

MINUTES

The Tennessee State Board of Cosmetology held a meeting on August 3, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Vice Chairman, June Hucceby, Pearl Eva Walker, Judy Golden, Nina Coppinger, Janet Wormsley, Lee Bowles and Muriel Smith were present. H. D. Adcock, Chairman was not present.

Other present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Regulatory Boards Administrative Assistant I.

Linda Colley, Vice Chairman welcomed everyone to the board meeting.

Linda Colley, Vice Chairman called for roll call.

MINUTES

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to approve the June 1, 2009 cosmetology board minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Abdul Siddiqi – Specialty Retail Entrepreneur – Staff Attorney, Terrance Bond advised the board Mr. Abdul Siddiqi would be at the board meeting at 11:00.

Rasheedaj Jones – Simon Property Group, Memphis, TN – Not present.

Florence Gohoun – Antioch, TN – Present. Ms. Gohoun is requesting that she be approved to take the natural hair stylist examination. The board requested that she submit a transcript for proof of completion of 10th grade education two (2) years of high school or GED to qualify for the examination. Ms. Gohoun presented to the board the required documents. Ms. Gohoun explained to the board the education documents she submitted from Africa. She also advised the Board her documents were submitted to the Board in 2001. The Board at that time voted her to take the exam.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to allow Ms. Gohoun take the natural hair stylist examination. Motion carried unanimously.

Beatriz Aguilar – Nashville, TN – Not present.

Patty Patterson & Nancy Buchtel – Cleveland, TN – Not present.

Deborah Mann, Nashville, TN – Not present.

Antonio Frye, Regional Director for Massage Envy – Not present.

Tiffany Brauley, Coffee County Beauty School – Not present.

Mame Touty Ndour – Knoxville, TN – Present. Ms. Ndour is requesting reciprocity of her natural hair styling license from Senegal. The board requested that she appear. Ms. Ndour explained to the Board that documentation for proof of Natural Hair Styling from Senegal does not contain the hours of instruction but she had to attend school for two (2) years.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Ndour take the natural hair stylist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

ADMINISTRATIVE REPORT

SCHOOL APPLICATIONS

Application for a new school of cosmetology, Sweeting's Cosmetology Braiding Institute to be located at 2923 Murfreesboro Rd., Antioch, TN was submitted. The board was presented with the school application, bond, and twenty (20) applications with proof of high school education for enrollment in the school. Also sent was a picture of the school proposed sign.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to send Ms. Linda Colley, Board Member and Ms. Barbara Hendrix, Inspector to inspect the school. If school is in compliance allow them to open. Motion carried unanimously.

Application for Regency Beauty Institute, a new School of Cosmetology located 2288 Gunbarrel Road, Chattanooga, Tennessee was presented to the board at the June 2009 meeting. The Board voted to have the board member and inspector visit the location for inspection and approval to open. School was inspected June 15, 2009 and was found to be in compliance and approval to open was granted. Ms. Waller, Executive Director needs the board final approval.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to grant the school the final approval to open. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of natural hair styling license from Mariam Cissoko Hall from Africa was submitted. She has submitted documents stating she trained in mixed hair styles-manicure and pedicure from October 10, 1997 to October 12, 1999 at Center Mariam Tall in Africa. Document submitted states she completed 1,500 hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Cissoko take the natural hair stylist examination and pass to become licensed in the State of Tennessee.

Application for reciprocity of cosmetology license for Yamen Dakhllallah from Beirut, Lebanon was submitted. He submitted documents stating he completed specialization in hairstyling from October 25, 1993 to June 20, 1994 in Beirut at Cosmal Beauty Center. He also submitted a letter from YADA hair salon in Canada verifying he worked in the salon for the past six (6) years as a manager and senior hair stylist.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Mr. Dakhllallah to take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of aesthetician license from Josephine Theresa Chetter from Ireland was submitted. She states she completed 700 hours total for all courses (aesthetics, anatomy, physiology and massage) at the Coogan-Bergin Clinic & College of Beauty Therapy and she realizes she will not have the required hours in the aesthetics curriculum. From her letter it appears she is requesting to do a refresher course on the practical in aesthetics only if she not approved for reciprocity.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Chetter return to school and obtain the 750 hours for aesthetician then take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Naomi Hamada from Japan was submitted. The application was presented at the April 6, 2009 meeting and the board had requested additional information for review which would be educational information as to what requirements she had to meet to qualify as a certified hair stylist in Japan. Documents she submitted stated she completed 1,980 hours and breaks down the contents of subjects for cosmetology and the hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Hamada take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Sherald Ann Brown from New York was submitted. Hours of instruction in the cosmetology curriculum are 1,000. A letter for proof of five (5) year work history from Shear Peace Family Hair Salon states she was employed March 5, 1997 to March 20, 2008. She submitted tax records to support that, but the 2008 tax records states her occupation as unemployed.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Ms. Brown return to school and obtain an additional 500 hours then take and pass

