination to qualify for license in Tennessee. Motion carried unanimously.

Ms. Khady Camara is requesting the Board to accept this letter she has submitted as a demand to renew her request to obtain a Tennessee Natural Hair Styling license. She had previously submitted her request in 2007. She completed 20 hours in the hair braider curriculum in Florida in 2005 to obtain a hair braider license in that state. The board voted she would be required to complete 280 hours in the curriculum and pass the state board examination to qualify for natural hair styling license in Tennessee. She states in this letter she is asthmatic and has looked all over for a school that offers only natural hair because she does not want to deal with the chemical in a cosmetology school.

MOTION made by Nina Coppinger and seconded by Muriel Smith to deny applicant's request to receive Natural Hair Styling license. Previous vote stands which states applicant is required to complete two hundred eighty (280) hours in the natural hair styling curriculum in a license school and pass the state board natural hair styling examination. Motion carried unanimously.

SEMINAR EXTENSION REQUEST-

Request for extension from Lavergne Jackson. The Board granted her an extension from the seminar in 2010 with instructions she was required to attend in 2012. The issue is this---her license expires 02/28/12 seminars begin in June each year. Her license will expire prior to seminar attendance.

MOTION made by Muriel Smith and seconded by Nina Coppinger to deny the request for extension.. Motion carried unanimously.

Request for extension from Kathy Dixon. The Board had previously granted Ms. Dixon an extension in 2008 and she was required to attend in 2009 and 2010. She attended in 2009 but not 2010 and she has sent an email advising of why she did not attend in 2010 and her license will expire 03/31/2012.

MOTION made by Muriel Smith and seconded by June Huckeby to permit applicant to attend the Tennessee State University Continuing Education Seminar next weekend to obtain the required sixteen (16) hours of continuing education. Motion carried unanimously.

Request for extension from Estelle Lewis. Medical statement is attached. Her license expires 02/28/12.

MOTION made by Muriel Smith and seconded by June Huckeby to approve the request for an extension. Motion carried unanimously.

Request for an extension from Janet Cornelius. She has submitted a statement as to the request for the extension.

MOTION made by June Huckey and seconded by Nina Coppinger to deny the request for extension. Motion carried unanimously.

Request for an extension from Donna Boyd. She has submitted a medical statement.

MOTION made by Muriel Smith and seconded by June Huckeby approval of extension request. Motion carried unanimously.

REQUEST FOR SEMINAR APPROVAL-

Request for approval of the Train the Trainer Continuing Education Seminar offered by Redken for the required sixteen (16) hours of continuing education in Tennessee.

MOTION made June Huckeby and seconded by Muriel Smith to deny the request for approval of this continuing educational seminar. Motion carried unanimously.

EDUCATIONAL DOCUMENTS FOR REVIEW-

Request from Empire Beauty Schools for approval of highs school educational documents for Jenifer Karina Vivar Rosil from Guatemala.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of educational documents submitted. Motion carried unanimously.

Request from Franklin Academy for educational documents for Albana Baftiu Berkolli from Kosovo.

MOTION made by Nina Coppinger and seconded by Diana Buchanan approval of educational documents submitted. Motion carried unanimously.

Request for approval of high school educational documents for Joyce B. Ngayodan from Republic of the Philippines.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of educational documents submitted. Motion carried unanimously.

Request for approval of high school educational documents for Ayumi Adair from Japan. The documents are in her maiden name Morimoto.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of educational documents submitted. Motion carried unanimously.

MISCELLANEOUS-

Request from Stephanie Redd Plymouth for hours in the cosmetology curriculum that are 25 year old and the board office has no record of the hours. She has submitted her high school transcript that shows she was enrolled in the cosmetology curriculum in high school but that does not provide proof of completion of the 1500 hours.

MOTION made by Muriel Smith and seconded by Janet Wormsley approval to take the state board cosmetology examination. Motion carried unanimously.

Request for reinstatement of license that would be 53 year old and the board office has no record.

