

## **MINUTES**

The Tennessee State Board of Cosmetology held a meeting on November 2, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice-Chairman, June Huckleby, Janet Wormsley, Diana Buchanan, Pearl Eva Walker and Muriel Smith were present. Lee Bowles 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 called for roll call.

## **MINUTES**

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the October 5, 2009 cosmetology board minutes. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Ms. Gulchachak Gayazouna Shaimardanova – Madison University of Beauty – Present. The board reviewed her documents for Russia at the October board meeting. She has a certificate showing she completed 2,506 hours at the Secondary Professional-Technical College No. 41 of the city of Kazan. The certificate states “On-the-job-training 1,837 hours. The board requested her appearance before the board today.

Ms. Shaimardanova stated she has ten (10) years of experience in Russia.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request Ms. Shaimardanova take the cosmetology examination and pass to obtain her license in the State of Tennessee. Motion carried unanimously.

Susan Christian – Requested to appear before the board to discuss raising the bar on how cosmetology instructors are trained. – Present. Ms. Christian discussed with the board her concern with the training of instructors and the amount of training that is requested by law for instructors and junior instructors. After a lengthy discussion the board asked that Ms. Christian send a copy of her concerns to Ms. Beverly Waller, Executive Director so that she can pass the information on to the board members.

Takisah Young, License Facialist – Florida – Not present.

Maria Yaned Bolivar – Republic of Columbia – Present. Maria Yaned Bolivar submitted documents which were presented to the Board at the October 5, 2009 meeting

requesting to become a licensed in Tennessee as a cosmetologist. The Board requested her to appear before the board. Ms. Bolivar stated that she has fifteen (15) years of experience in Colombia.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Janet Wormsley to request Ms. Bolivar take the full cosmetology examination and pass to obtain her license in the State of Tennessee. Motion carried unanimously.

A request for extension from Frankie Lane Jones was submitted. She was upgraded to an instructor in 2007. Previously she would have been required to attend her first seminar in 2008. She did not attend in 2008 and she states she was out of the country on a religious mission in 2008, but she did attend the seminar in 2009 and has submitted a copy of her certificate of attendance.

Mr. Terrance Bond, Staff Attorney stated Ms. Jones is in compliance with attending the 2009 instructor seminar and will not need an extension from the 2008 instructor seminar.

A request for extension from Gerald Shotwell Williamson was submitted. He is requesting an extension from the 2009 instructor seminar and he states in his letter he has been out of the state since April due to a family illness, no physician statement was provided. His last seminar attendance was 2007.

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

A request for extension from Susan Renaye Summie was submitted. She is requesting an extension from the 2009 instructor seminar due to her father-in-law's health situation. No medical statement was submitted. Her last seminar attendance was 2007.

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

A request for extension from Julia Anderson was submitted. She is requesting an extension from the 2008 seminar due to she moved and other circumstances. She did attend the 2009 seminar. Her last seminar attendance document by the board office was 2006.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to deny the request for an extension. Motion carried unanimously.

A request for extension from Laura Powell was submitted. She was upgraded to an instructor August 2008. She states she did not attend the 2009 instructor seminar because both her kids became ill on the week-end of the seminar. She has attached information concerning the illness and the dates.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to grant Ms. Powell the extension from the 2009 instructor seminar and require she attend the 2010 and 2011 instructor seminars. Motion carried unanimously.

A request for extension from Laverne H. Lowery was submitted. She is requesting an extension from the 2009 instructor seminar held in Memphis due to medical reasons. She has submitted a medical statement from Dr. Paul Dang that states she was under his care from June 14, 2009 to June 16, 2009. Her last seminar attendance was 2007. In 2009, there were two other seminars, one was held in July and the other was held in August.

MOTION was made by Ms. Diana Buchanan and seconded by Ms. Muriel Smith to deny the request for an extension. Motion carried unanimously.

A request for extension from Renee Grace was submitted. She is requesting an extension from the 2009 instructor seminar due to a misunderstanding when she was to attend. She was upgraded to an instructor December 2008 and this would have been her first seminar.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to deny the request for an extension. Motion carried unanimously.

