MINUTES

The Tennessee State Board of Cosmetology held a meeting April 4, 2011 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice-Chairman, June Huckeby, Muriel Smith, Janet Wormsley, Pearl Walker and Diana Buchanan. Virgilene Lotze was not present.

Others present: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Hazel Buttrey, Regulatory Board Licensing Technician.

Meeting was called to order by Board Chair Linda Colley.

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

Linda Colley, Board Chairman called for roll call.

Linda Colley, Board Chairman advised the audience of the passing of Cosmetology Board Member Judy Golden on March 17, 2011 and a moment of silence was requested to observe her passing.

MINUTES:

MOTION was made by Nina Coppinger and second by Diana Buchanan to approve the February 7, 2011 board minutes. Motion carried unanimously.

MOTION was made by June Huckeby and second by Muriel Smith to approve the March 7, 2011 board minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD:

Mr. Thien Thanh Pham submitted an application for the cosmetology examination which was presented to the Board at the October 12, 2010 meeting. Mr. Pham's proof of high school education was documents from Vietnam and he completed his hours of instruction in the cosmetology curriculum in 2009 at Christine K. Beauty School in California. After reviewing the information submitted the Board voted to request Mr. Pham to appear before the Board.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to approve Mr. Pham for the examination. Motion carried unanimously.

Ms. Misun Im requested to appear before the Board concerning her application for reciprocity of cosmetology license from Korea which was presented to the Board at the February 7, 2011 meeting. The Board voted to decline Ms. Im's application for reciprocity and she would be required to complete fifteen hundred (1500) hours of instruction in the cosmetology curriculum and pass the state board examination. Ms. Im has submitted additional documentation as to her instruction in the cosmetology curriculum in Korea which details that she completed 4500 hours and a breakdown of the curriculum.

MOTION was made by Nina Coppinger and second by Janet Wormsley to required Ms. Im to pass the state board cosmetology examination to qualify for cosmetology license in Tennessee. Motion carried unanimously.

ADMINISTRATIVE REPORT-

Board Member June Huckeby requested to make a statement before the Director begins the administrative report. "She stated in looking back over the minutes from meetings some of the decisions that have been made should perhaps been delayed until we had more information. Especially when we have a board member who is absent from the meeting who can

address what is discussed. Board Members should be careful that all decisions are lawful.

Janet Wormsley stated the school owner who appeared before the Board at the March meeting concerning opening of her new cosmetology school in Tennessee chose to close her school before the license was issued. Ms. Wormsley stated the school owner was attempting to operate the school in Tennessee as she would be operating her school in Kentucky and would not listen to her or the Board Inspector concerning requirements for operating a school in Tennessee.

APPLICATION FOR EXAMINATION

Application for examination from Monique Nicole Johnson, Shyretha Shyon Stephens, and Brenda Hickman who have felonies. All required information has been submitted the disclosure from the applicant and letter of recommendation for examination from the school attended.

MOTION was made by Nina Coppinger and second by Muriel Smith to approve the applications for examinations with signed agreed orders from each applicant. Motion carried unanimously.

Application for the manicurist examination from Phoung Truong. Her dates of enrollment in the Georgia Beauty School located in Norcross, Georgia are also the dates she would have been attending high school at Cookeville High School in Cookeville, Tennessee.

MOTION was made by Nina Copppinger and seconded by Janet Wormsley to deny the application for examination approval. Motion carried unanimously.

SEMINAR EXTENSION REQUEST-

Request for extension from Toni Freeman. Her license expiration date is 02/28/2011 and her last seminar attendance date was 2008. Therefore she has not met the requirement of completion of 16 hours of continuing

education within the license renewal period. She has submitted a letter for Board review.

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

Request for extension from Holly Helton. She had previously contacted the Board office and advised she did not attend the seminar and advised the board office to remove her instructor status and issue her cosmetology license. Prior to renewal of cosmetology license the license expiration date was 03/31/11. Her last seminar attendance was 2008. She did not complete 16 hours of continuing education for the 2009-2011 license period. She submitted a letter for Board review.

MOTION made by Nina Coppinger and second by June Huckeby to deny the request for an extension. Motion carried unanimously.

DOCUMENT APPROVAL-

The Board previous reviewed high school educational documents and documents showing Ayisha Tahiru earned 750 hours in the cosmetology curriculum at "F C Beauty College" in Ghana. I finally have clear understanding of the request. First she is requesting approval of the educational documents she submitted from Ghana for approval of high school education to qualify to enroll in a school of cosmetology in Tennessee. Second she is requesting the Board to approve the 750 hours in the cosmetology curriculum she earned in Ghana for hours in the curriculum. I did explain to her if the Board approved hours in the cosmetology curriculum from Ghana it is up to the cosmetology school she enrolls to accept the hours.

MOTION was made by Nina Coppinger and seconded by Pearl Walker to accept the documents submitted for proof of high school education from Ghana. Motion carried unanimously.

MOTION was made by Diana Buchanan and seconded by Janet Wormsley to deny approval of the 750 hours in the cosmetology curriculum in Gahana. Motion carried unanimously.