the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of aesthetician license for Amy Suzanne Bennett from Arkansas was submitted. Hours of instruction in the aesthetician curriculum are 600. Work history submitted is not a five (5) year continuous history it has a gap from October 23, 2004 to January 24, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Bennett return to school for an additional 150 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Kiet Tuan Doan from Massachusetts was submitted. The clarification on the certification is Mr. Doan obtained 400 hours in Missouri at the California Nail Academy and original date of licensing April 14, 2006 so no five (5) year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Mr. Doan return to school and obtain an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Hien Tran from California was submitted. She states in her letter she is licensed in the State of California as a manicurist which required 400 hours however; she wants the board to know she went to school for 600 hours in Connecticut for manicuring. Connecticut does not have a manicurist license. She obtained license in the State of California on May 14, 2009.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Tran return to school and obtain an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Aminata Diarra from Senegal was submitted. She has submitted her diploma from EIC which states she was awarded the diploma after accomplishing her training at the International School of Hairdressing and passes with success the final exam in section Modern and Traditional Hairdressing. She also submitted a work certificate with dates of February 15, 2001 and April 20, 2005.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Hucceby to request Ms. Diarra provide more documentation. Motion carried unanimously.

Application for reciprocity of cosmetology license for Yuliya I. Howard from the Ukraine was submitted. She submitted the curriculum of training and retraining of

skilled workers on the profession of a Hair-dresser which shows she completed 790 hours. Also another document submitted "Multi-Skilled Hair Stylist" and she completed 790 hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Howard to obtain an additional 710 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Yolanda Lopez from Mexico was submitted. Ms. Waller, Executive Director stated she spoke with her niece who had helped her Aunt get the documents together to submit to the board office. Her Aunt attended Beauty School at Technical Institute of Beauty in Mexico and completed 1,500 hours. Her Aunt has worked in Mexico in salons from 1998 to 2007. The last salon she worked in the lady died and her Aunt came to the United States in 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Lopez return to school and obtain an additional 200 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Ellahe Farhangi from India was submitted. She has submitted documents from Hair 2 Order Salon and Academy which states she completed 1,900 hours professional courses in a cosmetology program. It provides a break down of the courses. Also she provided a work history from Hair 2 Order which states she was employed by the salon from January 18, 2004 to March 29, 2009.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Farhangi take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Melanie Vetter from Michigan was submitted. She received license in the State of Michigan by reciprocity February 15, 2005. Michigan granted reciprocity with documentation she submitted for licensing in Germany. She attended an Industrial School in Germany. Diploma states she passed the apprentice examination for hairdresser July 20, 1998.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to grant Ms. Vetter reciprocity of her cosmetology license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Carolyn Sunev Rosado from Virginia was submitted. Certification from the Virginia State Board verifies she obtained license in Virginia October 21, 2008 by reciprocity from Pennsylvania. Pennsylvania requires 1,250 hours of instruction in the cosmetology curriculum. She has been licensed since 2007 so she has no five (5) year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Rosado return to school for an additional 250 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Sandra J. Hedges from Georgia was submitted. Certification from the Georgia Board certified 525 hours of instruction because that is what Georgia requires. She has submitted a document from Georgia Beauty School which states she completed 605 hours of instruction. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Hedges take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Andres Acosta from Texas was submitted. Certification from the Texas State Board verifies she obtained license in that state by examination. She was originally license in California which requires 400 hours of instruction in the manicurist curriculum. No five year work history was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Acosta take 200 additional hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of aesthetician license for Amy Lee Isaacson from California was submitted. Certification from the California state board states date of license as May 7, 2007 and 600 hours of instruction in the esthetics curriculum.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Isaacson take an additional 150 hours the take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Hailey Pitman from Florida was submitted. Certification from the Florida State Board of Cosmetology states date of licensing as February 13, 2006 and 1,200 hours of instruction in the cosmetology curriculum.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Pitman to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Jenna Nguyen from Florida was submitted. Certification from the Florida State Board has her license as a Full Specialist (240 hours manicuring & 260 hours facial). Her original date of licensing is June 8, 2006.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Nguyen take an additional 360 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Velma Slater-Varner from Florida was submitted. Certification from the Florida State board has her license as a cosmetologist with 1,200 hours of instruction in the cosmetology curriculum and original date of licensing as November 6, 2008. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Slater-Varner obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Minh Lam Sinh from Kansas was submitted. Certification from the Kansas State Board states his original date of licensing as April 1, 2005 and 350 hours of instruction required in the manicurist curriculum. The work history letter he provided states he started working in Crystal Nail March 2004. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Mr. Sinh obtain an additional 600 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Irene Glebus from North Carolina was submitted. Certification from the North Carolina State Board gives original date of licensing as October 13, 2004 and 300 hours of instruction in the manicurist curriculum. Work history provided is for 2006, 2007 and 2008; not a complete five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Glebus obtain an additional 300 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Khang Duy Pham from North Carolina was submitted. Certification from the North Carolina State Board gives date of licensing as September 30, 2009 and hours of instruction as 300. He stated in his letter he was originally licensed in Florida which requires 240 hours and obtained license in North Carolina by reciprocity. No complete five year work history was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Mr. Pham obtain an additional 300 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Sonya McVeray from Florida was submitted. Certification from the Florida State board states her original date of licensing as January 15, 2008 and Florida requires 240 hours of instruction in the manicurist curriculum. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. McVeray obtain an additional 360 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Alicia Saffa from Florida was submitted. Documents provided show she obtained original license in the State of New York that requires 1,000 hours of instruction in the cosmetology curriculum. She later obtained license in Florida by reciprocity where she currently holds a valid license with expiration date of October 31, 2010. No five year work history was provided.