A request for extension from Dorothy Solsbee was submitted. Ms. Solsbee last seminar attendance was 2005 and she states in her request she has been under a doctor's care since 2005. No doctor's statement was submitted.

The board requested that this be tabled and requested Ms. Beverly Waller, Executive Director to contact Ms. Solsbee to obtain a doctor's statement before the board makes a decision.

A request for extension from Laurel Harris was submitted. Ms. Harris upgraded to a manicurist instructor in 2008. Ms. Harris provided a letter explaining why she did not attend.

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

An application for reciprocity of cosmetology license from Aminata Diarra was reviewed by the Board at the August 2009 board meeting. The Board requested documentation as to the hours of instruction and breakdown of courses covered in the cosmetology curriculum in Senegal be submitted. She has submitted the translated documents which she states she completed 1,400 hours in the course of hairdressing from October 12, 1998 to July 25, 2000.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Diarra obtain an additional 100 hours then take and pass the

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

An application for reciprocity of manicurist license from Nevada for Doan Nguyen was submitted. She obtained her license in Nevada by reciprocity from California where she was required to complete 400 hours of instruction in the manicurist curriculum. She does not have a five year work history.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Nguyen obtain an additional 200 hours then take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Florida for Michael Bisceglia was submitted. Florida certification of licensing certifies 1,200 hours of instruction in the cosmetology curriculum. Mr. Bisceglia has submitted additional documentations stating he had additional hours but these hours are not certified by the Florida State Board. He obtained his license July 23, 2009 so he has no five year work history.

MOTION was made by Ms. June Huckleby and seconded by Ms. Nina Coppinger to request Mr. Bisceglia to 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 Mexico for Alma Rodriguez was submitted. Ms. Rodriguez states on her application for reciprocity she completed 1,800 hours but Ms. Waller stated she was not able to locate any information supporting the hours on the documents she submitted. Also, she does not have a social security number. Ms. Rodriguez submitted her tax identification number on the application.

The board stated they would need more information due to Ms. Rodriguez not having a social security number and to table this until the next meeting.

An application for reciprocity of manicurist license from Georgia from Lakeisha Coleman was submitted. Georgia requires 525 hours of instruction and her original date of license was August 13, 2009 with no five year work history.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to require Ms. Coleman to obtain an additional 75 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 North Carolina for Cody Boyd was submitted. The board received a certification from the North Carolina State Board and the Oklahoma State Board where he received license by reciprocity from North Carolina. His hours of instruction are 1,200 with original date of licensing September 29, 1999, but no five year work history was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request Mr. Boyd 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 Belgium for Eitte Gomme' was submitted. The application was originally submitted to the board at the December 2008 board meeting and the board voted to request additional information. The application was presented again at the June 2009 board meeting and the board voted to accept 1,000 hours she completed in high school from documents submitted. She would be required to obtain an additional 500 hours then take and pass the cosmetology examination. Ms. Waller stated Ms. Gomme' asked if the board would review her application again.

MOTION was made by Ms. June Hucceby and seconded by Ms. Nina Coppinger to stand by their decision to require Ms. Gomme' to obtain an additional 500 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Documents from Jose Vallecillo from Puerto were submitted. Documents state he participated in the beauty course executed from February to November of 2000 at Academy and Beauty Parlor. He also owned a barber shop. Ms. Waller stated she thinks the idea with the documents and the letter submitted is that Mr. Vallecillo mainly cut men's hair and that is why he is asking to work in a beauty salon instead of a barber shop. Ms. Waller stated she tried to contact Mr. Vallecillo for clarification, but was unable. No hours of instruction and no license was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Mr. Vallecillo to appear before the board. Motion carried unanimously.

Documents from Shakhnoza Azimova from Uzbekistan were submitted. Translated documents state she completed 800 hours of theory and 300 hours of practice in Manicure-Chiropody (Chiropodist is a specialist in care of feet). No breakdown in the curriculum or a license was submitted.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to request Ms. Azimova to appear before the board. Motion carried unanimously.