MOTION made by Muriel Smith and seconded by Nina Coppinger to deny request for reinstatement of license that the board office has no record of licensing. Motion carried unanimously.

The Board requested a demonstration of "Feather Hair Extension" from the individual that sent the email wanting to know if a license was required to perform this service but I did not get a response. Board Member June Huckeby and Pearl Walker can provide information because Lynn Thomas PSI Site Supervisor had Feather Hair Extension in her hair at the recent seminars.

The Board voted to table this issue and attorney for the board Terrance Bond will research this procedure and provide that information to the Board at the next meeting.

Nordstrom's Department has two questions:

(1) Can brow waxing be performed on the cosmetic floor on a back wall space if a sink is provided? The service would be provided by a licensed aesthetician.
(2) Can polish only for nails be provided on the cosmetic floor by a license nail therapist?

Ms. Waller advised she had informed Nordstrom's to provide these services they would be required to hold a salon license. The Board was in agreement.

Clarification on Cosmetology Rule 0440-1-03 (5)- requested by International College of Arts & Beauty school owner Gene Wallace.

"Natural Hair Styling section (a) states that Natural Hair stylist are to be instructed in the art of shampooing and draping and in section (b) states the stylist is to be instructed in natural hair styling by use of hands or mechanical appliances. Since we will be teaching shampooing, I believe we would also need to include the teaching of blow drying the hair. Would this also include the teaching of using mechanical appliances such as curling irons and flat irons? In addition, with this license would the Natural Hair Stylist be permitted to shampoo clients for other stylists in a salon?

MOTION made by June Huckeby and seconded by Pearl Walker that Natural Hair styling would include shampooing and blow drying which answers the first part of the question and to request Mr. Wallace to appear before the Board to explain the second part of his question for clarification for Board Members. Motion carried unanimously.

Letter from Fayetteville Beauty College owner Rufus Hereford concerning increasing the amount of hours in the instructor curriculum in Tennessee. This information will be retained for review and consideration when the Board prepares for rulemaking hearing.

Request from Pamela Pitner to perform eyelash extensions in a facility for permanent makeup which is not a salon license by the Board of Cosmetology and she is not license as an aesthetician or cosmetologist.

MOTION made by Muriel Smith and seconded by June Huckeby to request Ms. Pitner to appear before the Board at the next schedule meeting. Motion carried unanimously.

Comments and rating from the University of Memphis Continuing Education Seminar.

Board Members reviewed the continuing education seminar comments and ratings and were advised we should have the information from the University of Tennessee Seminar at the October Meeting. The Tennessee State University Seminar will be held next weekend. Board Members also discussed that product selling and anything that is not covered in the field of cosmetology such as permanent makeup should not be included in the seminars.

MOTION made by June Huckeby and seconded by Pearl Walker to have the Board Members who hold instructor license, Diane Buchanan, Pearl Walker, Linda Colley, Muriel Smith and also the Education Board member Nina Coppinger sit on the planning committee of all the seminars at the Universities. Motion carried unanimously.

Consent Orders:

MOTION made by June Huckeby and seconded by Muriel Smith to approve consent orders. Motion carried unanimously.

Legal Report:

Motion made by June Huckeby and seconded by Muriel Smith to approve the legal report. Motion carried unanimously.

