

MINUTES

The Tennessee State Board of Cosmetology held a meeting on December 7, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

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

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

Linda Colley, Chairman welcomed everyone to the board meeting.

Linda Colley, Chairman introduced Ms. Virgilene Lotze from Crossville as the new board member.

Linda Colley, Chairman called for roll call.

APPEAR BEFORE THE BOARD

Wes Cook – Memphis, TN – Not present.

Lauren Whitaker, Paul Mitchell the School, Memphis – TN – Present. Ms. Whitaker is present today to discuss the field trip hours with the board. In the past it was discussed by the board that field trips were abused and students were given hours for field trips that were made to supply houses and other places and no instructor was present. The board voted to request all field trip requests be submitted to the board office for approval. When submitting filed trips they must submit the date, time, destination, lesson plan for the field trip, names of the students and instructors.

Ms. Whitaker presented a proposal to amend current filed trip hour regulations to include student activates for the following: community fashion shows, community theatre, community service clods, and hair services for charitable events. The purpose and benefits to the cosmetology student would be as follows: instilling the importance of community service and giving back to the community on an on-going basis, learning to network with local salons while serving the community, help raise and improve the image of professional cosmetologist in the community and work with local high schools to mentor students interested in a cosmetology career ex. career fairs or fall festivals. Ms. Whitaker stated that this is done in thirty-five (35) other states.

Ms. June Huckeby stated this is not in the laws. Mr. Terrance Bond, Staff Attorney stated that a legislative proposal would have to approve this law.

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

Wenedly Sanchez – Memphis, TN – Present. Ms. Sanchez submitted an application for reciprocity of manicurist license from Mexico which was reviewed by the Board at the October meeting. Educational documents submitted from Mexico states she completed and passes the course of Acrylic Nails Technician with a total of 640 hours of practice. Certificate of completion hours but no license submitted. The board voted she would be required to complete 600 hours of instruction in the manicurist in the manicurist curriculum and pass the state board manicurist examination to qualify for manicurist license in Tennessee.

The board voted to request proof of license and a transcript with a breakdown of her hours. The board asked that she provide this information and they would review the documents at the February 2010 board meeting.

Shakhnoz Azimova – Nashville, TN – Present. Ms. Azimova submitted a request to obtain her manicurist license in Tennessee at the November board meeting. Her educational documents from The Republic of Uzbekistan states she completed a course specializing in: Manicure-Chiropody 800 hours of theory and 300 hours of practice. After review of her documents the board voted to request she appear before the board.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Azimova take and pass her manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Jose' J. Vallecillo, Knoxville, TN – Present. Mr. Vallecillo submitted a request to obtain a cosmetology license in Tennessee at the November board meeting. His educational documents are from Honduras and also documentation shows he was shop owner. After review of the documents submitted the board voted to request his appearance before the board.

Mr. Vallecillo stated that he only wants to cut hair. The board stated they thought he should apply for a barber's license instead of a cosmetology license.

MOTION was made by Ms. June Huckeby and seconded by Ms. Nina Coppinger to deny Mr. Vallecillo's request. Motion carried unanimously.

Melissa Kelly - Sevierville, TN – Present. Ms. Kelly submitted an application for reciprocity of cosmetology license from Florida which was reviewed by the board at the October meeting. Certification of licensing from the Florida State Board verified 1,200 hours of instruction in the curriculum. After review of documents submitted the Board voted she would be required to complete 300 hours of instruction in the cosmetology examination to qualify for license in Tennessee. She has submitted documentation showing she completed 2,109.5 hours in the cosmetology curriculum in Florida. The Florida Board will only certify hours that are required.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to grant reciprocity for Ms. Kelly reciprocity of her cosmetology license. Motion carried unanimously.

Heidi Pogodsky-Faederholdt, Murfreesboro, TN – Present. Ms. Pogodsky-Faederholdt previously submitted an application for reciprocity of aesthetician license and manicurist license. Ms. Pogodsky-Faederholdt appeared before the board at the April 2009 meeting to discuss her applications, education and work history. The board voted she would be required to take the esthetics and manicurist examinations. She requested to come before the board.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan that their decision stand, that Ms. Pogodsky-Faederholdt take and pass the esthetics and manicurist examinations to become licensed in the State of Tennessee. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for a new school of cosmetology Sandra's Academy of Salon Services, Inc. located in New Tazewell, Tennessee was presented to the board at the August meeting. The school was inspected recently by Ms. Janet Wormsley, Board Member and Mr. James Stanley, Inspector. The school was found to be in compliance with all requirements for a school of cosmetology in Tennessee and approval was given to open. Ms. Beverly Waller, Executive Director stated she needs the board's final approval.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the school application. Motion carried unanimously.