MOTION was made Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Saffa obtain an additional 500 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

APPLICATIONS FOR EXAMINATIONS

Application for examination for Clinton Carter McClure was presented at the April meeting. Mr. McClure and his mother attended the June meeting appearing before the board concerning his proof of high school education. Mr. McClure advised the board his high school diploma from Penn Foster High School was an online school but he had also attended a high school in Clarksville for a brief period of time. The Board requested he submit transcripts from Penn Foster or the high school he attended in Clarksville for review by the board. He submitted a transcript from Thomson High School correspondence school transcript that states unofficial copy and DID NOT GRADUATE. Also the document from Clarksville high school shows 2.0 credits.

Mr. McClure was present at the board meeting. Mr. Terrance Bond, Staff Attorney recommended that the board accept his documents.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept the documents and allow Mr. McClure to take the examination. Motion carried unanimously.

Application for cosmetology examination from Lakiesha Golden was submitted. She had checked no on her application for felony. She stated that her records were expunged. The board was presented a letter of recommendation from Pyramid Beauty School.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to allow Ms. Golden to take her examination with the signed agreed order. Motion carried unanimously.

Application from cosmetology examination from Sabrina A. Simmons was submitted. She has a felony and the board was presented a letter of recommendation from the school she attended.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to allow Ms. Simmons to take her examination with the signed agreed order. Motion carried unanimously.

Application for manicurist examination from Thong Trang Nguyen was submitted. He completed 600 hours of instruction at Anthony's Beauty School, Portland Oregon. The board has copies of the corresponding emails to Ms. Beverly Waller, Executive Director and the investigator of the Oregon Health Licensing Agency. There were issues with that school they have all the files from the school and they were not able to locate a file on this student.

MOTION was made by Ms. June Hucceby and seconded by Ms. Judy Golden to not accept the hours from Mr. Nguyen. Motion carried unanimously.

Application for manicurist examination from Thuan Buu Ngo was submitted. He completed 600 hours of instruction in the manicurist curriculum at Visions Academy of Hairdressing in Connecticut. The State of Connecticut does not offer manicurist license. The notarized statement states: I further certify that the coursework completed at this school is acceptable for purposes of licensure in Connecticut. The state offers hairdresser license for 1,500 hours completed.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Mr. Ngo to obtain 600 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for manicurist examination from Danny Vo was submitted. He completed hours of instruction in the manicurist curriculum at Visions Academy of Hairdressing in Connecticut. As with the previous applicant the State of Connecticut does not offer a manicurist license.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Mr. Vo to obtain 600 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for the cosmetology examination from Lanell Skinner who has a felony was submitted. The board has the information and letter of recommendation from the school.

Application for the manicurist examination from Tonya Stoner who has felony was submitted. The board has the information and letter of recommendation from the school.

Application for the manicurist examination from Aimee Russell who has a felony was submitted. The board has the information and letter of recommendation from the school.

Application for the manicurist reinstatement examination (license have expired since October 31, 2000) from Tina Maria Stoerp has a felony was submitted. The board has a letter explaining Ms. Stoerp's situation.

Application for cosmetology examination from Ore Diane Cantrell who has a felony was submitted. The board has the information and letter of recommendation from her school.

Application for cosmetology examination from Fransytrick Lester who has a felony was submitted. The board has her information and letter of recommendation from her school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to approve all the above applicants to take their examinations after signing the agreed order. Motion carried unanimously.

EXTENSION REQUEST

Request for extension from the 2009 cosmetology/instructor seminar from Traci Horton was submitted. A medical statement was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to grant Ms. Horton an extension and request she attend the 2010 & 2011 instructor seminars. Motion carried unanimously.

Request for extension from the 2009 cosmetology/instructor seminar from Reta Carla McDaniel was submitted. In 2007 the board had approved continuing education hours from Ms. McDaniel from Kentucky and CEA – Las Vegas, but did advise she must complete continuing educational hours in Tennessee in 2009. She is not requesting approval of Kentucky continuing education hours since she is working as an instructor in Kentucky. Ms. Waller shows she has obtained 6 hours of continuing education in Kentucky on June 24, 2009 and that was an online course.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to deny Ms. McDaniel's request and inform her she must have pre-approval from the board to attend another seminar. If she would like to keep her Tennessee Instructor license current she may attend the 2009 Instructor Seminar in Nashville, next week. Motion carried unanimously.

Request extension from the 2008 instructor seminar due to illness from Earnest Jean Breedlove was submitted. The licensee would like to attend the 2009 seminar but

did not submit a doctor's statement as the board had requested. Ms. Waller states she assumes she must not have a statement to submit.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Nina Coppinger to deny the request due to lack of medical statement. Motion carried unanimously.

Request extension from the 2009 instructor seminar due to illness from Scarlett Audra Taylor was submitted. A doctor's statement was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to grant Ms. Taylor an extension and request she attend the 2010 and 2011 instructor seminars. Motion carried unanimously.

Request for extension from the 2009 instructor seminar from Jennifer Cate due to illness was submitted. A doctor's statement was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to grant Ms. Cate an extension and request she attend the 2010 and 2011 instructor seminars. Motion carried unanimously.