FIELD TRIP REQUEST-

Field trip request from Georgia Career Institute, Murfreesboro Campus. The trip is for freshmen esthetics students to attend the Southern Women Show and speak with various vendors in the beauty industry see demonstrations, meet prospective employers.

MOTION: was made by Nina Coppinger and seconded by Muriel Smith to deny approval for field trip request. Motion carried unanimously.

MISCELLANEOUS REQUEST-

Request from a proposed salon owner to use a portable sink in his proposed Facial and Body Bar. He states he is requesting the use of a portable sink in the facility due to the issues of the water and drain lines which are more than two hundred feet away from the suite. He has included detail information about the portable sink. A lengthy discussion was held concerning portable sinks by the Board.

MOTION was made by Nina Coppinger and seconded by Muriels Smith to request more information on the proposed salon, the building, location of rest rooms in the building etc. Motion carried unanimously.

Request for approval of continuing education seminar from Plaza Beauty School for instructors at the school to obtain the required continuing education hours. The proposed seminar would be held August 22-23, 2011 and they have included the lesson plan, bio's and resumes of the presenters.

Board Member Nina Coppinger stated she reviewed this seminar request carefully. Seminars must be board approved. A couple of key elements that would be missing from non-university related seminars would be:

1. PSI testing presentation:
   PSI holds a questions/answer session to help prepare for test.
2. State Board presentation
   This presenter is paid for by the state.
3. Board Member, or Board approved Member needs to be present to make sure seminars are held accountable for what is taught, i.e. what is taught is what was approved by the State Board.

MOTION was made by Nina Coppinger and seconded by Janet Wormsley to deny the request for seminar approval. The motion carried unanimously.

Request from Adriana G. Brown to perform the galvanic machine and high frequency portions of the state board practical aesthetician examination mock due to her pregnancy. She has submitted a physician statement.

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

Request for an extension from the 2009 cosmetology instructor seminar from Dorothy Morris. Ms. Morris stated she was unaware she was required to attend seminars. She was taking classes at the University of Memphis and thought those classes met the requirement for continuing education.

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

Request from an instructor wanting to know if cosmetologist are permitted to use a razor for eyebrow services.

MOTION was made by Nina Coppinger and seconded by Pearl Walker- "Cosmetology Law does not allow use of razors on eye brows by licenses that can provide eyebrow services in Tennessee". Motion carried unanimously.

"Manicuring in Tennessee does not include work on eyebrows"
MOTION carried unanimously.

Request from PSI to review the dress code for the practical examination. Apparently candidates are coming to the test site wearing clothing that when bending and reaching for items to perform procedures they are revealing parts of the body. After discussion it was determine once an applicant is approved by the board for examination and pays the required fee we have no laws or rules regarding dress requirement at the test site therefore candidate should not be turned away. The Board discussed the wearing of closed toe shoes should be enforced for safety reasons.

MOTION was made by Nina Coppinger and seconded by Janet Wormsley that the issue of closed toe shoes should be enforced at the test site for safety reason. Motion carried unanimously.

RECIPROCITY APPLICATIONS-

Application for reciprocity of manicurist license from Florida for Rachel Desrochers. Two hundred forty (240) hours in the curriculum and no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant will be required to complete three hundred sixty (360) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Phyllis Prestin. Twelve hundred (1200) hours in the curriculum and no five year work history submitted. She stated on her application she has been license since 1983 but certification of licensing from the Florida State Board states initial date of license 07/27/10.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicants will be required to complete three hundred (300) hours on the cosmetology curriculum and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Greter Greck. Twelve hundred (1200) hours in the cosmetolgy curriculum and no (5) five year work history.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to completed three hundred (300) hours in the cosmetology curriculum and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Gail Adie. Twelve hundred (1200) hours in the curriculum and no five (5) year work history.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicants will be required to complete three hundred (300) hours in the cosmetology curriculum and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Indiana for Anna Nguyen. Four hundred fifty hours in the curriculum. She has submitted work history for 2008, 2009 and 2010, not a five year work history.

MOTION made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to complete one hundred fifty (150) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Washington for Tam Nguyen. Certification verifies 500 hours in the curriculum and her original license date as 1996. She has submitted tax documents for proof of work history for 2005, 2006, 2007 2008 and 2009 but the documents only provides proof of salon ownership not occupation.

MOTION was made by Nina Coppinger and seconded by Janet Wormsley applicant will be required to complete one hundred (100) hours in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Oanh Thi Tran. Certification of licensing from the Wisconsin states she was granted license in that state 01/14/2011 by endorsement from Vietnam.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request applicant to appear before the Board. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Thuy Phan. Certification of licensing from the Wisconsin states she was granted license in that state 09/22/10 by endorsement from Vietnam.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request applicant to appear before the Board. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Kim Pam. Certification of licensing from the Georgia State Board verifies she completed five hundred twenty-five (575) hours in the curriculum and original license date 05/20/08.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to completed seventy five (75) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Fina Montgomery. Georgia requires five hundred twenty-five (575) hours in the curriculum and her initial licensing date 07/29/10.