An application for manicurist examination from Bich Lieu Tran who completed 600 hours in the manicurist curriculum at Derma Elite Esthetics Academy in Richmond, Virginia was submitted. The State of Virginia requires only 150 hours of instruction for nail technician.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to obtain more information and table this request until the next meeting. Motion carried unanimously.

An application for the cosmetology reinstatement examination from Cassi Lynn Whaley who has a felony was submitted.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve Cassi Whaley to take the cosmetology reinstatement examination. Motion carried unanimously.

An application for the cosmetology examination from Salena Russell was submitted. The statement from the State of Tennessee Board of Probation and Parole states Ms. Russell was sentenced to two (2) years supervised probation. She was not convicted of any offenses – she was sentenced under TCA 40-35-313 (Judicial Diversion). When she has successfully dismissed from Probation and she can apply for an order to expunge from all official records. No letter of recommendation from the school because she completed the cosmetology curriculum May 17, 2001.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to approve Ms. Russell to take her cosmetology examination, sign the agreed order and place license on probation. Motion carried unanimously.

Applications for examination from Carla Lancaster, Amy Freeman, Brittany Scott, Michelle Burkett, Melvin Ramsey, India Webster and Reginald Nichols were submitted. All have been convicted of felonies and have disclosure statements and letters of recommendations from the cosmetology school they attended.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to approve the students to take their examinations and sign the agreed orders. Motion carried unanimously.

Dorothy Solsbee submitted a request for an extension from the 2007 cosmetology instructor seminar due to medical reason which was received by the board at the November board meeting. The board requested a physician statement. Ms. Solsbee did provide a physician statement. The medical statement states she was recently evaluated on November 5, 2009. The request for extension is from the 2007 seminar attendance. Ms. Solsbee's last seminar attendance was 2005.

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

Request for Cynthia Harris for acceptance of the seminar she attended in 2009 for the seminar she was suppose to attend in 2008 which would have been her first seminar. She did not submit a statement as to why she did not attend the seminar in 2008.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger that no action taken until the board receives more information from Ms. Harris. Motion carried unanimously.

Daphne Dawn Holt was granted an extension in 2006 and was required to attend seminars in 2007 and 2008. She attended the seminar in 2007 did not attend the seminar in 2008 but did attend the seminar in 2009. She sent a note stating confusion may be due to the fact she got married prior to seminar and she applied for license renewal under married name but that would not be an issue for the board office because we would use her license number.

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

An application for reciprocity from Archana Patel was presented at the August meeting. The Board reviewed her application and voted she would be required to complete additional hours in the cosmetology curriculum and pass the state board cosmetology examination to qualify for license. She stated on her application for reciprocity she had completed 1,500 hours in at Kama Beauty Clinic. The break down of what was covered in the curriculum is cosmetology and she completed 910. She would like the board to grant her reciprocity of aesthetician license with the 910 hours has.

MOTION was made by Ms. Diana Buchanan and seconded by Ms. Pearl Eva Walker to deny the request. Motion carried unanimously.

An application for reciprocity from Sravanthi Vontary was reviewed at the October board meeting and the Board voted to request additional information. She submitted the information which is a total of hours in the curriculum and what was covered.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to deny the request. Motion carried unanimously.

An application for reciprocity of aesthetician license from South Carolina for Lauren McConnell was submitted. Certification of licensing states she completed 450 hours in the curriculum and original date of licensing was September 21, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. McConnell obtain an additional 300 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of her manicurist license from North Carolina for Melissa Dixon was submitted. Certification of licensing states she completed 300 hours in the curriculum and original date of license was December 19, 2006.

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

An application for reciprocity of manicurist license from Missouri for Charity Lynn Kirschbaum was submitted. Certification of licensing states she completed 400 hours in the curriculum and her original date of license was August 18, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. Kirschbaum to obtain an additional 200 hours then take and

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

An application for reciprocity of cosmetology license from Florida for James Evans was submitted. Florida requires 1,200 hours of instruction in the curriculum. He has a letter from a former employer stating he was employed as a licensed barber from January 2003 through June 2008. The certification from the Florida State Board certifies he is licensed as a cosmetologist and initial date of licensing was June 1, 2004.