Request for extension from the 2007 and 2009 instructor seminar from Tauheedah Maydyun was submitted. A letter sent from licensee indicates medical reasons but no medical statement was sent as requested.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Lee Bowles to deny Ms. Maydyun's request for an extension. Motion carried unanimously.

Request for extension from the 2009 instructor seminar from Cynthia Hunley due to medical reasons was submitted. A doctor's statement was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny Ms. Hunley's request for an extension. Motion carried unanimously.

Request for extension from the 2009 instructor seminar from Lynda Keplinger due to medical reasons was submitted. A medical statement was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to grant Ms. Keplinger an extension and request she attend the 2010 and 2011 instructor seminars. Motion carried unanimously.

Request for extension from the 2009 instructor seminar from Laverne Lowery was submitted. She requested extension from the June 14-15, 2009 seminar due to medical reasons. She did not submit a medical statement and was forwarded the information as to the dates of the Knoxville and Nashville seminars. We requested a medical statement and have not received one.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Lee Bowles to deny Ms. Lowery's request for an extension. Motion carried unanimously.

Request for extension from the 2008 instructor seminar from Janice Permenter due to medical reasons was submitted. A doctor's statement was submitted.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Nina Coppinger to grant Ms. Permenter an extension and request she attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

Request for extension from the 2009 instructor seminar from Shirley Jarnagain was submitted. She states due to medical reasons, the board did not receive a physician statement as requested.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to deny Ms. Jarnagain's request due to lack of medical proof. Motion carried unanimously.

Request for extension from the 2008 instructor seminar from Fay Gean due to medical reasons was submitted. A doctor's statement was provided. If the extension is granted Ms. Gean would like to place her license in retirement.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept Ms. Gean's doctor's statement and allow her to put her license in retirement. Motion carried unanimously.

Request for extension from the 2008 instructor seminar from Suzette Kelly was submitted. Ms. Waller submitted a letter to the board members as to why she was not able to attend the seminar.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to deny Ms. Kelly's request. Motion carried unanimously.

MISCELLANEOUS REQUESTS

Request for extension of hours beyond the required period for completion of the curriculum of seven (7) years from Christian Barton was submitted. She would like to enroll at Tennessee School of Beauty. She is requesting to transfer hours she obtained in Ohio to the curriculum at Tennessee School of Beauty. The certification from the Ohio Board shows she has 880 hours but they are expired. Ms. Waller spoke with the Ohio Board because she needed to get a clear understanding of valid hours and they advised her that in the State of Ohio you are required to complete your hours, pass exam and obtain license within five (5) years. If you do not lose a percentage of your hours each year after (1 year loss 20%, 2 year loss 40%, 3 years loss 60%). With this situation if you go by Tennessee she will have lost all hours from Ohio by the time she completes the curriculum in Tennessee School of Beauty.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Barton obtain 1,500 hours. Motion carried unanimously.

Ms. Waller submitted documents for proof of high school education (high school diploma) from Stratford Career Institute for Marvic O'Neal. This is an online school. The diploma was awarded April 25, 2008. Ms. Waller stated she could not locate a date of enrollment. Only date was June – December 2007 when she was taking an online exam by email. This person is currently enrolled in a license school of cosmetology. Ms. O'Neal was present to address the Board. Ms. O'Neal advised the Board this was an online course completed in eight (8) months. The Attorney advised he recommended the board approve her exam application and legal will address the issue of diplomas with the school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve Ms. O'Neal's application for examination and recommend a letter be sent to the school concerning accepting diplomas. Motion carried unanimously.

Application for reciprocity of manicurist license from Tam Van Troung from Georgia was submitted. He states he attended nail school in Vietnam for 807 hours. He also went to school in Georgia for 525 hours. He applied for reciprocity in Tennessee and was told he would need to have an additional 75 hours to have a total of 600 hours required in Tennessee. His Aunt opened a shop in Georgia and he apprenticed for her in the shop. She has sold the shop and purchased a shop in Tennessee. He is aware Tennessee does not accept apprenticeship hours, but he is asking the board to take into consideration his previous hours in Vietnam. He has submitted a copy of the certificate of hours in Vietnam.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to deny the request and ask Mr. Troung for more information. Motion carried unanimously.

Application for reciprocity from Hiep Duc Chien was submitted. In 1999 the board voted to not allow Hiep Duc Chien to take the manicurist examination again and may not be licensed in the State of Tennessee due to cheating on the examination.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith allow Hiep Duc Chien to take the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Request from Gaabriela Rodriguez for approval to transfer license from Mexico to Tennessee was submitted. She has submitted curriculum and hours totaling 930 completed in the curriculum in Mexico along with her diploma from beauty school and high school.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to accept Ms. Rodriguez's hours. Motion carried unanimously.

Request from Briggett Smith Green for waiving of late fee she was charged for renewal of her license was submitted. Her license expired May 31, 2009 and payment for renewal of license was received June 8, 2009. Ms. Waller stated she explained that the fee was late and etc., but Ms. Green is asking that the board reconsider the late fee.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to deny the request to waive the late fee on Ms. Green's license renewal. Motion carried unanimously.

