

MINUTES

The Tennessee State Board of Cosmetology held a meeting on March 1, 2010 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice-Chairman, June Huckleby, Diana Buchanan, Janet Wormsley and Muriel Smith were present. Pearl Eva Walker, Virgilene Lotze 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 November 2, 2009 cosmetology board minutes. Motion carried unanimously.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the December 7, 2009 cosmetology board minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Kathryn Wiseman- Chief Counsel for Regulatory Board – Present. Ms. Wiseman was present to discuss HB2587 and the amendment to HB2587 with the board. The board discussed the bill as introduced in the legislative that would grant cosmetology license to a person who is not trained or educated in cosmetology in Tennessee to obtain a license. The board is against this bill.

The Board voted individually and each board member voted “No” to HB 2587.

The Board prepared a statement to be delivered to the legislature concerning their objection to passage of HB 2587.

MOTION was made by Ms. June Huckleby and seconded by Ms. Nina Coppinger to send board member, Ms. Diana Buchanan to the legislative committee meeting concerning this bill.

Gene Wallace – International College of Arts & Beauty – Chattanooga, TN – Present. Mr. Wallace submitted an application for change of ownership and change of location for International College of Arts & Beauty located in Chattanooga at the December Board meeting. The Board voted to send a board member and inspector to

inspect the school for approval for the change of location and change of ownership. The Board office did not receive notification that the school was ready for inspection, however the board office did receive information that the school was open and students were attending and receiving hours. The inspector for the board visited the location and students were present and one student informed the inspector she was graduating that day. Mr. Wallace is present to explain this situation.

Mr. Wallace stated that on January 5, 2010 students were at the school for orientation. Mr. Wallace informed the board that he has made some mistakes and he apologized for them.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Mr. Wallace re-apply for his school license. Motion carried unanimously.

Mr. Gene Wallace went to the board office and reapplied for his school license.

MOTION was made by Ms. Diana Buchanan and seconded by Ms. Janet Wormsley to accept the new application for the school and send a board member and inspector to inspect the school. Motion carried unanimously.

Ette Maria Gomme, Nashville, TN – Present. Ms. Gomme submitted an application for reciprocity for her cosmetology license to the board June 2009. After review of documentation submitted the board voted to accept 1,000 hours of her instruction in the curriculum in Belgium and she would be required to complete 500 hours of instruction in the cosmetology curriculum and pass the state board examination to qualify for license. She is present to request the board to waive the 500 hours and allow her to take the state board cosmetology examination.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Janet Wormsley to approve Ms. Gomme's request to take the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Tony Frye- Massage Envy Spa, Collierville, TN – Present. Mr. Frye is present to discuss with the board skin care facilities in Massage Envy Spa. Mr. Frye is aware of Cosmetology Rule 0440-2.07 Equipment (8) A cosmetology, skin care, natural hair stylist or manicure shop must have a separate entrance from any other business except in malls or strip shopping centers. Mr. Frye discussed with Ms. Waller the possibility of licensing the facility as a skin care shop but not changing the name from Massage Envy Spa.

After a lengthy discussion, Mr. Frye was advised by the Board the Massage Envy Spa would have to obtain cosmetology skin care shop licenses. This would solve the issue of required separate entrance for the facility. Multi-purpose rooms for skin care services are not permitted.

Mr. Frye wanted to know if he placed an application for skin care would it be approved or would there be other things he needed to do.

The Board voted based on the items Mr. Frye presented today the application could possibly be approved. Approval would be granted after the facility has been inspected.

Mr. Terrance Bond, Staff Attorney advised Mr. Frye to have his legal council review all statuses for the board concerning requirements for licensing.

Mr. Frye advised the Board he may see the Board members at the next meeting.

Nghia Than Phan- Nashville, TN – Present. Mr. Phan is present today at the request of the board. A cheat sheet was confiscated from Mr. Phan at the Nashville PSI theory test site and was presented to the Board of Cosmetology at the December meeting. The Board reviewed the information presented and requested Mr. Phan appears before the Board.

Mr. Phan stated he had the papers in his coat but was not cheating on the exam.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to not allow Mr. Phan to take his examination until 3/1/2011. One year from the date he appeared before the board. Motion carried unanimously.

ADMINISTRATIVE REPORT

COSMETOLOGY SCHOOL APPLICATIONS

Paul Mitchell the School, Murfreesboro, TN was inspected January 25, 2010 by June Huckleby, Board Member and Terry Barnes, Board Inspector. The school was found to be in compliance with all requirements for a school of cosmetology in Tennessee and approval was granted to open. Ms. Waller is requesting final approval by the board.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger to approve the opening of the school. Motion carried unanimously.

An application for a new school of cosmetology was submitted for the February meeting. The meeting was cancelled due to weather. Regency Beauty Institute, Knoxville, TN is the name of the school. The school was scheduled to open March 1, 2010. Janet Wormsley, Board Member and Nick Sloan, Board Inspector inspected the facility February 17, 2010.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the opening of Regency Beauty Institute. Motion carried unanimously.

An application for Knox 2000 International Beauty College, Chattanooga, Tennessee which includes the bond, floor plan and twenty (20) applications for enrollment was submitted. Mr. Knox is a former cosmetology school owner and Ms.