MOTION made by Nina Coppinger and seconded by Pearl Walker 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. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Kentucky for Angela Pierce. Certification from the Kentucky State Board verifies she is currently license in the State of Kentucky as an Apprentice Cosmetologist and that license was issued 12/08/2009.

MOTION was made by Nina Coppinger and seconded by Muriel Smith applicant will be required to pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Minh Nguyen. Four hundred (400) hours in the manicurist curriculum and the proof of work history submitted is for 2005 and 2007 not proof of occupation.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete two hundred (200) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of esthetician license from California for Jessina Blevins. Six hundred (600) hours in the curriculum and initial date of licensing 02/07/11.

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

Application for reciprocity of manicurist license from California for Yram Nguyen. Four hundred (400) hours in the curriculum and the initial license issued 05/03/06. The work history she submitted for 2006, 2007 and 2008 has her occupation listed as home maker not manicurist.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete two hundred (200) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of esthetician license from South Carolina for Elizabeth Lee. Certification verifies 450 hours of instruction in the curriculum from South Carolina and original licensing date 05/15/2008. Applicant has certificate which states she completed 1000 hours in the esthetics program but the hours are not verified by the South Carolina State Board. Applicant also obtained esthetics license in Georgia by reciprocity from South Carolina.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete three hundred (300) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of manicurist license from North Carolina for Chau Minh Kiem. This application will need to be tabled until additional information will be received. Certification from the North Carolina State Board states she received license in that state by reciprocity and it was issued 04/27/99. She states on her application she attended nail school in North Carolina. The work history letter she submitted is not a recent 5 year work history. Please tabled until next meeting.

APPLICATION TABLED UNTIL THE NEXT MEETING FOR CLARIFICATON ON INFROMATON SUBMITTED.

Application for reciprocity of manicurist license from Colorado from Duc Duong. Certification verifies 20 clocked hours completed which converts to 320 clocked hours. Initial license issued 09/30/06. No five year work history.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete two hundred eighty (280) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Iran from Elham Norouzi. Documents submitted state she completed 165 hours in Women's Hair Dressing and passed examination. The second document states she completed 246 hours in Women Make-Up and passes an examination.

MOTION made by Nina Coppinger and seconded by Janet Wormsely applicant will be required to completed one thousand eighty nine (1089) hours of instruction in the cosmetology curriculum and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of license from Egypt for Ahlam Gerges Ramzy. She has submitted a document "EXPERIENCE CERTIFICATE" To be used in the United States of America which is from her employer in a salon that states for eight consecutive years in a job-skin care and hair removal line of the face and also trim the eyebrows and the make-up of the face and false eyelashes.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete seven hundred fifty (750) hour of instruction in the esthetics curriculum and pass the state board aesthetician examination. Motion carried unanimously.

I have received the requested information from the Georgia State Board of Cosmetology for confirmation of certification of hours received for Kim Hoang Do and Hoang Do. These applications were submitted to the Board for approval to take the state board manicurist examination and the board office received several certifications of student hours from the Georgia State Board with conflicting information. I contacted the Director of the Georgia State Board she had someone research for the correct information and it verifies hours completed in the manicurist curriculum for each.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to approve the applications for examination. Motion carried unanimously.

CONSENT ORDERS-

MOTION made by June Huckey and seconded by Diana Buchanan to accept consent orders. Motion carried unanimously.

Board Member June Huckeby and Muriel Smith who attended the NIC meeting in Nashville this past weekend advised Board Members it was a good meeting and very educational as to what is going on in other states and the industry. There was discussion as to fraudulent documents for education and identification submitted to boards. Also the new process of "Brazilian Blow Outs" and several other issues was discussed. It was a very informative meeting.

LEGAL REPORT-

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

Board Chair Linda Colley reported on her attendance of the PSI Rater Training meeting. PSI Test Site Supervisor Lynn Thomas and Test Developer Mary Gevorikan developed a DVD for each of the Tennessee practical examinations and Raters were required to rate the procedures performed. The information was scored which provided each Rater the information as to what improvements they should make in rating candidates.

Board Member June Huckeby stated she would like for Board Inspectors to be able to attend monthly board meetings.

Mr. Bill Perry owner of Madison University expressed to the Board Members his concern for the length of time it was taking for examination candidates to receive approval from the board office to schedule examinations. He stated he knew the board office was short staffed and wanted to know if any Board Members knew anyone who could help get the board office additional staff to help speed up the examination approval process. He stated some of his applicants have lost jobs because they could

not get tested soon enough. Board Member Pearl Walker suggested Mr. Perry and his students write letter to the appropriate people.

Board Member Diana Buchanan wanted to know would it be possible for students to take the theory examination after completion of 1300 hours in the curriculum. Board Attorney Terrance Bond advised a statutory change would be required for students to take the examination prior to completion of 1500 hours in the curriculum.

Board Member June Huckeby inquired as to why both the theory and practical examinations were not given on the same day. Attorney Terrance Bond advised the RFP for PSI was just completed and would not be eligible for review for three years at which time changes could be discussed.