Request for approval of proof of high school education from The Kingdom of Cambodia for Kuhth Channara from Highland Cosmetology School was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Lee Bowles to request more information on years of attendance. Motion carried unanimously.

Diploma for Terra Bailey from New World College of Beauty issued in 1992 was submitted. She contacted the board office about taking the examination. Documentation from the board office shows obtained 1,388 hours at Maplewood High School August 1, 1981 – June 6, 1985, did not complete hours they are invalid. Obtained 900 hours at new World June 6, 1990 to May 30, 1992 does not show she completed the required 1,500 hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Bailey return to school for 1,500 hours. Motion carried unanimously.

The board members were presented a letter concerning a school that was issued a violation for entering a written agreement with a student for obtaining hours in a self-study outside the classroom situation. Is the school obligated to certify hours for the student which was received under violation according to the State board laws and rules?

MOTION was made by Ms. Lee Bowles and seconded by Ms. Nina Coppinger to deny the request to certify the hours. Motion carried unanimously.

Request for Terry Hall to be grandfathered in as an aesthetician instructor was submitted. At the time she obtained reciprocity of esthetics license in Tennessee, the board did not have instructor license for esthetics. South Carolina requires only 45 hours of instruction in the instructor curriculum.

MOTION was made by Ms. Judy Golden and seconded Ms. Lee Bowles to request Ms. Hall take an additional 255 hours then take the esthetics instructor examination to become licensed in the State of Tennessee. Motion carried unanimously.

Documents submitted for licensing as a cosmetologist in Tennessee submitted by Maria Elena Arcos Hernandez from Mexico was submitted. She has submitted documents stating she completed 1,600 hours of instruction in the esthetics and beauty course at Sarvic's Beauty Academy in March 2003.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Hernandez to take the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

The board office received information concerning little girl parties. The board was presented this letter.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to send a letter of warning. Motion carried unanimously.

ITEMS RECEIVED AFTER THE BOARD PACKETS WERE PREPARED

Request for extension from the 2008 instructor seminar from Kimberly Cadin was submitted. She obtained cosmetology license by reciprocity from Georgia in 2006 and she became an instructor in 2007. She states in her letter she was confused and failed to attend the seminar in 2008. She attended the seminar in Knoxville in July. When she submitted the renewal for her license and required proof of her seminar attendance in 2008 she realized the error. She is requesting the board to approve her 2009 seminar attendance and approve her to attend the seminar in 2010 to get back on track.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to approve Ms. Cadin's request. Motion carried unanimously.

Application for a new school of cosmetology, Sandra Academy of Salon Services, Inc. to be located 406 Broad St. Hwy. 33, New Tazewell, TN was submitted. She has submitted her application, bond, floor plan and applications for 20 new students.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Nina Coppinger to send board member and inspector to inspect the school and if the school is in compliance allow the school to open. Motion carried unanimously.

Application for the aesthetician examination for Teresa Ford who has a felony was submitted. The board has her information and letter of recommendation from the school she attended.

Application for cosmetology examination for Jonathan Puckett who has a felony was submitted. The board has his information and letter of recommendation from the school he attended.

Application for the cosmetology examination for Stacy Irvin who has a felony was submitted. The board has his information and letter of recommendation from the school she attended.

Application for the cosmetology examination for Gidget Lirette who has a felony was submitted. The board has her information and letter of recommendation from the school she attended.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept all the applications and request all the above students sign the agreed order. Motion carried unanimously.

Application for reciprocity of cosmetology or aesthetician license from India was submitted. She has certificate from the KAMA Beauty Clinic in India which she attended from May 2001 to October 2002. No hours of instruction listed. She has provided work history from the Kama Beauty Clinic where she was employed from October 9, 2002 thru December 31, 2007 and it list the type procedures (eyebrow threading, waxing, pedicure, manicure, henna, facials, skin care, hair styling, makeup and hair massage.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request more information and allow Ms. Waller to make the decision when she receives the information. Motion carried unanimously.

Request for extension from the 2008 cosmetology instructor seminar from Curee Conatser was submitted. She states in her letter the reason she did not attend was for personal and financial reasons.

MOTION was made by Ms. June Huckeby and seconded by Ms. Nina Coppinger to deny Ms. Constser request. Motion carried unanimously.

Request for information on approval for the different types of peels to be used by aestheticians in Tennessee was submitted.

The board members reviewed the information concerning the different types of peels and determined none of the peels were acceptable for usage by aestheticians in Tennessee because: 0440-2-.16 – Skin Peeling and Invasive Procedures (4) Licensed aestheticians may use alphahydroxy acid salon exfoliation products that do not exceed thirty percent (30%) concentration. Such products should have a pH of 3.0 or above. Higher concentrations or lower pH can cause irritation. The Board discussed the information provided and determined none of the peels accepted. Any peel under ph 3.0 is not acceptable.

Application for reciprocity of cosmetology license from Colorado for Genevieve Meyer was submitted. She states on her application she completed 1,140 hours of instruction in Colorado and obtained license August 24, 2004. There was an issued with the board office of not receiving her certification from the Colorado Board, but Ms. Waller stated it is on its way. Ms. Meyer requested that Ms. Waller present her application without the certification because she needs to know if she will be required to return to school and obtain additional hours. Ms. Waller stated she needs the board to

vote so that once she receives the certification and she does not have the 1,500 hours of instruction in the curriculum and her work history letter is not a five year work history she will be required to return to school for additional hours and pass the state board cosmetology examination to qualify for a license in Tennessee.