Waller has presented the board information on the school. Ms. Waller and Mr. Knox both thought he had submitted twenty (20) applications but when I counted on Friday, Ms. Waller had only nineteen (19). Ms. Waller called Mr. Knox and he had another application he faxed to the office. The floor plan was presented to the board members for review because it was too large to photo copy.

MOTION was made by Mr. June Huckleby and seconded by Ms. Nina Coppinger to request Mr. Knox appear before the board at the next meeting. Motion carried unanimously.

APPLICATIONS FOR EXAMINATIONS - FELONIES

Applicants for examinations with felonies are Terrance Constant, Gary T. Dodd, Kari Nicole Parks, Cornell Quantez Lane and Percy Leon Ward. All the required documentation has been submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to accept the applications for examination for the above applicants with signed agreed orders from applicants. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION

Miranda Lee Gonzales submitted an application for manicurist examination. She completed 600 hours in Atlanta Beauty Academy, Doraville Georgia. Ms. Waller is requesting approval from the board to accept the high school diploma attached for proof of high school education in Mexico.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to accept the high school diploma. Motion carried unanimously.

Nhu Thi Ho submitted an application for manicurist examination. She completed 600 hours in Atlanta Beauty Academy, Doraville, Georgia. Ms. Waller is requesting approval from the board to accept the high school diploma attached for proof of high school education in Vietnam.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to accept the high school diploma. Motion carried unanimously.

Jennifer Sitha Sam submitted an application for manicurist examination. She completed 600 hours in Atlanta Beauty Academy, Doraville, Georgia. Ms. Waller is requesting approval from the board to accept the high school diploma attached for proof of high school education in Cambodia.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to accept the high school diploma. Motion carried unanimously.

INSTRUCTOR SEMINAR EXTENSION REQUEST

Renee Grace had previously submitted a request for an extension from the 2009 instructor seminar due to confusion and misunderstanding. The board declined her request. She has requested Ms. Waller present her request again and the board has copies of her email.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. June Huckleby that the decision stand, to deny her request. Motion carried unanimously.

Edna Jean Brewer is requesting an extension from the 2009 instructor seminar due to her mother's illness and subsequent death in May 2009. She is responsible for the care of her elderly father who is a recent amputee. She states assisting her father and adjustment to living alone and arranging the business details upon her mother's death has been more time consuming than she thought.

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

Diane Martin stated she submitted a letter to the board office November 23, 2004 with a request to have her instructor status placed in inactive. To have your instructor status placed in inactive you must submit your current license and a fee of \$10.00. The board was presented with the payment history no fee was submitted of \$10.00 in 2004.

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

Brenda Kay Fisher is requesting an extension from the 2008 instructor seminar. She obtained license in Tennessee by reciprocity and was under the impression Tennessee did not require continuing education.

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

RECIPROCITY APPLICATIONS

An application for reciprocity of cosmetology license for Sonja Merritt from Missouri was submitted. Certification from the Missouri State Board verifies she completed 1,223 hours of instruction in the curriculum and original date of licensing was January 9, 1996. She submitted information about her work history but it is not sufficient proof of a recent and consistent five (5) year work history as a cosmetologist.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request more information on her work history. Motion carried unanimously.

An application for reciprocity of manicurist license for Theresa Robinson from Michigan was submitted. Certification from the Michigan State Board verifies she completed 814.50 apprenticeship hours in the manicuring apprenticeship program and her original date of licensing was December 18, 2001.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Robinson obtain an additional 600 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 for Brian Keith Overby from North Carolina was submitted. Certification from the North Carolina State Board verifies he completed 1,200 hours in instruction and a minimum of six (6) months work. Original date of licensing was July 28, 1988. No five (5) year work history submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Mr. Overby 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 manicurist license for Trung Qui Nguyen from Minnesota was submitted. Certification from the Minnesota State Board verifies 350 hours completed in the manicurist curriculum and original date of license May 1, 2008.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Mr. Nguyen obtain an additional 250 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 for Linda Hart from South Carolina was submitted. Certification from the South Carolina State Board verifies 300 hours completed in the manicurist curriculum and original date of licensing as March 28, 2008.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. Hart 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 cosmetology license from Florida for Alexandria Lee Anctil was submitted. Certification from the Florida State Board verifies 1,000 hours completed in the cosmetology curriculum and original date of license February 1, 2007. Ms. Waller questioned her as to why she only completed 1,000 hours in the curriculum when Florida requires 1,200. She stated she challenged the Florida Board after she completed 1,000 hours and was permitted to set for the examination.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request Ms. Anctil to 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 Florida for Jessica Adkin was submitted. Certification from the Florida State Board verifies 1,200 hours and original date of licensing August 2, 2007.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Adkin 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 Justin Tyrone Sutton was submitted. Certification from the Florida State Board verifies 1,200 hours of instruction in the curriculum and original date of licensing as September 16, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request Mr. Sutton 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 aesthetician license from Florida for Ana Paz was submitted. Certification from the Florida State Board verifies she is licensed as a facial specialist which is 260 hours in the curriculum and original date of licensing May 17, 2002. No five (5) year work history.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request Ms. Paz obtain an additional 490 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from Florida for Loan Duong was submitted. This application will need to be placed on hold until we receive certification from Florida. The certification we have is from New Mexico.