Sue Callahan cosmetology instructor at Daniel Boone High School wanted to discuss with the Board reinstating the cosmetology instructor curriculum at Daniel Boone High School. She stated several years ago (approximately 10) license cosmetologist enrolled in the instructor curriculum at the high school and obtained cosmetology instructor license. She states she contacted the board office and was advised the instructor curriculum was not offered in high school cosmetology program. The Board questioned her as to how someone with a cosmetology license and not a student at the high school could enroll in the high school curriculum. The Board members and board office was not aware of this program. After much discussion the Board advised Ms. Callahan she would need to contact the Board of Education that regulates the high school cosmetology program and also Sue Tucker with State of Tennessee Technical and Vocational Education for approval of the program.

MOTION to adjourn made by Muriel Smith and seconded by June Huckeby.

COSMETOLOGY BOARD
APRIL 2011
CONSENT ORDERS $ 20,000.00

Attitudes Hair & Nail Salon 4120 South Plaza Memphis, TN 38116	Violation issued May 21, 2010 Pd $500.00 on 3-14-2011
Beauty Express 2100 Hamilton Place Chattanooga, TN 37421	Violation issued May 28, 2010 Pd $1000.00 on 3-23-2011
Glamour Nails 1031 ½ South Riverside Drive Clarksville, TN 37040	Violation issued November 6, 2008 Pd $1000.00 on 3-23-2011
Gould's Peabody 149 Union Memphis, TN 38103	Violation issued October 29, 2010 Pd $500.00 on 3-02-2011
Great Clips 919 Conference Drive Goodlettsville, TN 37072	Violation issued September 1, 2010 Pd $500.00 on 3-18-2011
LA Vogue 1873-B Madison Memphis, TN 38104	Violation issued November 6, 2007 Pd $1000.00 on 3-23-2011
Legend Nails & Spa 1667 Ooltewah Ringgold Chattanooga, TN 37421	Violation issued February 2, 2010 Pd $1000.00 on 3-10-2011
Kim's Nails 1604-B Madison Street Clarksville, TN 37043	Violation issued September 21, 2010 Pd $500.00 on 3-14-2011

Lynn Lupo Salon 200 Hobson Street McMinnville, TN 37110	Violation issued October 29, 2010 Pd $500.00 on 3-14-2011
Nail & Day Spa 2812 South Rutherford Blvd Murfreesboro, TN 37130	Violation issued September 9, 2010 Pd $1500.00 on 3-7-2011
Nails Desire Salon 1782 West Northfield Blvd Murfreesboro, TN 37129	Violation issued August 7, 2010 Pd $1000.00 on 3-14-2011
OP Nails 1914 N. Roan Street Johnson City, TN 37601	Violation issued October 12, 2010 Pd 500.00 on 3-7-2011
Rose's Nail Salon 1720-C Old Ft. Pkwy Murfreesboro, TN 37129	Violation issued August 12, 2010 Pd $500.00 on 3-9-2011
Pure Nail Bar 1903 Sevierville Road Maryville, TN 37804	Violation issued October 8, 2010 Pd $500.00 on 3-4-2011
Shari Anne Rader 1050-210 #28 Glen Brook Way Hendersonville, TN 37075	Violation issued April 15, 2010 P $500.00 on 3-29-2011
Regal Nails 577 Germantown Pkwy. Cordova, TN 38016	Violation issued October 1, 2010 Pd $1500.00 on 3-14-2011
Rose's Nails 1797 S. Third Street Memphis, TN 38109	Violation issued April 27, 2010 Pd $2000.00 on 2-14-2011

Saddlebrook Salon 203 Carver Lane Lebanon, TN 37087	Violation issued October 26, 2010 Pd $500.00 on 3-18-2011
Signature Nail Spa 3077 Ft. Henry Drive Kingsport, TN 37664	Violation issued September 4, 2009 Pd $1000.00 on 3-3-2011
Star Nails 7458 Chapman Hwy. Knoxville, TN 37920	Violation issued March 31, 2010 Pd $1000.00 on 1-18-2011
Unique Nails & Spa 1459 Interstate Drive Cookeville, TN 38583	Violation issued November 12, 2010 Pd $1000.00 on 3-2-2011
U.S. Nail Spa 1715 B Wilma Rudolph Blvd. Clarksville, TN 37040	Violation issued October 21, 2010 Pd $1000.00 on 3-14-2011
Valley View 101 N. Maple Street Whitwell, TN 37397	Violation issued June 24, 2009 Pd $ 1000.00 on 3-23-2011

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

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

DATE: **April 4, 2011**

SUBJECT: **April Legal Report**

RE-PRESENTED MATTERS:

Area inspectors advise that the following shops are either closed for business, are under new ownership or that the Respondent cannot be located:

1. **2009009731** (change in ownership)

2. **2009022931** (change in ownership)

3. **2010017081** (shop is no longer in business)

4. **2009004871** (shop is no longer in business)

5. **2010000971** (inspector cannot locate the Respondent and does not clearly recall the issuance of the Notice of Violation)

Recommendation: Close and flag complaints.