COSMETOLOGY BOARD
AUGUST 2011
CONSENT ORDERS $13250.00

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| Bang! A Downtown Salon<br>700 Buffalo Street<br>Johnson City, TN 37064 | Violation issued January 25, 2011<br>Pd $500.00 on 8-26-2011 |
| Glamour Nails<br>9408 Apison Pike<br>Ooltewah, TN 37363 | Violation issued January 12, 2011<br>Pd $500.00 on 6-30-2011 |
| Judy Hair Perfection's<br>1107 McGavock Pike<br>Nashville, TN 37216 | Consumer Complaint<br>Pd $500.00 on 4-08-2011 |
| KISS Nails, LLC<br>933 Tracy Lane<br>Suite E<br>Clarksville, TN 37040 | Violation issued January 14, 2011<br>Pd $1000.00 on 6-30-2011 |
| Lovely Hair Designs<br>901 Dodds Avenue<br>Chattanooga, TN 37404 | Violation issued March 23, 2010<br>Pd $500.00 on 6-2-2011 |
| Nails 1st<br>653 South Mt. Juliet Road<br>Mt. Juliet, TN 37122 | Violation issued March 10, 2011<br>Pd $500.00 on 7-20-2011 |
| Nina's Nail & Hair Salon<br>1325 Madison Avenue<br>Memphis, TN 38104 | Violation issued November 17, 2010<br>Pd $500.00 on 6-29-2011 |
| Palazzo Nails<br>516 West Main Street<br>Lebanon, TN 38087 | Violation issued February 8, 2011<br>Pd $1000.00 on 7-26-2011 |

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|---|---|
| Pro Nail<br>5117 Yale Road<br>Memphis, TN 38134 | Violation issued January 21, 2011<br>Pd $750.00 on 6-21-2011 |
| Sofia's Nail and Spa<br>200 Hwy 52 Bypass Suite C<br>Lafayette, TN 37083 | Violation issued November 13, 2008,<br>April 30, 2009, January 13, 2011,<br>March 4, 2011<br>Pd $4000.00 on 6-9-2011 |
| Solar Nails<br>100 Mission Court<br>Franklin, TN 37067 | Violation issued March 18, 2008<br>Pd $1000.00 on 6-24-2011 |
| Unique Nails<br>850 Pennell Lane<br>Dyersburg, TN 38024 | Violation issued February 25, 2011<br>Pd $500.00 on 7-7-2011 |
| Vero's Beauty Salon<br>1535 Wells Station<br>Memphis, TN 38108 | Violation issued February 25, 2011<br>Pd $500.00 on 7-20-2011 |
| Viva la Nails<br>11125 Hwy 70<br>Arlington, TN 38002 | Violation issued December 2, 2010<br>Pd $500.00 on 6-20-2011 |
| Vivian's Beauty Boutique<br>1004-c Memorial Blvd.<br>Murfreesboro, TN 37129 | Violation issued December 16,2 010<br>Pd $1000.00 on 6-20-2011 |

**STATE OF TENNESSEE**
**DEPARTMENT OF COMMERCE AND INSURANCE**
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**TO:** **Tennessee State Board of Cosmetology**

**FROM:** **Terrance L. Bond, Assistant General Counsel**

**DATE:** **August 1, 2011**

**SUBJECT:** **August Legal Report**

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**1. 201100853-1**

A consumer complaint alleges that a licensed cosmetologist gave the consumer a hairstyle with which the consumer was extremely dissatisfied. Neither the cosmetologist nor a representative of the shop responded to a request from the Board for response to the consumer's complaint.

**Recommendation: Close with a letter of warning.**

**2. 201100340-1**

The Respondent, a cosmetologist who has held such license in Tennessee since 2002, was accused by the Texas Department of Licensing and Regulation (TDLR) purchasing approximately one hundred (100) classroom hours and reporting such hours toward her education as a cosmetology facialist. The Respondent only held a "student permit" in the State of Texas and neither applied for nor obtained a license to practice cosmetology in Texas. No additional information has been received from the TDLR relative to its pending claim against the Respondent.

**Recommendation: Close with a letter of warning.**

3. **201100857-1**

A consumer complaint alleges that the Respondent, who owns a licensed cosmetology shop, does not maintain covered trashcans or a blood spill kit in her shop. The consumer also alleges that the Respondent engages in false advertising relative to sterilization and employment of a "medically trained" nail technician (according to the Complainant, such advertisement is featured on the Respondent's website). No evidence supporting the Complainant's assertion relative to the nail technician could be found on the Respondent's website. The Respondent's last reported inspection score was 100. The Respondent failed to respond to an office request for response to the Complainant's allegations.