The board was submitted documents from Ms. Maria Perez. Ms. Perez stated she had previously had submitted documents to get a license as a cosmetologist in Tennessee about three (3) years ago and the board voted she would need to complete 1,500 hours of instruction in the cosmetology curriculum and pass the state board examination. The Board office was unable to location any information. She is enrolled in Lyles School of Hair Design and has completed 400 hours and is asking the board if they would accept the 2000 practice hours from El Salvador and allow her to take her examination.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to deny the request unless Ms. Perez can present her proof of education. Motion carried unanimously.

Proof of high school education from Iran for Neda Ahmadi Neaz was reviewed by the Board of the April 2009 meeting and the Board requested clarification on the document that stated CONFIRMATION OF THE THREE YEAR HIGH SCHOOL PROGRAM. The board was presented this information for review.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to approve high school education. Motion carried unanimously.

Ms. Beverly Waller, Executive Director informed the board members the dates for the Nashville Barber/Cosmetology Instructor Seminar for 2010 as August 8<sup>th</sup> and 9<sup>th</sup> and they will be providing Milady curriculum.

Ms. Beverly Waller, Executive Director stated at the last board meeting we discussed withholding hours from students enrolled in the schools of cosmetology. The board was given information from a school that explains the process the school follows concerning withholding hours.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to request Mr. Terrance Bond, Staff Attorney send a letter to the schools that this is not appropriate and could cause disciplinary action toward the schools. Motion carried unanimously.

An application for reciprocity of manicurist license from Crispina Peters was reviewed by the board at a previous meeting. The board voted to request additional information as to her hours of instruction in the manicurist curriculum in Cavite. Ms. Waller stated she received an email advising the schooling was in 1992 and the school she attended no longer exists. Ms. Waller states since this information cannot be provided she needs the board to determine what they will require for the application to become licensed in the State of Tennessee.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Peters obtain 600 hours in the manicurist curriculum then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Documents were submitted from Mr. Tai Nguyen for proof of high school education from Vietnam. The school owner, Gene Myers submitted these documents.

MOTION was made by Ms. Diana Buchanan and seconded by Ms. Pearl Eva Walker accept diploma as proof of education. Motion carried unanimously.

A request from Cloressa Pittman to the board to waiver the seven year period for completion of hours was submitted. She explains in her letter to the board the reason for the request.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to accept the hours. Motion carried unanimously.

A request from Kathey Harvey for approval of continuing education hours in North Carolina was submitted. Ms. Harvey's instructor status is in inactive status. To activate her instructor license she is required to complete sixteen (16) hours of continuing education or take and pass the instructor examination. She has located a continuing educational course which is sixteen (16) hours in Fayetteville, North Carolina and it is approved by the North Carolina State Board for continuing education.

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

An application for reciprocity of cosmetology license for Mr. Nhan Vo was reviewed by the board at the October 2009 meeting. The board voted to request additional information as to what was covered in the cosmetology curriculum in Vietnam and also a work history. He submitted the requested information for the board's review.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Mr. Vo 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 Alistar McDermott was reviewed by the board at the October 2009 board meeting and the board requested additional information as to the hours of instruction in the cosmetology curriculum completed in England. He has submitted a letter stating he contacted the school he attended, Nelson and Clone in England and since it has been eighteen (18) years they no longer have his records. He has submitted his own calculation of hours based on going to school for two (2) years and he started in September 1990 and graduated May 1992. He lists the courses he took and in England the courses are not given hours like in the states, they are assigned units for each skill. To receive your license you have to complete two (2) years of study along with a work study which is on job training, along with working at the school salon which serves the community.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to grant Mr. McDermott reciprocity of his cosmetology license. Motion carried unanimously.

## **STAFF ATTORNEY REPORT**

### **AMENDMENTS TO #42 AND #45. All other items adopted as recommended.**

#### **1. 200902255-1**

Inspector reports in a Notice of Violation issued September 22, 2009 that a licensed manicurist was observed operating an unlicensed manicure shop. To date, no license has been issued to the manicurist for operation of a manicure shop.

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

#### **2. 200902256-1**

Inspector reports in Notice of Violation issued September 23, 2009 that an individual was observed operating a natural hairstyling shop. The Notice of Violation states that the same individual was also observed practicing natural hairstyling on a client in the shop.