Reconsideration requests:

6. 2009022631

The Board previously authorized formal hearing and settlement by Consent Order and payment of a $1,000.00 civil penalty upon review of a October 1, 2009 Notice of Violation alleging that the owners of a licensed cosmetology shop failed to display their shop license in the shop and that one (1) licensed cosmetologist in the shop failed to wear an identification tag while engaged in practice and engaged in practice while her license was expired. The shop owners have since sold the shop to new owners and have requested a reduction in the proposed civil penalty to $500.00, citing inability to pay as the reason for the request.

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

7. 2008022551

The Board previously authorized a formal hearing, which is currently set for hearing on June 28, 2011 without offer of settlement upon review of a October 1, 2008 Notice of Violation alleging that an unlicensed individual was observed practicing manicuring in a licensed manicure shop. The shop at issue has not received a Notice of Violation during inspection since the 2008 Notice and the owner proposed that the Board grant him the opportunity to settle the pending formal hearing by Agreed Order and payment of a $1,000.00 civil penalty.

Recommendation: Authorize settlement of the formal hearing if the Respondent tenders a signed Agreed Order of Settlement and a $1,200.00 civil penalty within thirty (30) days of a demand from the Office of Legal Counsel. Counsel will have authority to sign and file the Agreed Order on behalf of the Board without further consideration or representation of the matter. If the Respondent fails to comply with the terms of the Agreed Order, the formal hearing will proceed as scheduled on June 28, 2011.

REGULAR REPORT:

1. 2011007291

First License Obtained: 4/4/07
License Expiration: 4/30/12
History: No prior history for current owner on record.

Notices of Violation issued December 22, 2010, February 16, 2011, February 19, 2011 and March 1, 2011 allege the following:

12/22

The inspector observed that a licensed manicure shop was open for business while no managing manicurist was present (an unlicensed individual who stated that she worked for the shop owner was the only individual present.) The inspector also found a wax machine in the shop and found two (2) foot baths that were left in an unsanitary condition after use. No clients were present in the shop at inspection time and the inspector did not issue an inspection score.

2/16

The inspector observed that the shop was open for business while no managing manicurist was on duty (the previously-referenced unlicensed individual was the only shop personnel present.) The wax machine was still present. No clients were present in the shop and the inspector did not issue an inspection score.

2/19

The inspector observed that the shop was open for business while no managing manicurist was present (a manicurist license was displayed in the shop, but the individual in possession of the license did not enter the shop while the inspector was present and the previously-referenced unlicensed individual was present). The wax machine was still present. According to an individual who was also present at the shop and identified himself as the shop owner's brother, the owner of the shop had sold her interest to another individual on or around 12/13/10. No clients were present during the inspection and the inspector did not issue an inspection score.

3/1

The inspector observed that the shop was open for business while no managing manicurist was present (the previously-referenced unlicensed individual was present and the manicurist license for an individual who is the alleged owner of a nearby manicure salon was displayed in the shop; the previously-displayed manicurist license was not present in the shop. The wax machine was still present in the shop. No inspection sheet or score were issued.

On March 8, 2011, an individual filed an application for change of ownership of the shop.

Recommendation: Approve the change of ownership and close the complaint upon the new owner's certification that that neither the previous owner of the shop nor the unlicensed individual present during each inspection will serve as manager of the new establishment.

2. 2011003261
3. 2011003331
First License Obtained: 2/29/00
License Expiration: 9/1/11
History: No prior complaints

Two students at a licensed school of cosmetology allege that one of the instructors at the school makes disparaging comments toward them, refuses to teach them and treats them unfairly. The instructor denies the allegations, stating that both students have exhibited significant behavioral problems while in attendance at the school. The owner of school states that the issues between the students and the instructor have been resolved.

Recommendation: Close with no action.

4. 2011003361
First License Obtained: 5/13/10
License Expiration: 4/30/12
History: No prior complaints

The board office received a letter from an attorney communicating on behalf of a client who received service at a licensed cosmetology shop. According to the attorney, the client experienced scalp irritation and hair loss after a relaxer service at the shop. The client had received the same service at the same salon on two (2) prior occasions without incident. The owner of the shop states that on the day of the service, the client did not complain of any discomfort during her service and that the client became agitated and abruptly departed the shop after she [owner]

indicated that she would be raising her prices. The shop owner states that the client attempted to contact her on two occasions to apologize for her abrupt departure and to advise her that she believed that relaxer was left in her hair.

Recommendation: Note the complaint in the license file and close the complaint.

5. **2011003371**
First License Obtained: 9/17/01
License Expiration: 3/31/12
History: No Prior Complaints

A client who received a highlight and color service at a licensed cosmetology shop alleges that the stylist performing her service was rude to her and refused to refund her money after she expressed her dissatisfaction with the service and stated that her hair was damaged by the services. According to the client, the stylist performed two highlight services (one of which was a corrective service after the client expressed her dissatisfaction with the highlight distribution) and a complete color service to reverse the effects of the highlighting. The stylist states that she tried to provide service to the client consistent with her requests and that she did not charge the client for the attempted highlight correction. According to the stylist, the client was charged for the full color service because she received the service and appeared to be pleased with the service while at the shop. The stylist states that the client later called to demand a refund because the client's husband allegedly stated that her [client's] hair appeared to be the same color as it was prior to the first highlight service and that there should be no charge for the service.