MOTION was made by Ms. June Huckeby and seconded by Ms. Muriel Smith that they agree with Ms. Waller's decision. Motion carried unanimously.

Consent orders totaled \$10,500.00.

American Glamour Nails
150 Indian Mount Circle
Jacksboro, TN 37757

Violation issued March 18, 2009
Pd \$500.00 on 7/29/2009

Bang! A Downtown Salon
700 Buffalo Street
Johnson City, TN 37604

Violation issued February 18, 2009
Pd \$500.00 on 7/24/2009

Harlow Salon
1516 Demonbreun Street
Nashville, TN 37212

Violation issued February 4, 2009
Pd \$1,000.00 on 6/2/2009

Healthy Glow Skin Care, LLC
111-A Towne Road
Oak Ridge, TN 37830

Violation issued March 5, 2009
Pd \$500.00 on 06/01/2009

Just Wax Salon
2467 Ft. Campbell Blvd.
Clarksville, TN 37042

Violation issued March 6, 2009
Pd \$2,000.00 on 7/06/2009

Le Nails
5308 Brainerd Road
Chattanooga, TN 37411

Violation issued February 13, 2008
Pd \$1,000.00

Lookout Valley Great Clips
3428 Cummings Hwy
Chattanooga, TN 37419

Violation issued October 17, 2008
Pd \$1,000.00 on 7/27/2009

Lorena's Beauty Salon
4510 Nolensville Road
Nashville, TN 37211

Violation issued March 17, 2009
Pd \$2,000.00

Scott Taylor Salon
5407 Harding Road
Nashville, TN 37205

Violation issued January 9, 2009
Pd \$1,000.00 on 7/13/2009

The Tanning Shack Hair Salon
1104 New Highway 52 West
Westmoreland, TN 37186

Violation issued February 6, 2009
Pd \$500.00 on 6/02/2009

Southern Institute of Cosmetology
3099 South Perkins Road
Memphis, TN 38118

Complaint
Pd \$500.00 on 5/12/2009

Abdul Siddigi – Specialty Retail Entrepreneur – Terrance Bond, Attorney advised the board Mr. Mark Freeman, Attorney for Mr. Siddigi is now here to address the Board. Mr. Bond advised the Board, that Mr. Freeman was here to address the board at 11:00. Mr. Freeman advised the Board he was present today requesting preliminary approval of the Kiosk they would like to install in the malls to perform threading. Photo's of the proposed Kiosk was distributed to each board member. Mr. Freeman advised the board in his meeting with Mr. Bond and Ms. Colley, Vice-Chairman he explained the attempt that was made with the structuring of the Kiosk to meet all requirements. The proposed Kiosk would cost approximately \$20,000. Board members questioned Mr. Freeman as to why a Kiosk and not an in-line store. Mr. Freeman stated the choice of the Kiosk and not an in-line store is a marketing issue for his client. The Board questioned Mr. Freeman if this Kiosk was approved by Boards in other states to perform threading. Mr. Freeman responded with one (1) other state. The Board continued to question Mr. Freeman about the structure and expressed concern for safety, issues of hot and cold running water and Board requirements for license facilities. Mr. Freeman advised the Board his client will be seeking legislative for threading, similar to hair wrapping in Tennessee. Mr. Freeman also advised this issue can be taken up the street to Chancellor Court for consideration. It was also determined that the one (1) state the Kiosk is approved for threading is Michigan, and the Board of Cosmetology does not regulate threading in that state. No motion was made.

STAFF ATTORNEY REPORT

Amended Items: 15, 18, 19, 20, 26

1. 200901488-1

July 21, 2009 Notice of Violation provides insufficient information to establish a potential violation of the cosmetology law.

Recommendation: Dismiss.

2. 200901491-1

July 9, 2009 Notice of Violation provides that the inspector observed a licensed cosmetology shop operating while the license for such shop was expired (expiration date: April 30, 2009.) The license for such shop remains expired as of this date. One (1) licensed cosmetologist was observed providing license-required service to a client at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and agreement by the shop owner to CEASE and DESIST operating the shop while the shop license remains expired.

3. 200901492-1

July 14, 2009 Notice of Violation provides that the inspector observed that the owner and/or manager of a licensed cosmetology shop failed to maintain several areas of the shop in a sanitary condition. The inspector also observed that one or more licenses required to be displayed in the shop were not displayed.

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

4. 200901493/8-1

July 17, 2009 Notice of Violation provides that, on two (2) separate occasions, the inspector observed a female individual providing license-required service to a client in a licensed manicure shop while not in possession of a valid manicurist license.

Recommendation: Combine cases and authorize formal hearing with authority to settle by Consent Order and payment of a \$1,500.00 civil penalty.

5. 200901495-1

July 16, 2009 Notice of Violation provides that the inspector found a wax machine in a licensed manicure shop. No customers were present in the shop at inspection time, and the inspector did not indicate that there was any other evidence that waxing services were being performed in the shop. The inspector also noted that a drill bit or drill bits were not sanitized and stored as required at inspection time.