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

#### **3. 200902258-1**

Inspector reports in Notice of Violation issued September 25, 2009 that one (1) unlicensed individual was observed providing license-required service to a client in a licensed manicure shop. The inspector also found that used manicuring tools were not sanitized and stored as required after use.

*Prior History:*

*2/2004- unlicensed person, bed in shop, paid \$900.00 civil penalty.*

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



4. **200902259-1**

Inspector reports in Notice of Violation issued September 26, 2009 that two (2) licensed manicurist was observed practicing aesthetics in a licensed manicure shop. The Notice also indicates that neither of the licensed manicurists present in the shop was wearing identification tags while engaged in practice. The inspector also noted that nail dust was present on several manicuring stations and that certain tools and implements were not sanitized and stored as required after use.

*Prior History:*

*5/2006 & 6/2006- unlicensed operator, paid \$2,000.00 civil penalty.  
9/12/2008- sanitation and sterilization, paid \$4,000.00 civil penalty.*

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

5. **200902261-1**

Inspector reports in Notice of Violation issued September 29, 2009 that two (2) licensed manicurists were attempting to conceal the presence of a wax machine (which was hot to the touch) after his arrival.

*Prior History:*

*2/2002- change of location, paid \$300.00 civil penalty.  
date unspecified- consumer complaint, paid \$1,000.00 civil penalty.  
8/2004- bed in shop, dismissed.  
8/2004- unlicensed operator, dismissed.  
9/2004- wax machine, dismissed.*

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

6. **200902263-1**

Inspector reports in Notice of Violation issued October 1, 2009 that a licensed cosmetologist was observed practicing cosmetology in a licensed cosmetology shop while her cosmetology license was expired (date of expiration: 5/31/09). The cosmetologist's license is now current.

*Prior History:*

*2/2009- unlicensed shop, paid \$500.00 civil penalty.*

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

**7. 200902264-1**

Inspector reports in Notice of Violation dated October 1, 2009 that a licensed cosmetologist was observed practicing cosmetology in a licensed cosmetology shop while the shop license was expired (date of expiration; 8/31/09). The shop license remains delinquent as of October 28, 2009.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order including instructions to CEASE and DESIST unlicensed operation and payment of a \$1,000.00 civil penalty.**

**8. 200902666-1**

Inspector reports in Notice of Violation dated October 8, 2009 that he found that the owner of a licensed cosmetology shop, who is a licensed aesthetician, had allowed her license to expire. According to the inspector, the owner was not engaged in the practice of cosmetology at inspection time.

**Recommendation: Close with no action.**

**9. 200902267-1**

Inspector reports in a Notice of Violation dated October 7, 2009, that he found evidence that the owner or owners of a licensed manicure shop were living in the shop. While in the shop, the inspector reports that he found a stocked, full-size refrigerator, cookware, an inflatable mattress. Suitcases, an iron stand for a propane gas cook top, etc. in the shop.

**Recommendation: Issue a letter of warning/instruction regarding use of non-residential shop as living quarters.**

**10. 200902285-1**

Inspector reports in a Notice of Violation dated October 13, 2009, that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

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

**11. 200902286-1**

Inspector reports in a Notice of Violation issued October 13, 2009 that a licensed manicurist failed to wear an identification tag while practicing manicuring in a licensed manicure shop.

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

**12. 200902287-1**

Notice of Violation does not provide sufficient information to determine whether a violation of law occurred.

**Recommendation: Dismiss.**

**13. 200902288-1**

Inspector reports in Notice of Violation issued October 15, 2009 that an unlicensed individual was observed practicing natural hairstyling in an unlicensed natural hairstyling shop.

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

**14/15. 200902289/90-1**

Notices of Violation provides insufficient information to determine whether a violation of law occurred.

**Recommendation: Dismiss**

**16. 200902293-1**

Inspector reports in Notice of Violation issued October 15, 2009 that two (2) unlicensed individuals were observed practicing cosmetology in a licensed cosmetology shop.

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

**17. 200902294-1**

Inspector reports in Notice of Violation dated October 15, 2009 that a licensed cosmetologist was observed practicing on a client in a licensed cosmetology shop

while her license was expired (date of expiration: 3/31/09). The cosmetologist's license remains delinquent as of October 28, 2009.