Recommendation: Note the complaint in the license file and close the complaint.

6. **2011005251**
First License Obtained: 6/30/95
License Expiration: 1/31/13
History: 2007088841- $1,000 CP (Dirty shop, ID tags)

A Notice of Violation issued November 17, 2010 alleges that the shop license in a licensed manicure shop was not displayed and that two (2) licensed manicurists engaged in practice in the shop failed to wear identification tags.

Recommendation: Close with a letter of warning.

7. **2011005271**
First License Obtained: 5/24/05
License Expiration: 1/31/13
History: No Prior Complaints

A Notice of Violation issued November 17, 2010 alleges that a licensed manicurist was observing performing a waxing service on a client in a licensed cosmetology shop. The Notice also alleged that the shop license was not conspicuously displayed in the shop.

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

8. **2011005311**
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A Notice of Violation issued December 21, 2010 alleges that three (3) clients were receiving cosmetology services in an unlicensed establishment.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a $500.00 civil penalty, and instructions to CEASE and DESIST unlawful conduct.

9. **2011005321**
First License Obtained: 9/26/05
License Expiration: 9/30/12
History: 2010023621 – Close LOW – display of inspection sheet

A Notice of Violation issued December 2, 2010 alleges that the inspection sheet in a licensed manicure shop was obscured and not conspicuously displayed. In addition, an aesthetician license was displayed in the shop.

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

10. 2011005331

First License Obtained: 8/3/09
License Expiration: 12/31/12
History: 2010023761 - $1,000 CP – 3 Students working in shop

A December 7, 2010 Notice of Violation alleges that the owner of a licensed skin care employed three (3) licensed cosmetologists in her shop.

Recommendation: Close-no violation.

11. 2011005351

First License Obtained: 4/4/07
License Expiration: 2/28/13
History: 2009019491 - $1,000 Unlicensed Operator performing pedicure

A December 16, 2010 Notice of Violation alleges that a wax machine, which was powered on and ready for use, along with used wax applicators, were found in a licensed manicure shop. The owner of the shop, who is a licensed manicurist, states in response to the Notice that he attempted to license the shop as a full service cosmetology shop in order to permit waxing services, but the copy of the shop licensure application that the owner submitted was incomplete and listed him as the manager of the shop.

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

12. 2011005361

First License Obtained: 10/4/05
License Expiration: 10/31/11
History: 2006007561 - $500 Unlicensed Operator
2006014051 - $500 Unlicensed Operator

A December 16, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing cosmetology in a licensed cosmetology shop.

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

13. 2011005481
First License Obtained: 6/14/10
License Expiration: 1/31/13
History: No Prior Complaints

A December 22, 2010 Notice of Violation alleges that a licensed cosmetology shop relocated without first obtaining an inspection and approval to open. According to the inspector, a "closed" sign was displayed at the new location when he arrived.

Recommendation: Close with a letter of warning.

14. 2011006011
First License Obtained: 8/13/01
License Expiration: 7/31/11
History: 2008015131 - $4000 CP (Several Unlic Ops)

A December 23, 2010 Notice of Violation alleges that dirty buffers and files that "appear to have been used several times" were found in a licensed manicure shop.

Recommendation: Close with a strong letter of warning.

15. 2011006131
First License Obtained: 9/27/05
License Expiration: 5/31/12
History: No Prior Complaints

A January 5, 2011 Notice of Violation alleges that an expired shop license was displayed in a licensed cosmetology shop. According the inspector, the cosmetology shop was closed for the day and no clients were present. The shop license has now been renewed.

Recommendation: Close with a letter of warning.

16. 2011006461
First License Obtained: 5/25/06
License Expiration: 5/31/12
History: No Prior Complaints

A January 12, 2011 Notice of Violation alleges that a licensed manicurist was found practicing a licensed manicure shop where the shop license was expired. The shop license has now been renewed.

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

17. 2011006581

First License Obtained: 11/28/06
License Expiration: 11/30/12
History: 2007056541 - $500 CP (Unlic Op.)
2007088811 – LOW (Unknown nail liquid at work station)
2008017641 – LOW (Relocation of wax station to skin care salon)
2009018841 – Dismiss – no action

A January 12, 2011 Notice of Violation alleges that a licensed manicurist was found providing a waxing service to a client in a licensed manicure/skin care shop. According to the inspector, the licensed cosmetologist on duty at the shop was not present on the day of the inspection, and three (3) wax machines were powered on and ready for use.

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

18. 2011006661

First License Obtained:
License Expiration:
History: 2008026941 $2,000 CP (Unlic Ops.)
2009009771 - $2,000 CP (Unlic. Ops., Files buffers, bits all out in open)

A Notice of Violation issued January 13, 2011 alleges that an unlicensed individual was observed practicing manicuring in a licensed manicure shop. Two prior Notices of Violation are outstanding; in both cases formal hearing was authorized with civil penalties of $2,000.00 per Notice.

Recommendation: Combine cases and authorize formal hearing with authority to settle by Consent Order and payment of a $4,000.00 civil penalty.

19. 2011006801

First License Obtained: 10/28/05
License Expiration: 10/31/11
History: No Prior Complaints

The Notice of Violation does not provide sufficient information to determine whether a Notice of Violation occurred at inspection time.