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

An application for reciprocity of cosmetology license from Florida for Darleen Sergent was submitted. Florida requires 1,200 hours in the curriculum. Ms. Sergent reinstated her license with the Florida Board and she has been licensed for several years, but does not have a recent or consistent five year work history.

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

An application for reciprocity of cosmetology license from Melissa Sue McCarthur from Kentucky was submitted. Certification from the Kentucky State Board states she completed 1,800 hours in the curriculum and she is licensed as an apprentice cosmetologist.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. McCarthur take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of natural hair styling license from Pyalou Tpyisson from Togo was submitted. The certificate states she completed a two (2) year apprenticeship in hair braiding.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request more information and request Ms. Tpyisson appear before the board. Motion carried unanimously.

An application for reciprocity of cosmetology instructor license from Dee Ann Schoff-Mefford from Minnesota was submitted. Application qualifies for cosmetology license. The qualification for instructor license is 1,400 hours of work history and a 38 hour instructor training course. An email was submitted to Ms. Waller asking the Board to consider her history and experience to become a licensed cosmetology instructor in

Tennessee. She is also requesting the Board to accept her continuing educational hours for the required hours in the instructor curriculum.

MOTION was made by Ms. Diana Buchanan and seconded by Ms. Pearl Eva Walker to request Ms. Schoff-Mefford obtain and additional 262 hours then take and pass the instructor examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Sally Swan from Wisconsin was submitted. Certification from the Wisconsin State Board verifies she received initial license March 6, 2008 and Wisconsin requires 450 hours of instruction in the esthetics curriculum.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Swan take an additional 300 hours then take and pass the esthetics examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Gina Louise from New York was submitted. Certification from licensing from the New York State Board of Cosmetology verifies she completed 1,000 hours and initial date of license was September 12, 2001. She also holds a license in the State of North Carolina. She submitted information from the North Carolina State Board that she was salon owner from January 19, 2005 to October 14, 2007. She submitted her 2007 and 2008 tax records but none of the documents actually state her occupation as a stylist just that she is a salon owner.

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

An application for reciprocity of cosmetology license from Gloria Hodges from Arkansas was submitted. Certification of licensing from the Mississippi State Board of Cosmetology states her original date of licensing as December 7, 2006 by reciprocity. She submitted a diploma from Bill Johnson's Beauty School. The Arkansas Board states they have no records going back 30 years. She did not provide proof of a five (5) year work history.

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

An application for reciprocity of cosmetology license for Crystal Inthirakod from New York was submitted. Certification from the New York State Board states 1,000 hours in the curriculum and initial date of licensing October 6, 2008.

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

An application for reciprocity of cosmetology license for Amber Davis from New York was submitted. Certification from the New York State Board states 1,000 hours in the curriculum and initial date of licensing March 6, 2006.

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

An application for reciprocity of cosmetology license for Yadira Lopez De Tellez from Mexico was submitted. Educational documents submitted in the name of Yadira Lopez Hernandez. Program contents states she completed 2,000 hours.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby requesting more information on Ms. Tellez's education. Motion carried unanimously.

An application for reciprocity of cosmetology license for Angelika Ursula Martin from Germany was submitted. Mr. Martin has a license issued by the Virginia State Board which was obtained by reciprocity from Germany. The initial date of the Virginia license is October 2, 2007. Ms. Waller stated she can't tell how many hours were obtained by the educational documents.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Mr. Martin take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Yahen Dakhlallah from Beirut, Lebanon was submitted. Her documents state she completed an apprenticeship program as a hair stylist in Ontario.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request more information from Ms. Dakhlallah. Motion carried unanimously.

An application for reciprocity of cosmetology license from Reyna Parsons from the Dominican Republic was submitted. She has submitted her educational documents from the Dominican Republic.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Parson take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for natural hair styling license from Anta Kebe was submitted. She states in her request for license that she is from Senegal, African and learned braiding for three years at Salon Diamonno Coiffure. Her education was apparently apprenticeship.

MOTION was made by Ms. June Huckleby and seconded by Ms. Pearl Eva Walker to request Ms. Kebe's work history. Motion carried unanimously.