An application for reciprocity of aesthetician license from South Carolina for Lauren McConnell was submitted. Certification from the North Carolina State Board verifies 450 hours in the curriculum and original date of licensing as September 21, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith 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 natural hair stylist license from Pyalou Toyisson was submitted. The Board had previously reviewed her application in December and

requested proof of high school education and information concerning her hair braider apprentice program in Togo. She attended public school in Minneapolis and completion of 10th grade is provided. She has also submitted information as to how the apprenticeship programs work in Togo.

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

An application for reciprocity of cosmetology license from El Salvador for Carolina Elizabeth Aguilar was submitted. Diploma submitted states she has satisfactorily completed her studies in Cosmetology. No information as to the number of hours was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request additional information or require Ms. Aguilar take 1,500 hours in the cosmetology curriculum 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 Yadira Lopez De Tellez was submitted. Her application was reviewed at the December meeting but the board chose to take no action because the last name on documents was not the same as the last name on the application for reciprocity. She was sent a letter requesting to explain the difference in which she did explain. Among the documents submitted is a diploma for Beauty School with completion of 2,000 hours.

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

An application for reciprocity of cosmetology license from Florida for Crystal Jean Alexander was submitted. Certification from the Georgia State Board verifies she holds a valid license with an expiration date of March 31, 2010 obtained by reciprocity. She submitted a lengthy work history but it is not a work history for the last five years 2004, 2005, 2006, 2007 and 2008. No work history for 2004 was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. Alexander to obtain 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 Massachusetts for Sasha Sears was submitted. Certification from the Massachusetts State Board verifies 1,000 hours of instruction in the curriculum and initial date of licensing as September 5, 2006.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. Sears to obtain 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 Massachusetts for Kathleen Morgan was submitted. Certification from the Massachusetts State Board verifies 1,000 hours of instruction in the curriculum and original date of licensing as July 9, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. Morgan to obtain 500 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 Canh Nguyen from California was submitted. Certification from the Arizona State Board verifies he has a valid license obtained by reciprocity with expiration date of September 20, 2010. Certification from the California state board verifies he completed 400 hours of instruction in the manicurist curriculum as required in that state and original date of licensing as September 26, 2006.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Mr. Nguyen 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 aesthetician license from Virginia for Tobin Wilcox was submitted. Certification from the Virginia State Board verifies she received license as an aesthetician by waiver of examination. She explained to me she completed 1,200 hours of instruction in the esthetics curriculum. She completed school in June of 2008 which was two weeks before the law became effective for esthetics license in Virginia and she had all A's in the course and her examination was waived by the Board.

MOTION was made by Ms. June Huckleby and seconded by Ms. Diana Buchanan to request Ms. Wilcox take the aesthetician examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

MISCELLANEOUS

Ms. Waller stated she had a request as to what type of license is needed for eye lash perming and eyelash/brow tinting.

The board stated that cosmetologist and aestheticians can perform these services.

A request for approval of educational documents from New Delhi for Rena Bala approval for student to enroll in cosmetology school was submitted.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger to request more information from Ms. Bala. Motion carried unanimously.

A request for approval of educational documents from Brazil for Helen Schmidt for approval to enroll in cosmetology school was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to approve the documents for enrollment. Motion carried unanimously.

A request for reinstatement of hours of instruction in the cosmetology curriculum that have exceeded the required seven (7) years for completion of curriculum from Branden Dee Philebaum was submitted.

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

FOR YOUR INFORMATION

Updated information on Inspectors and Board Members was provided for the board.

An article on threading was provided for the board members.

A copy of media release issued concerning scam warning was provided with an attached a sample copy of the letter that was sent.

A request for approval of documents from Karol Salas from Costa Rica for proof of high school education to enter school of cosmetology was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request a transcript from Ms. Salas. Motion carried unanimously.

A request from Remington College concerning “business cards” for students was submitted. They are asking for board approval on obtaining business cards.

The board approved the request for business cards for students, with the understanding “student” is to be used in the title.

A request from Joyce Meadows, Owner of Georgia Career Institute to use a location, which is another business, which has a large area for “special” events/demos, presentations, student gatherings. etc was submitted. She detailed in her request where the facility is located.

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

An application for cosmetology examination from Daophone Sourivong who completed 1,600 hours in the cosmetology curriculum at Pomona Unified School District in California was submitted. Ms. Waller stated she needs the Board's approval for acceptance of high school documentation.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to approve the documentation. Motion carried unanimously.

An application for cosmetology examination from Edward William Faherty, Ciji Jackson and Sarah Hailey who have felonies for review. The required information has been submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to accept the applications for examination with signed agreed order from applicant. Motion carried unanimously.

Wenedy Sanchez submitted an application for reciprocity of manicurist license from Mexico at the December meeting and the Board requested information detailing the manicurist curriculum she completed. She has submitted the break down of hours for the board approval.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger to approve the application for reciprocity for Ms. Sanchez. Motion carried unanimously.

Yamen Dakhllallah submitted an application for reciprocity of cosmetology license. She completed an apprenticeship program in Ontario. She has submitted copies of her apprenticeship program completed in Ontario.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Dakhllallah obtain 1,500 hours in the cosmetology curriculum then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Nicole Odden submitted an application for reciprocity of her instructor license. She received reciprocity of cosmetology license March 9, 2009. The certification from the Minnesota Board verifies she is licensed as a cosmetology instructor in that state. The requirements for instructor license in Minnesota are an active license plus 1,400 hours of work history and 38 hours instructor training course.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Odden take an additional 262 hours in the instructor curriculum then take and pass the instructor examination to become licensed in the State of Tennessee. Motion carried unanimously.