Recommendation: Close with no further action.

20. 2011006831
First License Obtained: 9/15/06
License Expiration: 9/30/10
History: No Prior Complaints

A January 14, 2011 Notice of Violation alleges that a licensed cosmetologist was practicing cosmetology on a client in a licensed cosmetology shop where the license was expired. According to the departmental license roster, the shop license remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a $500.00 civil penalty and instructions to CEASE and DESIST operating the shop until the license is made valid.

21. 2011006861
/First License Obtained: 2/7/11
License Expiration: 1/31/13
History: No Prior Complaints

A January 19, 2011 Notice of Violation alleges that a licensed cosmetologist and owner of a license was operating a cosmetology shop while the shop license was expired. The Notice is silent relative to whether any clients were being serviced at inspection time. The shop license is now valid.

Recommendation: Close with a letter of warning.

22. 2011006941
First License Obtained: N/A
License Expiration: N/A
History: Unknown

A January 19, 2011 Notice of Violation alleges that several unlicensed individuals were observed providing or attempting to provide natural hairstyling services in an unlicensed establishment.

Recommendation: Send a CEASE and DESIST letter.

23. 2011006951
First License Obtained:
License Expiration:
History: 2010017101 - $2,000 CO (Unlic. Ops., no name tags, open trash cans, tools not put away)

A January 21, 2011 Notice of Violation alleges that the most recent inspection sheet was conspicuously displayed in a licensed manicure shop. In addition, the inspector noted that the shop carpet was dirty in several areas and that one (1) work station in the shop contained nail dust.

Recommendation: Close with a letter of warning.

24. 2011006971
First License Obtained: 3/18/09
License Expiration: 3/31/13
History: 2009004921 - $500 CO, closed 8/19/09

A January 25, 2011 Notice of Violation alleges that a licensed cosmetologist was observed practicing cosmetology in a licensed cosmetology shop while her license was expired. The license is now valid.

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

25. 2011007001
First License Obtained: 6/4/09
License Expiration: 5/31/11
History: No Prior Complaints

A January 27, 2011 Notice of Violation alleges that two (2) wax machines, which were powered on and ready for use, were found in a manicure/skin care while no licensed aesthetician or cosmetologist was present.

Recommendation: Close with a letter of warning.

26. 2011007141
First License Obtained: 8/8/06
License Expiration: 4/30/13
History: No Prior Complaints

January 27, 2011 Notice of Violation alleges that neither the most recent inspection sheet nor the shop license was conspicuously displayed in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.

27. 2011007151
First License Obtained: 3/19/09
License Expiration: 3/31/13
History: No Prior Complaints

A Notice of Violation issued February 1, 2011 alleges that two (2) "illegal" drills were found in a licensed manicure shop. In addition, the inspector noted the presence of dirty files and buffers at several work stations and that none of the six (6) licensees practicing manicuring in the shop were wearing identification tags.

Recommendation: Close with a letter of warning.

28. 2011007161
First License Obtained: 3/8/11
License Expiration: 2/28/13
History: No Prior Complaints

The above-referenced complaint is properly reviewed by the Tennessee Board of Barber Examiners.

Recommendation: Close.

29. 2011007171
First License Obtained: 2/3/97
License Expiration: 1/31/13
History: No Prior Complaints

The Notice of Violation does not provide sufficient information to determine whether a violation occurred during the inspection.

Recommendation: Close.

30. 2011007181
First License Obtained: 10/11/99

License Expiration: 10/31/10
History: No Prior Complaints

A February 11, 2011 Notice of Violation alleges that a cosmetology shop was open for business, with one (1) licensed cosmetologist present, while the shop license was expired. The license remains delinquent as of this date.

Recommendation: Send a CEASE and DESIST letter.

31. 2010020811
First License Obtained: N/A
License Expiration: N/A
History: Unknown

Inspector complaint alleges operation of an unlicensed natural hairstyling shop in a private residence. Investigation revealed that an individual was offering natural hairstyling services for a fee in her home.

Recommendation: Send a CEASE and DESIST letter.

32. 2010032251
First License Obtained: 3/27/97
License Expiration: 3/31/13
History: 2006031031 – Close w/ LOW

A client, who along with his wife and children, contracted Norwegian Scabies, alleges that he and his family contracted the disease from a licensed cosmetologist (lic. exp. since June 30, 2010) who regularly styled his and his family's hair. According to the client, the cosmetologist lied to him about her condition after he noticed a significant number of bandages covering her face and arms, stating that she had contracted a non-contagious Norwegian skin disease. After the client and his family experienced symptoms similar to those of the cosmetologist, the client confronted the cosmetologist, who allegedly admitted that she knew she had the disease and had been concealing her health status from both her husband and her employer. The licensed shop owner who allowed the licensed cosmetologist to rent booth space in her shop responded to the complaint, stating that she was

unaware of the licensed cosmetologist's health status and that the licensee no longer rents space in her shop.