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

**18. 200902295-1**

Inspector reports in Notice of Violation dated October 17, 2009 that two (2) licensed manicurists failed to wear identification tags while practicing in a licensed manicure shop. The inspector also noted that tools and implements were not sanitized after use. The inspector reports that the owner of the shop was advised regarding sanitary practices during the inspector's previous visit (on 6/26/09), after the inspector received a complaint that an individual had contracted a nail fungus after receiving service there.

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

**19. 200902296-1**

Inspector reports in Notice of Violation dated October 17, 2009 that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop. The inspector also reported that five (5) individuals who were engaged in the practice of manicuring were not wearing identification tags.

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

**20. 2009023-1**

Inspector reports in Notice of Violation dated October 13, 2009 that a licensed manicure shop was advertising waxing services at inspection time. The inspector discovered a wax machine inside the manicuring salon states that after he discovered the wax machine an employee at the shop attempted to place money in his pocket and asked him not to issue a Notice of Violation.

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

**21. 20090[2017-1]  
[2008-1]  
[2164-1]**

Administrative office complaint alleges that a licensed cosmetology school admitted three (3) students without proof of adequate high school education or

sufficient achievement on the G.E.D. exam. Upon further examination of the records, I found the documents provided adequate to prove that the students had obtained the requisite education prior to entry.

**Recommendation: Dismiss all complaints.**

22. 20090[2048-1]  
[1889-1]

Administrative office complaint alleges that a licensed cosmetology school admitted two (2) students without proof of adequate high school education or sufficient achievement on the G.E.D. exam. Upon further examination of the records, I found the documents provided adequate to prove that one (1) of the two students had obtained the requisite education prior to entry. It remains unclear whether the other student completed and passed the required two (2) years of high school prior to entry.

**Recommendation: [2048]: Dismiss. [1889]: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty.**

23. 20090[1727-1]  
[1868-1]

Administrative office complaint alleges that a licensed cosmetology school admitted two (2) students 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 students 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 \$2,000.00 civil penalty.**

24. 20090 [2009-1]  
20090 [2096-1]  
20090 [2014-1]

Administrative office complaint alleges that the above-referenced cosmetology schools each 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 students completed and passed the required two (2) years of high school prior to entry at each of the schools.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty for each of the above-referenced complaint numbers.**

25. 20090 [1903-1]  
20090 [2015-1]  
20090 [1902-1]

Administrative office complaint alleges that three (3) cosmetology schools admitted students without proof of adequate high school education or sufficient achievement on the G.E.D. exam. Upon further examination of the records, I found the documents provided adequate to prove that the students had obtained the requisite education prior to entry.

**Recommendation: Dismiss all complaints.**

26. 200901870-1

Administrative office complaint alleges that a licensed cosmetology school gave a student credit for hours in violation of T.C.A. 62-4-123 (“time period for completion of coursework” requirement). The examination application for the student indicates that the student enrolled in a school of cosmetology in January 2002, earning 438.75 hours by September 2002. The student re-enrolled part-time at a cosmetology school in July 2007, earning 1061.25 hours by August 2009. The director of the school indicates that their acceptance of the student’s hours was inadvertent.

**Recommendation: Dismiss.**

27. 200902004-1

Student complaint alleges that the cosmetology school she attended is not entitled to additional tuition monies from her, as she feels she was misled concerning the quality of the licensing program before she enrolled. The school owner responds that the student signed the attendance contract, which clearly indicated that the student would be charged 30% of total tuition for the amount of time she attended classes prior to withdrawal. The owner concedes that the student has paid a portion of her outstanding tuition, but states that the additional monies are owed for the time she attended.

**Recommendation: Dismiss.**

28. 200902331-1

Inspector reports in Notice of Violation dated October 21, 2009 that a licensed cosmetology shop relocated without filing notice with the board and obtaining a pre-operation inspection. The inspector reports that the new shop location was open for business at inspection time (no clients were present) and that a stylist in

the shop admitted that the shop had been operating at the new location since May 2009. The owner of the shop, who is a licensed cosmetologist, filed an application for change of location with the board October 21, 2009 and an inspection of the new location is now pending.