Recommendation: Close with a letter of warning re: scope of authorized practices and sterilization of instruments.

6. 200901496-1

July 15, 2009 Notice of Violation provides that the inspector observed a female individual who was not in possession of a valid manicurist license provide license-required service to a client in a licensed manicure shop. The owner of the shop also refused to sign the shop inspection sheet.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,500.00 civil penalty.

7. 200901402-1

Notices of Violation issued on May 30, 2009, June 3, 2009 and June 28, 2009 provide that on each occasion, the inspector observed the same female individual providing license-required services to clients in a licensed cosmetology shop without a valid cosmetologist license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

8. 200901404

May 1, 2009 Notice of Violation provides that the inspector observed a female individual who was not in possession of a valid manicurist license provide license-required service to a client in a licensed full-service cosmetology shop.

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

9. 200901405-1

June 3, 2009 Notice of Violation provides that the inspector found nail liquid containing MMA in a licensed manicure shop.

Recommendation: Issue a letter directing the owner of the shop to CEASE and DESIST using the product.

10. 200901407-1

June 5, 2009 Notice of Violation provides that the inspector observed a licensed cosmetologist providing license-required service to a client in an unlicensed establishment. A shop license application is now pending.

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

11. 200901409-1

June 9, 2009 Notice of Violation provides that the inspector observed a female individual who was not in possession of a valid manicurist license providing license-required service to a client in a licensed manicure shop.

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

12. 200901410-1

June 10, 2009 Notice of Violation provides that the inspector observed two (2) individuals who were not in possession of valid manicurist licenses providing license-required services to clients in a licensed manicure shop. The inspector also reports that the shop owner failed to display the shop license as well as the most recent inspection sheet. No manager was present at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,200.00 civil penalty.

13. 200901411-1

June 23, 2009 Notice of Violation provides that the inspector observed one licensed cosmetologist providing license-required service to a client in a licensed cosmetology shop while the shop license was expired (expiration date: May 31, 2009). Neither the most recent inspection sheet nor the shop license was displayed in the shop. The shop license is now current.

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

14. 200901412-1

June 24, 2009 Notice of Violation provides that the inspector observed a cosmetologist whose license is now invalid (expiration date: April 30, 2006) providing license-required service to a client in a licensed cosmetology shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order agreeing to CEASE and DESIST permitting the employee to practice in the shop and payment of a \$1,000.00 civil penalty.

15. 200901413-1

July 1, 2009 Notice of Violation provides that the inspector observed a licensed cosmetologist providing haircut service to a client in a licensed manicure shop.

Recommendation: Close with a letter of warning re: scope of practice authorized for manicure shops.

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

16. 200901415-1

May 30, 2009 Notice of Violation provides that the inspector observed an unlicensed individual providing skin care service to a client in an unlicensed establishment.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$3,000.00 civil penalty.

17. 200901433-1

May 26, 2009 Notice of Violation provides that the inspector observed two (2) female individuals who were not in possession of valid licenses to practice manicuring providing license-required services to clients in a licensed manicure shop. The inspector also found a wax machine in the shop. The Notice states that the shop owner was previously advised regarding unlicensed activity as well as the wax machine.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$3,000.00 civil penalty.

18. 200901434-1

July 1, 2009 Notice of Violation provides that the inspector found a licensed aesthetician and licenses for two cosmetologists at an unlicensed establishment. The shop was open for business and ready for client service at inspection time. A shop application is now pending. The inspector states that the shop owner had been previously advised regarding shop licensure requirements.

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

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

19. 200901435-1

July 10, 2009 Notice of Violation provides that the inspector observed that two licensed manicurists who were actively engaged in the practice of manicuring in a licensed manicure shop were not wearing identification tags when he entered the shop. The individuals began wearing the tags after the inspector instructed them to do so. The inspector also found a can of wax which was half empty and another full can of wax in an office located in the rear of the salon. The Notice is silent regarding whether the inspector found any waxing implements in the shop or other evidence that waxing services were being offered or performed upon shop clients. The Notice also indicates that the owner failed to display the most recent inspection sheet and manicurist licenses were on display on a wall in the shop instead of at the licensees' work stations. With regard to sanitation, the Notice indicates that nail trimmings, nail dust and dirt was present at the floors around the manicure tables and that drill bits were not sanitized and stored as required following service.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty regarding sanitation and identification tags. Issue a letter of warning regarding waxing and display of licenses.

FINAL RECOMMENDATION: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,500.00 civil penalty regarding sanitation and identification tags. Issue a letter of warning regarding waxing and display of licenses.

20. 200901483-1

July 10, 2009 Notice of Violation provides that the inspector found a bottle of nail liquid containing MMA in a licensed manicure shop. The inspector also observed that three (3) licensed manicurists who were providing service to clients in the shop were not wearing identification tags.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty. Include letter of warning with a CEASE and DESIST instruction regarding the use of products containing MMA.

FINAL RECOMMENDATION: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty. Include letter of warning with a CEASE and DESIST instruction regarding the use of products containing MMA.