**Recommendation: Close with a letter of warning.**

4. **201100858-1**

A consumer complaint alleges that a licensed cosmetology shop opened 20 minutes late and failed to provide working restroom facilities for clients, stating that a sign was posted on the restroom door indicating that the facilities were "out of order". According to the consumer, clients had to walk to a neighboring business to use the bathroom. The Respondent failed to respond to an office request for response to the Complainant's allegations.

**Recommendation: Close with a letter of warning.**

5. **201100865-1**

A consumer complaint alleges that a licensed cosmetologist incorrectly applied a perm to her hair, causing the consumer to experience scalp irritation and hair loss. In addition, the consumer alleges that she contacted the board office and was advised that the individual who performed her service did not hold a cosmetology license. The owner of the shop responded to the complaint, stating that she was present for the consumer's service and the consumer was satisfied with her service at the time she received it. According to the owner, the consumer later complained that the style didn't "last long enough" and demanded a refund, which the owner declined to give since the consumer received the service she requested. The owner also states that she examined the consumer's hair and found no evidence of damage or obvious hair loss. The owner states that the cosmetologist has passed both her theory and practical exams at the time of service and that her results were displayed at the time of service.

**Recommendation: Place a copy of the complaint in the licensee's license file and close.**

6. **201100335-1**

A consumer complaint alleges that the consumer was dissatisfied with a color service that she received from a licensed cosmetologist and that the cosmetologist was rude to her concerning a refund she requested after expressing her dissatisfaction with the service. The Respondent failed to respond to an office request for response to the Complainant's allegations.

**Recommendation: Close with a letter of warning.**

7. **201101185-1**

A consumer complaint alleges that she received a poorly performed color service and that the licensed cosmetologist who performed the service was rude and aggressive with her after she requested that the service be corrected. The owner of the shop responded to the complaint, stating that, while she was not present for the service or the correction, she spoke with several witnesses to the service and correction and that the witnesses disagreed with the consumer's account. The owner also stated that the accused licensed cosmetologist has worked for her for eight (8) years and has never been the subject of a complaint.

**Recommendation: Place a copy of the complaint in the licensee's license file and close.**

8. **201101327-1**

A consumer complaint alleges that she contracted cellulitis around the cuticle area after receiving a pedicure at a licensed manicure shop. According to the consumer, the infection may have been caused by technician, whose service techniques were "aggressive", according to the consumer, or lack of sterilization of instruments. The owner of the shop responded, stating that the shop always receives high inspection scores. On the day before the complaint was filed, the shop received an inspection score of 98.

**Recommendation: Place a copy of the complaint in the licensee's license file and close.**

**9. 201002113-1**

The board previously authorized an informal conference with the Respondent after she failed to respond to allegations that she had an extensive criminal record (making her unfit to practice cosmetology) and that she made false statements to a zoning commission in attempting to obtain a zoning variance for a residential cosmetology shop. The office has made several attempts to locate the Respondent, with no success.

**Recommendation: Close and flag.**

**10. 201003360-1**

A consumer complaint alleges that the Respondent is engaged in the practice of cosmetology in a public housing unit. An investigation conducted by the public housing authority revealed that there was no evidence to support the consumer's allegation.

**Recommendation: Close with no further action.**

**11. 201001137-1**

A consumer complaint alleges that the Respondent is performing haircutting services for employees of a bank inside the bank. The office of legal counsel requested an investigation of the matter (according to its records), but no request could be located in the investigative services office. No additional information regarding the Respondent's alleged activities has been received since the complaint was filed.

**Recommendation: Send a CEASE and DESIST letter.**

**12. 201100781-1**

The Board authorized a formal hearing with authority to settle by Consent Order and payment of a $1,000.00 civil penalty on allegations that a licensed school of cosmetology permitted a student to perform services on a client before she had accumulated one hundred (100) hours in the manicuring curriculum. The owner of the school, who originally responded to the complaint, submitted a supplemental response in light of the board's offer of settlement.

**Recommendation: Discuss.**

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