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

**29. 200902332-1**

Inspector reports in Notice of Violation dated October 21, 2009 that various items in a licensed cosmetology shop (including work stations, tools and implements which were not in use) were in an unsanitary condition at inspection time. The inspector also reported that the wet sterilization at one work station was inadequate. Additionally, the shop license and most recent grade sheet were not conspicuously displayed and one licensed manicurist who was practicing in the shop failed to wear identification.

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

**30. 200902032-1**

Consumer complaint states that the owner of a licensed cosmetology shop smokes in the shop.

**Recommendation: Close with no action.**

**31. 200902106-1**

Inspector reports in Notice of Violation issued September 11, 2009 that an unlicensed individual was observed practicing manicuring in a licensed manicure shop. According to the inspector, the owner of the shop admitted that the individual, who exited the shop upon the inspector's arrival, was unlicensed.

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

**32. 200902107-1**

Inspector reports in Notice of Violation dated September 15, 2009 that a licensed cosmetology shop began operating at a new location prior to obtain an inspection of the new location. I spoke to the owner as well as the inspector, and it appears that there was a scheduling conflict between the inspector and the owner on the date the owner indicated he would be ready—at the time the inspector was able to accommodate the inspection request, the owner had begun operating, stating that

he could not afford to wait any longer for the inspection. I was able to arrange a mutually agreed time for the inspector to re-visit the shop and conduct the inspection, and the shop is now fully licensed.

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

**33. 200902108-1**

Inspector reports in Notice of Violation dated September 11, 2009 that an unlicensed individual was observed practicing manicuring 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.**

**34. 200902109-1**

Inspector reports in Notice of Violation issued September 2, 2009 that the owner of a licensed cosmetology shop worked for more than thirty (30) days in the purchased shop before acquiring a license to operate the shop. The owner is now in possession of a valid shop license for the purchased shop.

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

**35. 200901977-1**

Consumer complaint alleges that a licensed cosmetologist was rude and threatening to the consumer after the consumer indicated that she was dissatisfied with the service the licensee provided and requested a partial refund. The licensee states that the consumer never gave her an opportunity to correct the service and stated it is the policy of the salon to attempt to make corrections to the hairstyle in lieu of giving the consumer a refund. The licensee states that the consumer was rude to her and threatened to file a complaint against her after she declined to issue a refund for the service. The consumer requests a copy of the complaint be placed in the licensee's license file. The owner of the shop also responded to the complaint and indicated that he feels that the consumer never gave the licensee an opportunity to correct the hairstyle to the consumer's satisfaction.

**Recommendation: Close and place a copy of the consumer's complaint in the licensee's file.**



**36. 200902037-1**

Consumer complaint alleges that the owner of a licensed cosmetology shop was rude to her after she informed her [the owner] that her [the consumer's] daughter suffered an adverse reaction following a color service she received at the shop. The consumer states that the shop requested that the daughter sign a waiver form prior to the color service, which allegedly proves that the color products used are unsafe. The owner of the shop responded that the waiver form is used in order to provide the stylist with necessary information about the consumer so that the service may be performed as safely as possible. The owner also states that she was not rude or unprofessional with the consumer, but that she did inform the consumer that the shampoo that the daughter regularly used could have caused/contributed to the adverse reaction. The owner states that the daughter did not appear to be suffering any adverse effects from the service at any time she was present in the shop.

**Recommendation: Close and place a copy of the consumer's complaint in the licensee's file.**

**37. 200902070-1**

Inspector reports in Notice of Violation issued August 25, 2009 that the owner of a licensed manicure shop failed to maintain his shop in a sanitary condition. Previously-used tools and implements were stored in drawers where no means of sterilization was provided. Also, wet sterilizer provided for used tools was inadequate to sterilize all used tools.

*Prior History:*

*6/2006- identification tags not worn, licensed not displayed, dismissed.*

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

**38. 200902072-1**

Inspector reports in Notice of Violation issued August 21, 2009 that the owner of a licensed manicure shop failed to maintain the shop in a sanitary condition. Several previously-used tools and implements were not sanitized and stored as required. The floors around manicure and pedicure areas needed to be swept free of trash. Nail dust was also present on the tops of manicure tables as well as inside manicure tool drawers where sterilized tools would be stored.