Cuc Thi Nguyen submitted an application for reciprocity of manicurist license from Georgia. Georgia required 525 hours in the curriculum and the certification of licensing from the Georgia State Board of Cosmetology has her original date of licensing as November 15, 1994. The work history she provided is not a recent five (5) year work history as a manicurist.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to request Ms. Nguyen obtain an additional 75 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Victoria Dawn Vicary submitted an application for reciprocity of cosmetology license from Ontario. She states in her letter she attended school for 1,500 hours and apprenticed for 2000 hours in Canada. The documents she submitted are a certificate from Blue Water School of Hair Design that does not give hours of completion. Documentation provided from the Labor Market and Training Division addressed to the State of Michigan only verifies her apprenticeship program.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Vicary obtain 1,500 hours in the cosmetology curriculum then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Austin Jason Marshall submitted an application for reciprocity of cosmetology license from Florida. Certification from the Florida State board verifies 1,200 hours of instruction in the curriculum and original date of licensing as October 16, 2007.

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

Nancy Schwab submitted two applications for reciprocity. She is licensed in the State of Florida as a Full Specialist which is a manicurist with 240 hours and Facial Special with 260 hours. The documentation for proof of five (5) year work history she submitted is Profit or Loss from Business forms for 2004, 2005, 2006, 2007 and 2008. Ms. Schwab was a salon owner.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request Ms. Schwab obtain an additional 360 hours in the manicuring curriculum and 490 hours in the esthetics curriculum then take and pass the manicurist and aesthetician examination to be licensed in the State of Tennessee. Motion carried unanimously.

Janel Campbell submitted application for reciprocity of cosmetology license from Colorado. Certification from the Colorado State Board states stipulation was placed on

her license from July 31, 2008 to July 31, 2009. The Colorado State Board complied with Ms. Waller's request for additional information and submitted information on complaint #2008-002341 that was presented to board members. Ms. Campbell was convicted of a felony in the State of Colorado.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request Ms. Campbell sign an agreed order to become licensed in the State of Tennessee. Motion carried unanimously.

The Board previously reviewed an application for examination for Bich Lieu Tran. The applicant was applying to take the manicurist examination in Tennessee with hours she obtained from the Derma Elite Esthetics Academy in Richmond, Virginia. The State of Virginia only requires 150 hours of instruction in the nail tech curriculum. This application was turned over to Mr. Bond and the board was provided a copy of his correspondence.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to table this until the next board meeting. Motion carried unanimously.

A request from Joyce Meadows for clarification on an issue that is a grey area in Tennessee, she gives examples of the type of community participation. She would like to know if her students can receive hours for participate. She states with accreditation approval, they are required to participate in community events.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith stated no this is not allowed in Tennessee. Motion carried unanimously.

An application for cosmetology examination for Emily Floberg was submitted who has a felony. All required information has been provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to accept the application for examination from Ms. Floberg with the sign agreed order. Motion carried unanimously.

An application for manicurist examination for Ngoc Nguyen was submitted. She completed the manicurist curriculum at Atlanta Beauty School in Doraville, Georgia. Ms. Waller stated she needs the board's approval of the documents submitted for proof of high school education submitted.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger to accept the proof of high school education and allow Ms. Nguyen to take her examination. Motion carried unanimously.

An application for manicurist examination from Bich Hua who completed the manicurist curriculum at United Beauty College in Carrollton, Texas was submitted. Ms. Waller stated she needs the boards approval of her document submitted for proof of high school education.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to accept the proof of high school education and allow Ms. Hua to take the manicurist examination. Motion carried unanimously.

An application for reciprocity of manicurist license from Florida for Thein Nguyen was submitted. Certification from the Florida State verifies he was originally licensed as a nail specialist September 13, 2001. He states on his application for reciprocity he completed school in Florida September 24, 2008. Florida requires 240 hours in the nail tech curriculum. The documentation is not proof of a five (5) year work history as a nail technician.

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

Consent orders totaled \$35,000.00.