Recommendation: Close the above-referenced complaint and re-open the complaint, naming the licensee as Respondent. Authorize formal charges (including authority to issue an ORDER summarily suspending the licensee's license) and submit a written request to the licensee requesting that she submit medical records and/or submit to a medical examination to determine the presence and level of communicability of infectious diseases.

33. 2010034651

First License Obtained: 4/1/91
License Expiration: 4/30/11
History: 8843– Dismissed w/ no action

The above-referenced matter was opened after an inspector conducted an inspection of a salon pursuant to a complaint. No Notice of Violation was issued after inspection.

Recommendation: Close.

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34. 2008026791

Administrative office complaint alleges that the owners of a licensed cosmetology school failed to timely submit evidence of a renewed bond or certificate of deposit along with their application for renewal of their cosmetology school license. The bond was ultimately submitted.

Recommendation: Close with a letter of warning.

35. 2009010121

First License Obtained: 5/2/05
License Expiration: 9/1/11
History: 2005018931 - $500 CO 6/30/05 (open w/out required 20 students, enrolling in courses prior to board approval.
2005035781– Dismissed w/ no action
2007072131 - $500 CO 8/20/07 (no sanitation in place, no UV sanit., dirty sanitizers on clinic floor
2008012361 – Dismissed w/ no action
2008014551 – history not provided
2008021771 – Close w/ LOW (broken sink, licenses not displayed)

A former student at a licensed cosmetology school alleges that the school's owners disenrolled her from the school because she "knew too much". According to the student, the school's owners stated to her that she was disenrolled because she was loud and disruptive to the other students.

Recommendation: Close with no action.

36. 2009020431

First License Obtained: 10/8/07
License Expiration: 9/1/11
History: 2009020481– Dismissed w/ no action
2009024561– Dismissed w/ no action
2010001481 - $500 CP pd 11/19/10 (Exam candidate didn't meet requirements of two years high school education.
2010023671– Dismissed w/ no action

A student attending a licensed school of cosmetology alleges that the school falsified federal financial aid documents and refused to refund monies that she believes were due her. The school states that its participates in HCM2 ("Heightened Cash Monitoring") program and all of its financial aid submissions are thoroughly reviewed before any disbursements and/or refunds are made, which causes delays in refund issuance. The school denies falsifying any documents, stating that the student's concern arises from a misunderstanding of the financial aid approval process, which they attempted to explain to her in two (2) meetings. According to school officials, the student was uncooperative and refused to allow officials to explain that the student was not being charged more than she was contractually obligated to pay, but that the DOE routinely calculates a student's average cost of attendance at an institution in order to determine a student's level of financial need. The school provided documents showing that the student has been charged in accordance with the school's advertised costs.

Recommendation: Close with no action.

37. 2009024591

First License Obtained: 8/12/96
License Expiration: 9/1/11
History: 2002103101 – Closed 1/10/03 (unknown allegations)
2008011491 – $500 CP Closed 9/4/08 (enrolling students)
2010032191 – Dismissed w/ no action

The above-referenced administrative office complaint has been withdrawn.

Recommendation: Close.

38. 2010021041
First License Obtained: 6/8/07
License Expiration: 9/1/10
History: 2009020151 – Dismissed w/ no action

The licensed cosmetology school that is the subject of the above-referenced administrative office complaint is now closed.

Recommendation: Close and flag.

39. 2010023711
First License Obtained: 3/21/94
License Expiration: 9/1/11
History: 2005031451 – Dismissed w/ no action
2007072001 – Dismissed w/ no action
2008005821 – Dismissed w/ no action
2009005931 – Closed 5/29/09 $500 CO pd (new location w/out notice or inspection by board
2009014871 – Dismissed w/ no action
2009017981 – Dismissed w/ no action
2010002721 – Dismissed w/ no action
2010029471 – Dismissed w/ no action

Administrative office complaint alleges that a licensed school of cosmetology admitted a student into its instructor trainee program before the student was licensed as a cosmetologist. Records submitted with the complaint show that the student was admitted into the instructor program on April 21, 2010—the student was not licensed as a cosmetologist until May 19, 2010. The school acknowledges its error in prematurely admitting the student, stating that it interpreted the student's successful exam completion, which was documented on April 21, 2010, as sufficient evidence that the student was qualified to enter the program.

Recommendation: Close with a letter of warning.

40. 2010023861
First License Obtained: 1/3/03
License Expiration: 9/1/11
History: 2005011681 – Dismissed w/ no action
2008012371 – Dismissed w/ no action
2009009681 – Dismissed w/ no action
2010000101 – Dismissed w/ no action

2010001571– Dismissed w/ no action
2010003101– Dismissed w/ no action
2010004151– Dismissed w/ no action

Consumer complaint alleges that the consumer sustained a chemical burn on her after receiving a student-performed pedicure service at a licensed school of cosmetology. The consumer further alleges that the school declined to compensate her for her injuries caused by the service, stating that it was unlikely that any product used during a pedicure service would cause such an injury. The school is now under new ownership.

Recommendation: Close with no action.

41. 2010027761
First License Obtained: 3/28/11
License Expiration: 9/1/11
History: No Prior Complaints

The above-referenced administrative office complaint has been withdrawn.

Recommendation: Close.