*Prior History:*

*10/2006- Sanitation, paid \$250.00 civil penalty.'*

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

**39. 200902074-1**

Inspector reports in a Notice of Violation issued September 2, 2009 that the owners of a new manicure shop operated the manicure shop prior to obtaining an inspection for such shop. At inspection time, the inspector observed one of the owners providing manicuring services to a client. The shop license application remains pending as of October 30, 2009.

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

**40. 200902079-1**

Notice of Violation does not provide sufficient information to determine whether a violation of law occurred.

**Recommendation: Dismiss.**

**41. 200902082-1**

Inspector reports in Notice of Violation dated September 17, 2009 that an individual was practicing manicuring in a licensed manicure shop who could not provide proof of her licensure to perform such services. The inspector also reported that a wax machine was present in the salon, that there was no means of ventilation in the building and that the floors in the manicuring salon were "very dirty".

*Prior History:*

*6/1999- unlicensed person, paid \$500.00 civil penalty.*

*3/2003- bed, food, unsanitary shop, paid \$300.00 civil penalty.*

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

**42. 200901978-1**

Inspector reports in Notice of Violation issued August 12, 2009 that a licensed school failed to provide a means of wet sterilization at several students' work stations, that an ultraviolet sanitizer was unplugged at inspection time and that sanitized tools and implements were not stored in closed containers.

*Prior History:*

*10/1995- sanitation and sterilization, paid \$100.00 civil penalty.*

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

**FINAL: Board voted to authorize informal conference with school owner, legal counsel and Board member Pearl Walker.**

**43. 200901879-1**

Inspector reports in Notice of Violation dated June 26, 2009 that four (4) unlicensed individuals were practicing aesthetics in a licensed cosmetology shop at inspection time. Counsel for the Respondent disputes the inspectors findings and indicates that only two (2) of the four individuals observed were unlicensed to practice aesthetics.

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

**44. 200901493/8**

Board authorized settlement by Consent Order and payment of a \$1,500.00 civil penalty upon review of two (2) Notices of Violation alleging that the inspector observed the same unlicensed individual practicing manicuring in a licensed manicure shop on each occasion. The owner of the manicure shop admits the first instance of unlicensed conduct but denies the second and has submitted a written statement regarding the second Notice of Violation.

**Recommendation: Dismiss case number ending in 1498; maintain authority for formal hearing and authorize settlement by Consent Order and payment of a \$1,000.00 civil penalty for case number 1493.**

**45. 200901435-1**

Board authorized settlement by Consent Order and payment of a \$1,500.00 civil penalty upon review of a Notice of Violation alleging that the inspector found a wax machine in a licensed manicure shop. The Notice also alleged that a licensed manicurist failed to wear identification while practicing, that licenses were not displayed at the licensees' work station and that the most recent grade sheet was not display. The inspector also noted a few sanitary issues. The owner of the shop does not dispute the inspector's findings, but is requesting a lower civil penalty settlement offer, due to financial hardship he is currently experiencing.

**Recommendation: Discuss.**

**FINAL: Board voted to retain original offer of settlement.**

**46. 200901431-1**

Inspector reports in Notice of Violation dated July 2, 2009 that an individual in possession of an expired cosmetologist license was practicing cosmetology in a licensed cosmetology shop. The owner of the shop protests the inspector's findings, stating that the individual was there to re-do a perm (at no cost) for an elderly client that was dissatisfied with the initial service and insisted that the service be corrected as soon as possible. According to the owner, she was unavailable to correct the service at the time as she was receiving treatment for a serious medical condition. The owner states that the "open" sign for the shop was not posted at the time the inspector visited and that the unlicensed person exited the shop as soon as she completed the elderly client. The shop has been licensed since 1962—this is the shop owner's first Notice of Violation.

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

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huceby to accept the recommendations with the changes. Motion carried unanimously.

**OTHER BUSINESS**

At the next meeting the board will review a request from Paul Mitchell concerning field trips.

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