Allure Hair Studio
4848 Ark Lane
Murfreesboro, TN 37128

Violation issued April 3, 2008
Pd \$500.00 on 2-2010

Angel Nails
609 North Kentucky Street
Kingston, TN 37763

Violation issued August 20, 2009
Pd \$1,500.00 on 2-2010

Brazen Hair Salon
131 Walton Ferry Road
Hendersonville, TN 37075

Violation issued June 23, 2009
Pd \$500.00 on 12-7-09

California Nails
2100 Hamilton Place Blvd.
Chattanooga, TN 37421

Violation issued November 20, 2009
Pd \$2,000.00 on 1-29-2010

Da-Vi Nails
3051 Kenzel Road
Knoxville, TN 37924

Violation issued August 14, 2009
Pd \$1,000.00 on 1-7-10

Dior African Hair Braiding
8179 Nolensville Pike
Nashville, TN 37211

Violation issued September 5, 2008
Pd \$2,000.00 on 1-6-09

Elegant Nails
1951 Madison Street
Clarksville, TN 37043

Violation issued August 13, 2009
Pd \$2,000.00 on 1-8-10

Happy Nails
311 North Congress Pkwy
Athens, TN 37303

Violation issued November 2, 2009
Pd \$1,000.00 on 1-22-10

Nail Art
1575-B Fort Campbell Blvd
Clarksville, TN 37042

Violation issued September 26, 2009
Pd \$4,000.00 on 1-11-10

Head Trip
2211 Memorial Blvd.
Springfield, TN 37172

Violation issued August 26, 2009
Pd \$1,500.00 on 1-13-10

Nail Time
1100 Smithville Hwy
McMinnville, TN 37110

Violation issued September 4, 2009
Pd \$2,000.00 on 12-22-09

Nail Time
2874 Wilma Rudolph Blvd.
Clarksville, TN 37040

Violation issued October 22, 2008
Pd \$1,500.00 on 2-2-10

Nails Spa
2197 Madison Street
Clarksville, TN 37043

Violation issued August 13, 2009
Pd \$3,000.00 on 12-22-09

Nails Time
1704 North Locust Street
Lawrenceburg, TN 38464

Violation issued November 4, 2009
Pd \$3,000.00 on 1-20-10

New Concepts School of Cosmetology
1412 South Lee Hwy
Cleveland, TN 37311

Complaint filed
Pd \$1,000.00 on 1-6-10

Salon De Belleza Erika
6306 Charlotte Avenue
Nashville, TN 37209

Violation issued July 7, 2008
Pd \$1,000.00 on 2-2-10

Season Nails
5425 Hwy 153
Hixson, TN 37343

Violation issued September 22, 2009
Pd \$1,000.00 on 1-26-10

Salon Suites of Murfreesboro
1101-A NW Broad Street
Murfreesboro, TN 37129

Violation issued August 6, 2009
Pd \$500.00 on 1-20-10

Sister's Hair Braiding
837 Hamilton Crossing
Antioch, TN 37013

Violation issued March 20, 2009
Pd \$1,500.00 12-17-09

Smart Style #42017
2410 Hwy 411 South
Maryville, TN 37801

Violation issued July 30, 2009
Pd \$1,000.00 on 1-6-10

Styles & Profiles Beauty College
119 South Second Street
Selmer, TN 38375

Complaint filed
Pd \$1,000.00 on 1-29-10

T-Nails
3152 Parkway
Pigeon Forge, TN 37863

Violation issued July 31, 2009
Pd \$1,000.00 on 1-7-10

The Salon at Sango Village
3385 Hwy 41-A South
Clarksville, TN 37043

Violation issued September 1, 2009
Pd \$500.00 on 1-13-10

Vatterott College
2655 Dividend Drive
Memphis, TN 38132

Complaint filed
Pd \$1,000.00 on 1-10-10

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

STAFF ATTORNEY REPORT

AMENDMENTS TO ITEMS 3, 4, 14, 21 AND 55. ALL OTHER ITEMS APPROVED AS ORIGINALLY RECOMMENDED.

NEW RE-PRESENTED CASES:

1. 200800784-1

Board authorized formal hearing and offered settlement by Consent Order and payment of a \$6,000.00 civil penalty upon review of a Notice of Violation alleging several sanitation violations as well as provision of unauthorized services (waxing) at a licensed manicure shop. The Respondent has paid \$5,000.00 in civil penalties and has transferred ownership of the manicure shop to another individual.

Recommendation: Accept \$5,000.00 as settlement in full and close the file.

2. 200901899-1

Board authorized formal hearing and offered settlement by Consent Order and payment of a \$1,000.00 civil penalty upon review of an administrative office complaint alleging that a licensed school admitted a cosmetology student without sufficient proof the student's educational achievement prior to entering cosmetology school. Following the school's receipt of correspondence from legal counsel, the school was able to provide proof (via official transcripts) that the student in question did complete four (4) years of high school education prior to entering cosmetology school.

Recommendation: Rescind the offer of settlement and close the file with no further action.

3. 200902069-1

Board authorized formal hearing and offered settlement by Consent Order and payment of a \$1,000.00 civil penalty upon review of a Notice of Violation alleging that the owner of a licensed cosmetology relocated her shop and was observed performing services therein at inspection time.

According to the inspector, the owner failed to provide notice to the board and obtain an inspection of the new location prior to the relocation. The shop owner is protesting both the inspector's findings and the proposed settlement and has requested that I present her written statement for the Board's consideration.

Recommendation: Discuss.

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

4. 200902188-1

Board authorized formal hearing and offered settlement by Consent Order of license revocation upon receipt of notice from the Texas Department of Licensing and Regulation that the Respondent, who is a licensed manicurist in this state, admitted (via a Consent Order with the State of Texas) that she purchased classroom hours in order to obtain her Texas manicurist license. Counsel for the Respondent has submitted a letter requesting that the Board consider imposing a penalty of license suspension for one (1) year. Counsel has also indicated that the Respondent would provide an explanation of the events underlying the Texas action and offer a formal apology to the Board.

Recommendation: Discuss.

FINAL: Maintain original offer of settlement (Formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty.)

OLD RE-PRESENTED CASES:

1. 200501332-1

Board authorized formal hearing and offered settlement by Consent Order and payment of a \$500.00 civil penalty on a 2002 Notice of Violation alleging that an unlicensed individual was observed practicing cosmetology in Respondent shop. According to departmental records, the shop is now closed and no additional Notices of Violation have been issued since 2002.