21. 200901439-1/200900006-1

(200901439)

June 16, 2009 Notice of Violation provides that the inspector observed the following regarding sanitation and sterilization in this licensed manicure shop:

- 1) Floors around manicure tables were unswept following service—nail dust and nail tips were present.
- 2) Dust was present on all manicure table tops.
- 3) Drill bits which had been previously used for service were not sanitized and stored.
- 4) Nail dusters which were not in use were not stored as required.

The inspector also discovered a live fish tank in the shop.

(200900006)

A consumer complaint alleges that inadequate sanitary practices at this licensed manicure shop may have contributed to a staph infection that the contracted subsequent to receiving services at the shop.

Recommendation: Authorize formal hearing.

22. 200901450-1

June 5, 2009 Notice of Violation provides that the inspector observed that the owner of a licensed cosmetology shop was providing license-required service to a client in the shop while the shop license was expired. (Expiration date: December 31, 2008). The shop license is now current.

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

23. 200901451-1

June 10, 2009 Notice of Violation provides that the inspector observed the following regarding sanitation and sterilization in this licensed cosmetology shop:

- 1) Clipped hair was present on several work stations.
- 2) Used brushes had hair present and were stored with sterilized tools.
- 3) Clipped hair was present on trimmers and clippers; the items were not sanitized and stored after use.
- 4) Hair was present in drawers where sterilized tools would be kept.
- 5) Various tools and implements which were not in use were not stored as required after sterilization.

The inspector states that shop management had been previously advised regarding the violations noted at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

24. 200901453-1

June 26, 2009 Notice of Violation provides that the inspector observed a licensed cosmetologist providing license-required service to a client in a licensed cosmetology shop while the shop license was expired (expiration date: May 31, 2009). The shop license is now current.

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

25. 200901454-1

June 28, 2009 Notice of Violation provides that the inspector observed a female individual who was not in possession of a license to practice cosmetology providing license-required service to a client in a licensed cosmetology shop. The inspector also observed that hair was present around two chairs in the shop and that none of the tools and implements in the shop that was not in use were stored as required. No manager was present at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

26. 200901455-1

May 1, 2009 Notice of Violation provides that the inspector found two wax machines, which were hot to the touch, along with other implements commonly using in waxing, in this licensed manicure shop.

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

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

27. 200901457-1

July 8, 2009 Notice of Violation provides that the inspector observed a licensed cosmetologist providing license-required service to a client in a licensed cosmetology

shop while the shop license was expired (expiration date: March 31, 2009). The shop license is now current.

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

28. 200901155-1

Student complaint states that the student does not feel as if she is getting adequate training at the cosmetology school she is attending. School responds that the student is not applying herself and has refused to complete past assignments when she became frustrated with her performance of the assigned task.

Recommendation: Close.

29. 200901158-1

Administrative office complaint states that school allowed a cosmetology student to enroll and complete the course of instruction with inadequate proof that she was qualified to attend a school of cosmetology. Documents submitted in support of the student's application to take the cosmetology examination indicate that she did not attend high school for the minimum number of years required to be considered eligible for enrollment in a school of cosmetology.

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

30. 200901227-1

Consumer complaint alleges that a manicurist at a licensed manicure shop used a drill on her nails after she requested that he refrain from using a drill during service. The complainant states that the manicurist continued using the drill on her nails until she pulled her hand away from him. The complainant states further that when she pulled her hand away, one of nails upon which the manicurist used the drill had been punctured. The shop responded that the manicurist charged with such behavior is no longer employed by the shop and that they are "not sure what is being asked for." [by the Complainant]. The Respondent also indicated that it planned to write a "personal letter of apology" to the Complainant.

Recommendation: Authorize formal hearing against both the shop owner and the individual manicurist with authority to settle by Consent Order and \$1,000.00 civil penalty for the shop and \$1,500.00 civil penalty for the manicurist.

31. 200901154-1

Consumer alleges that he was barred from a licensed cosmetology shop for no reason and that he feels that the shop owner has treated him in a discriminatory fashion. The shop owner responded that the complainant was asked to leave after patrons complained that he [complainant] was creating a disturbance and handing out his business cards in the shop. The complainant was subsequently advised by law enforcement that his return to the shop could be considered an act of criminal trespass.

Recommendation: Close.

32. 200502313-1/200500970-1

Notices of Violation issued October 2, 2004 and March 16, 2005 allege, respectively, that the owner of a licensed cosmetology shop permitted an individual in possession of an expired license (license had been expired less than one year at inspection time), and an unlicensed individual (who had completed the cosmetology curriculum but had not yet passed the examination), to practice cosmetology in her shop. The Board authorized formal proceedings and offered settlement to the Respondent in both cases upon the signing of Consent Orders and payment of civil penalties totaling \$1,500.00. To date, Respondent has paid \$350.00 of the proposed penalties. Respondent recently contacted me and stated that she wishes to settle all outstanding claims against her shop. She also indicated that she has recently consulted with the area inspector on how she can demonstrate better compliance with applicable law in the future. Respondent also indicates that neither of the two (2) individuals referenced in the Notice of Violation have worked in her shop since the time the last Notice was issued. During her most recent inspection (May 2009), she received a score of 100.

Recommendation: Combine case numbers, maintain authority for formal hearing and authorize settlement by Consent Order and payment of a \$500.00 civil penalty.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept the recommendations. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to adjourn the meeting. Motion carried unanimously.