A report from PSI concerning candidate caught cheating on the theory examination was submitted. Ms. Waller states she has the original notes that were confiscated from the candidate at the exam site for review by the board.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request the candidate come before the board. Motion carried unanimously.

A request from Connie Summers for an extension of the time period for completion of the 300 hour instructor training course was submitted for approval.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to deny the request. Motion carried unanimously.

A request from William and Mona Sappenfield, owners of Mona Spa and Laser Center for the Board to propose a rule that would further define the use of non ablative and non invasive IPL and Laser Services and stipulate that only individuals licensed by the state for these types of services are authorized to perform them.

No action was taken at this time.

Susan Christian appeared before the Board at the November Board meeting she has submitted an outline of the areas in the Cosmetology Laws and Rules book which are of great concern to her in the current educational process of being abused by schools at the expense of the education of students.

Notification was received from Carter's Cosmetology College stating they are no longer offering the esthetics curriculum.

An application for a new school of cosmetology for Paul Mitchell the School in Murfreesboro, TN was submitted. They have submitted the application, floor plan, bond and twenty-three (23) applications for enrollment along with each applicant's high school educational documents.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Diana Buchanan to send Ms. June Huckleby, Board Member and Mr. Terry Barnes, Inspector to inspect the school to open. Motion carried unanimously.

An application for a new school of cosmetology for Miller-Motte Technical College Madison, TN was submitted. They have submitted the application, floor plan, bond and twenty-five (25) applications for enrollment.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to send a board member and inspector to inspect the school. Motion carried unanimously.

An application for reciprocity of cosmetology license from Michael Bisceglia from Florida was reviewed at the November Board meeting. Florida requires 1,200 hours of instruction in the curriculum and the certification of licensing for Mr. Bisceglia stated 1,200 hours. He submitted documents showing he attended three (3) cosmetology schools in Florida and completed 1,879 hours. Institute of Creative Enhancement he has 858.18 hours, Academy of Career Training he has 621 hours and Florida Beauty Academy he has 400 hours. He would like the Board to accept the total of hours and approve his application for reciprocity.

MOTION was made by Mr. Nina Coppinger and seconded by Ms. Muriel Smith to request Mr. Bisceglia take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Deim Thi Pham from Florida was submitted. Applicant submitted a letter from employer for proof of five (5) year work history. He stated he lost all his federal tax returns.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby that the Board would have to see the tax forms before they could make a decision. Motion carried unanimously.

A request from Premiere Institute of Continuing Education of Birmingham, Alabama for approval of their continuing educational seminar for instructors was submitted. If approved they would hold one seminar in Memphis, TN on January 24 & 25, 2010. They provided a detail course outline.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Pearl Eva Walker to not consider this seminar at the time. Motion carried unanimously.

An application for change of location, ownership and name for International College of Arts was submitted.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Pearl Eva Walker to send a board member and inspector to inspect the school. Motion carried unanimously.

Consent orders totaled \$3,000.00.

Fantastic Sam's
839 Nashville Pike
Gallatin, TN 37066

Violation issued July 8, 2009
Pd. \$500.00 on 10/14/2009

Foxy Nails
894 Hwy. 76
Clarksville, TN 37043

Complaint filed against shop
Pd. \$1,000.00 on 10/23/2009

Tuan Van Vo
5268 Village Way
Nashville, TN 37211

Complaint filed
Pd. \$1,500.00 on 10/23/2009

MOTION was made by Ms. June Huckleby and seconded Ms. Nina Coppinger to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

Amendment to items #13, 24. All other items adopted as originally recommended.

1. **200900- [724-1]**
[727-1]
[857-1]
[858-1]
[859-1]
[860-1]
[861-1]
[862-1]

Respondent cosmetology school was acquired by a new corporate entity during the pendency of this complaint and the owners are no longer involved in the operation of any cosmetology schools.

Recommendation: Close the file and flag for re-opening if the owners become licensed to operate a cosmetology school in the future.

2. **200900850-1**

Information obtained from local law enforcement indicated that an individual might have information related to fraudulent activity at a licensed cosmetology school. Upon investigation, it was discovered that the individual had no direct knowledge of the

allegation and knew no one who could substantiate the allegations. According to the individual, her belief was founded upon rumors that she had “heard over the years”.