Recommendation: Close and flag the file. Re-Open if the Respondent opens a new shop.

2. 200501678-1

Board authorized formal hearing and offered settlement by Consent Order and payment of a \$300.00 civil penalty on a 2000 Notice of Violation alleging that two (2) cosmetologists in possession of expired licenses were observed practicing cosmetology in Respondent shop. Respondent paid \$100.00 of the recommended penalty and has received no new Notice of Violation since the 2000 Violation.

Recommendation: Accept the amount paid as settlement in full and close the file.

3. 200501761-1

Board authorized formal hearing and offered settlement by Consent Order and payment of a \$1,000.00 civil penalty on a 2004 Notice of Violation that an unlicensed individual was observed practicing manicuring in Respondent shop. Respondent paid \$300.00 of the recommended penalty. The shop is now under new management and no new Notice of Violation has been issued since that time.

Recommendation: Close with no further action.

4. 200502035-1

2003 Notice of Violation provides insufficient information to determine whether a violation of law occurred.

Recommendation: Close.

5. 200502117-1

2005 Notice of Violation provides insufficient information to determine whether a violation of law occurred.

Recommendation: Close.

6. 200502192-1

2005 Notice of Violation provides insufficient information to determine whether a violation of law occurred.

Recommendation: Close.

7. 200502240-1

200502245-1

200502256-1

200502280-1

200502316-1

200600055-1
200603560-1
200603690-1
200705741-1
200706385-1
200707770-1

The following Notices of Violation were written by an inspector who has retired from state employment and would not likely be available to provide testimony regarding the violations at a formal hearing.

Recommendation: Close.

8. 200802716-1

The cosmetology shop identified in the Notice of Violation associated with this case is now closed. The owner of the shop does not hold a license as a cosmetologist.

Recommendation: Close and flag for future shop ownership or application to license as a cosmetologist.

NEW PRESENTATIONS:

1. 200901729-1

Anonymous complaint alleges that the Respondent, a licensed manicurist, was operating an unlicensed manicure shop from her residence. Investigation revealed that the Respondent was not performing manicuring services and had no equipment used to provide manicuring services in her home. Investigation further revealed that the Respondent is employed at a licensed manicure or cosmetology shop. The Respondent did admit that prior to obtaining full-time employment at a salon; she did provide mobile manicure services and would travel to the homes of clients to provide such services.

Recommendation: Close with a letter of warning re: practice restricted to shop or school unless exempt by law.

2. 200900320-1

Consumer complaint alleges that the Respondent refused to show her the license for the individual performing her pedicure. According to the Complainant, the Respondent stated that since the complainant was a consumer, they did not need to show her a license. The Respondent failed to respond to the complaint despite two requests for response from the board's administrative office.

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

3. 200900546-1

Consumer wishes to withdraw her allegations against the Respondent.

Recommendation: Close.

4. 200901006-1

April 9, 2009 Notice of Violation reports that the inspector observed that a manicure shop was open for business before having obtained a pre-licensure inspection. According to the inspector, the owner had filed an application at inspection time and the shop was otherwise in compliance with applicable law. The shop owner has now obtained a shop license.

Recommendation: Close with a letter of warning re: operation prior to licensure.

5. 200901873-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided a second translation of the student's transcript which was verified for accuracy by a professor at a Tennessee university.

Recommendation: Close with no action.

6. 200902240-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided the student's high school transcripts which show that the student completed approximately 10.9 credits of high school education (which included transfer credit from her previous high school).

Recommendation: Close with no action.

7. 200902378-1

Consumer complaint alleges that a manicurist at a licensed manicure shop cut her foot while using a pumice stone during service. The consumer states that she paid in cash for the service and was not provided a receipt and cannot prove that she was at the shop. The owner of the shop states that he does not keep a customer log and that the consumer did not mention any problems with the service when she was there.

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

8. 200902383-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided the student's high school diploma and a letter from the student's high school (which is a correspondence school) providing the student's test scores in various subject areas. Dates of attendance were not provided.

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

9. 200902400-1

October 20, 2009 Notice of Violation reports that the inspector found that the owner of a licensed skin care shop relocated the shop and began operating at the new location without obtaining an inspection of the new location. According to the inspector, no clients were present when the Notice was issued, but the manager of the shop did admit that the location had been open for approximately three (3) weeks and clients had been serviced at the location.

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

10. 200902402-1

October 28, 2010 Notice of Violation reports that the inspector found a master barber licensed displayed at a work station in a licensed cosmetology shop. According to the inspector, the licensee was either not present or not performing services at inspection time. The inspector also states that the owner of the shop stated that he had previously submitted an application for a barber shop license, although the office could not confirm receipt of an application. According to departmental records, a barber shop license was issued to the owner of the shop on Dec. 9, 2009.

Recommendation: Close with a letter of warning.

11. 200902403-1

October 28, 2009 Notice of Violation reports that the inspector observed a licensed manicurist practicing manicuring in a licensed shop while her license was expired. (exp. date: 9/30/09). The inspector also observed that the manicure shop license was expired. (exp. date 3/31/09.) According to the inspector, seven (7) persons total were engaged in

the practice of manicuring at inspection time. Both licenses referenced in the Notice are now valid.

Prior history- 7/2009- Violation (expired license and id tags, closed for insufficient information)

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$3,500.00 civil penalty.

12. 200902404-1

October 30, 2009 Notice of Violation reports that the inspector observed two (2) unlicensed individuals practicing natural hairstyling on a client in an unlicensed natural hairstyling shop.

Prior history – 9/2009- Violation (unlicensed shop and operators, formal hearing authorized, settlement offered by Consent Order and payment of a \$2,000 civil penalty, Respondent has not responded to the offer of settlement, case number 200902256-1)

Recommendation: Combine case number 200902256 and close the file. Maintain authority for formal hearing and authorize settlement by Consent Order and payment of a \$4,000.00 civil penalty and agreement to CEASE and DESIST operation of the shop and practice of natural hairstyling until appropriate licenses are obtained.

13. 200902405-1

October 28, 2009 Notice of Violation reports that the inspector observed an unlicensed individual practicing manicuring in a licensed manicure shop. In addition, the inspector found that drill bits which had previously been used were not sanitized and stored, that nail dusters were not stored and that dust was present on several manicure table tops where no clients were being serviced.

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

14. 200902401-1

October 23, 2009 Notice of Violation reports that the inspector observed a licensed cosmetologist operating a cosmetology shop prior to obtaining a shop license. According to the inspector, no clients were present in the shop at inspection time and the shop owner was sanitizing the shop. The owner did obtain a shop license on December 9, 2009.

Recommendation: Close with a letter of warning.

15. 200902456-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided the student's high school transcript which shows that the student completed at least two years of high school education prior to enrollment in cosmetology school.

Recommendation: Close with no action.

16. 200902459-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided the student's high school transcript, which was issued by a correspondence school and shows completion of grades 9 through 12 but does not provide any information regarding the student's dates of attendance.

Recommendation: Close with a letter of warning re: proof of qualification to attend cosmetology school.

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

17. 200902479-1

Student complaint alleges that the student was denied her rights by the acting director of the school, that the director has falsified documents and that the director is retaliating against her for filing a complaint. The school director responded that the student was terminated from the program after missing the maximum number of days permitted under her enrollment agreement and that the student now plans to apply for re-admission. According to the director, any and all conversations between herself and the student regarding the student's termination and re-admission have been very civil and the student did not make any of the demands referenced in her complaint to the director during their conversations.

Recommendation: Close with no action.

18. 200902481-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school transcript does not bear the official school seal and does not indicate the student's date of graduation or show the signature of a school official. In response to the complaint, the school provided

the student's original high school transcript, which shows completion of grades 9 through 12 and does bear the school seal and the signature of a school official.

Recommendation: Close with no action.

19. 200902531-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student only submitted a diploma, which appears to have been issued by a school offering correspondence training to students. In response to the complaint, the school also submitted the student's high school transcript, which certifies that the student completed at least two (2) years of high school prior to entering cosmetology school.

Recommendation: Close with no action.

20. 200902565-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school transcript does not show the signature of a school official. In response to the complaint, the school provided the student's original high school transcript, which shows completion of grades 9 through 12 and does bear the school seal and the signature of a school official.

Recommendation: Close with no action.

21. 200902667-1

November 6, 2009 Notice of Violation reports that the owner of a licensed cosmetology shop failed to provide ultraviolet sanitizer in her shop. According to the inspector, the owner of the shop indicated that she sold her ultraviolet sanitizer on craigslist and did not know she needed it.

Recommendation: Close with a letter of warning re: shop requirements.

22. 200902668-1

November 18, 2009 Notice of Violation reports that no licensed manager was on duty at a licensed cosmetology shop while a licensed manicurist was engaged in the practice of manicuring in the shop.

Recommendation: Close with a letter of warning re: presence of manager requirement.

23. 200902674-1

November 20, 2009 Notice of Violation reports that the inspector observed two (2) unlicensed individuals performing skin care services in an unlicensed establishment.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty and agreement to CEASE and DESIST operation of the shop and practice of skin care until appropriate licenses are obtained.

FINAL: Raise the recommended civil penalty to \$3,000.00.

24. 200902675-1

November 25, 2009 Notice of Violation reports that the inspector observed a licensed cosmetologist operating an unlicensed cosmetology shop.

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

25. 200902677/200902678-1

November 18, 2009 Notice of Violation reports that a new owner of a licensed full service salon operated the shop for more than thirty (30) days without applying for a new license to operate the shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of \$500.00 civil penalty and agreement to CEASE and DESIST operation of the shop until a license is obtained in accordance with state law.

26. 200902679-1

December 2, 2009 Notice of Violation provides insufficient information to determine whether a violation of law occurred at inspection time.

Recommendation: Close with no action.

27. 200902680-1/2010000040-1

December 3, 2009 Notice of Violation reports that the owner of a licensed full service cosmetology shop failed to display the shop license or the most recent grade sheet. In addition, one (1) licensed manicurist who was providing service to a client in the shop failed to display her license at her work station and was not wearing an identification tag. In addition, the inspector observed the following:

- 1) 1 individual who was practicing manicuring in the shop could not verify that she was licensed to practice manicuring;
- 2) 13 of 16 spa tub drains were in an unsanitary condition after use;
- 3) 10 licensed manicurists failed to wear identification while practicing manicuring in the shop; and,
- 4) 12 manicurist licenses were not displayed at the respective holder's work Stations but were kept in a drawer at the shop's front desk.