Recommendation: Close with no action.

3. 200802598-1

Former employee of a licensed cosmetology school alleges that the school employed two (2) unlicensed instructors while she was employed there. The employee provided a copy of the employee schedule which purportedly showed that three (3) unlicensed individuals were acting as instructors at the time. Counsel for Regency responded that none of the three individuals were acting as licensed instructor at any time during their tenure, but that one of the individuals was a junior instructor, while the other two (2) individuals were administrative personnel. I obtained a copy of their yearly inspection sheet. According to the inspection sheet, none of the individuals listed in the complaint were serving as instructors at that time.

Recommendation: Close with no action.

4. 200902188-1

The board’s administrative office received notice that the Respondent, who is a licensed manicurist in Tennessee, entered into an Agreed Order with the state of Texas (where she held a “cosmetology facialist” license) imposing revocation of her license on allegations that she fraudulent obtain educational hours in order to qualify for the Texas license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order agreeing to the immediate revocation of the Respondent’s manicurist license.

5. 200902243-1

Administrative office complaint alleges that the above-referenced cosmetology school admitted a student without proof of adequate high school education or sufficient achievement on the G.E.D. exam. Upon further examination of the records, it remains unclear whether the student completed and passed the required two (2) years of high school prior to entry.

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

6. 200902379-1

Student complaint alleges that students are being given inaccurate educational handouts and that the school refuses to re-type them and correct the alleged inaccuracies. The student also alleges that the school refuses to accommodate her alleged learning disability by providing a note-taker for her. The school’s head administrator and the student’s

instructor responded to the complaint, stating that the student felt that the handouts were inaccurate because the instructor made alternative suggestions to those contained on the worksheets (due to the preference of the instructor, not the inaccuracy of the information on the worksheet.)

Recommendation: Close with no action.

7. 200902518-1

Inspector reports in Notice of Violation dated August 25, 2009 that a new owner of a licensed cosmetology shop was found operating the shop without having filed an application for a change of ownership and a new license. The inspector states that no persons were observed practicing cosmetology in the shop at inspection time. According to the departmental license roster, a new license was issued to the current owner on October 31, 2009.

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

8. 200902519-1

Inspector reports in Notice of Violation dated October 13, 2009 that an individual without a board-issued manicurist license was practicing manicuring in a licensed manicure shop.

Prior history:

12/2007- unlicensed operator, paid \$500.00 civil penalty and signed Consent Order.

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

9. 200902520-1

Inspector reports in Notice of Violation dated November 3, 2009 that a licensed aesthetician was observed providing license-required service to a client in a licensed cosmetology shop with a copy of her license displayed.

Recommendation: Close with a letter of warning regarding: display of license.

10. 200902521-1

Inspector reports in Notice of Violation dated November 3, 2009 that one (1) manicurist and one (1) aesthetician were observed practicing in a licensed cosmetology shop while the shop license was expired. According to the inspector, the two (2) individuals observed practicing were not wearing identification tags at inspection time. I spoke with the owner of the shop, who indicated that he did timely mail a money order for renewal

of the shop licensed and faxed me a copy of same. The money order was never received in the board's office, and the owner elected to send another money order for renewal of the license.

Recommendation: Close with a letter of warning re: identification tags requirement.

11. 200902522-1

Inspector reports in Notice of Violation dated November 4, 2009 that unsanitized tools (hair brushes) were stored in a drawer where clean tools were kept in a licensed cosmetology shop. The inspector also reports that one (1) licensed cosmetologist in the shop failed to wear identification while practicing.

Recommendation: Close with a letter of warning re: sanitation and identification tags.

12. 200902524-1

Inspector reports in Notice of Violation dated November 4, 2009 that an unlicensed individual was practicing manicuring in a licensed manicure shop. The inspector states that when she asked the individual for proof of licensure, the individual exited the shop and did not return during the inspection. The inspector reports that a man then entered the front of the shop and denied that the individual had been in the shop.

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

13. 200902525-1

Inspector reports in Notice of Violation dated November 12, 2009 that a licensed manicure shop is using a prohibited substance (MMA) in servicing clients. The inspector also reports that a licensed manicurist in the shop was practicing manicuring in the shop without wearing identification.

Prior history:

5/05- unlicensed operator, paid \$500.00 civil penalty and signed Consent Order.

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

FINAL RECOMMENDATION: Raise the civil penalty to \$1,000.00. Board approved.

14. 200902526-1

Inspector reports in Notice of Violation dated November 12, 2009 that he “questioned” a licensed cosmetologist about why her license was expired.

Recommendation: Close with no action.

15. 200902527-1

Inspector reports in Notice of Violation dated November 12, 2009 that the new owner of a licensed cosmetology shop failed to make application for a new shop license. According to the inspector, the former owner of the shop transferred ownership on November 8th. The new shop owner has now filed a cosmetology shop application and is awaiting inspection.

Recommendation: Dismiss.

16. 200902528-1

Inspector reports in Notice of Violation dated November 19, 2009 that the owner of a licensed cosmetology shop has failed to correct previously noted unsanitary conditions in the shop. According to the inspector, the shop owner has been warned during every previous inspection for the preceding five (5) years to correct the noted violations, but the owner has failed to do so.

The inspector reports the following as ongoing sanitary violations [to be read directly from the report].

Recommendation: Authorize formal hearing.

17. 200902529-1

Inspector reports in Notice of Violation dated November 20, 2009 that the owner of a licensed cosmetology shop was providing license-required service to a client or clients in the shop while the shop license was expired (date of expiration July 31, 2009). As of December 3, 2009, the shop owner has not renewed the shop license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and instructions to CEASE and DESIST operating the shop until the license is renewed.

18. 200902530-1

Inspector reports in Notice of Violation dated November 10, 2009 that an individual who stated that she was a licensed cosmetology instructor was teaching cosmetology to four (4) students in a licensed cosmetology school without her instructor’s license displayed.

According to the inspector, the individual also did not have any identification at inspection time.

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

19. 200902544-1

Inspector reports in Notice of Violation dated November 20, 2009 that an individual who admitted that he does not hold a manicurist license was providing license-required service to a client in a licensed manicure shop. According to the inspector, when he entered, a person in the shop yelled out "state board!" and the individual abandoned the service he was performing and attempted to exit the shop.

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

20. 200902546-1

Inspector reports in Notice of Violation dated November 20, 2009 that a seller of hair straightening products was observed "arranging" hair without a license to practice cosmetology. The inspector also reports that the services were performed at an unlicensed location (i.e., kiosk).

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

21. 200902547-1

Inspector reports in Notice of Violation dated November 18, 2009 that an unlicensed individual was performing skin care services on two (2) clients at an unlicensed location.

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

22. 200902548-1

Inspector reports in Notice of Violation dated November 10, 2009 that two (2) licensed manicurists were practicing manicuring on clients in an unlicensed establishment. One (1) of the manicurists was engaged in practice while her license was expired and had been expired since October 31, 2009.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,500.00 civil penalty and instructions to CEASE and

DESIST practicing manicuring in an unlicensed establishment and the practice of manicuring with an expired manicurist license.

23. 200902549-1

Inspector reports in Notice of Violation dated November 3, 2009 that the owner of a licensed cosmetology shop relocated her shop and began operating it at the new location without giving notice to the board and obtaining a license for the new location. According to the inspector, the owner has occupied the new location for approximately eight (8) months. No one was observed providing service to any clients at inspection time, although the shop was open for business. 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.

24. 200902550-1

Inspector reports in Notice of Violation dated November 17, 2009 that MMA was found in bowls at work stations in a licensed manicure shop. The inspector found additional MMA in the shop supply room.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty with instructions to CEASE and DESIST using prohibited items.

FINAL RECOMMENDATION: Raise the civil penalty to \$1,000.00. Board approved.

25. 200901120-1

Consumer complaint does not identify a Respondent.

Recommendation: Dismiss.

26. 200901403-1

Inspector reports in Notice of Violation dated May 29, 2009 that he warned the owner of a licensed cosmetology shop several times to remove the dog from her shop. The owner states that she needs the dog for protection from her ex-husband who lives across the street from her shop. The owner states that she submitted a letter to the board concerning the situation, but no letter has been received as of this date.

Recommendation: Issue a letter directing the shop owner to remove the dog from the shop unless she can establish that the dog is a “service animal” under the cosmetology rules.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Pearl Eva Walker to accept the recommendations. Motion carried unanimously.

MOTION was made by Ms. June Huckeby and seconded by Ms. Virgie Lotze to adjourn the meeting. Motion carried unanimously.