Prior History- 7/2008 Violation (waxing in a manicure shop) paid \$750.00 civil penalty and signed Consent Order.

Recommendation: Combine case files. Authorize formal hearing with authority to settle by Consent Order and payment of a \$5,000.00 civil penalty.

28. 200902545-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided a statement from an independent education research facility that reviewed the student's (who is foreign-born) credentials and certified that the student's credentials are equivalent to those of a citizen student who has completed four (4) years of high school.

Recommendation: Close with no action.

29. 200902563-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school diploma, which appears to be issued by an online/correspondence school, is not accompanied by a transcript showing years of high school attendance. In response to the complaint, the school stated that the student has requested a copy of her educational transcript. No such information has been provided as of this summary.

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

30. 200902580-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school transcript indicates

that the student enrolled in high school on September 10, 2007 and completed 12th grade studies and graduated on May 31, 2008. The school failed to respond to the complaint.

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

31. 201000016-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school diploma, which appears to be issued by an online/correspondence school, is not accompanied by a transcript showing years of high school attendance.

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

32. 201000020-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school diploma, which appears to be issued by an online/correspondence school, is not accompanied by a transcript showing years of high school attendance.

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

33. 201000021-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. The complaint alleges that the student's high school transcript does not show the signature of a school official or the school seal. In response to the complaint, the school provided the student's original high school transcript, which shows completion of grades 9 through 12 and does bear the school seal and the signature of a school official.

Recommendation: Close with no action.

34. 201000025-1

December 3, 2010 Notice of Violation reports that the inspector found that the owner of a licensed manicure shop was diluting the shop's nail polish containers with a nail thinning liquid.

Recommendation: Close with no action.

35. 201000026-1

December 3, 2010 Notice of Violation reports that the inspector observed that one station in a licensed cosmetology shop was set up to provide barbering services and that an expired cosmetologist's license was displayed at another station in the shop.

Recommendation: Close with a letter of warning re: display of licenses and provision of services authorized by license.

36. 201000027-1/200900984-1/200902547-1

May 2009 and December 2009 Notices of Violation report that the inspector observed unlicensed aestheticians practicing skin care on clients in an unlicensed skin care shop. During the first inspection, the inspector noted one (1) service performed and another client waiting to receive service. During the second inspection, the inspector noted one (1) unlicensed individual performing service. During the third inspection, the inspector noted one (1) unlicensed individual performing service.

Recommendation: Combine the cases and authorize formal hearing with authority to settle by Consent Order and payment of a \$7,000.00 civil penalty.

37. 201000029-1

December 1, 2009 Notice of Violation reports that the inspector observed an individual operating an unlicensed natural hairstyling establishment. No clients were present 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 to CEASE and DESIST operating a shop until a shop license is obtained.

38. 201000030-1

December 17, 2009 Notice of Violation reports that the inspector observed that the shop owner's dog was present in the salon when she entered.

Recommendation: Close with a letter of instruction re: presence of non-service animals prohibited.

39. 201000032-1

December 17, 2009 Notice of Violation reports that the inspector found that drill bits and nail dusters in this licensed manicure shop were not sanitized and stored after use. According to the inspector, the owners of this shop were warned about these issues

during the previous inspection. The inspector also reported that a bed with linens and pillows was found in the rear of the salon.

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

40. 201000034-1

December 22, 2009 Notice of Violation reports that the inspector found a wax machine (which was hot to the touch) as well as implements commonly used in waxing in a licensed manicure shop. In addition, the inspector found an unlabeled bottle of nail liquid in the shop.

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

41. 201000036-1

December 16, 2009 Notice of Violation reports that the inspector observed an unlicensed person practicing manicuring in a licensed manicure shop.

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

42. 201000039-1

December 11, 2009 Notice of Violation reports that the inspector found that significant amounts of clipped hair was present among drawers where sanitized tools were stored in this licensed cosmetology shop. According to the inspector, the owner/manager of this shop was warned about these issues during the previous inspection. The inspector also reported that one (1) licensed cosmetologist in the shop displayed a copy of her license and that three (3) licensed cosmetologists who were practicing in the shop failed to wear identification tags.

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

43. 201000044-1

December 16, 2009 Notice of Violation reports that the inspector found a licensed cosmetology shop operating while the shop license was expired (exp. date 11/30/09.) The shop license is now renewed.

Recommendation: Issue a letter of warning re: operation of a shop.

44. 201000096

December 23, 2009 Notice of Violation reports that two (2) licensed cosmetologists failed to display their licenses at their work stations in a licensed cosmetology shop. The inspector also observed an unlicensed individual who had passed the examination but had not yet paid for his license, practicing cosmetology in the shop. The individual obtained his license on January 5, 2010.

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

45. 201000097-1

December 30, 2009 Notice of Violation reports that a licensed cosmetologist was observed practicing cosmetology in a licensed shop while his license was expired. (exp. date: 10/31/09).

The individual's license is now valid.

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

46. 201000098-1

December 29, 2009 Notice of Violation reports that a licensed cosmetologist was observed practicing cosmetology in a cosmetology shop while her license was expired. (exp. date 4/30/09). The shop license was also expired. (5/31/09). Both the shop and the personal license are now valid.

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

47. 201000099-1

January 7, 2010 Notice of Violation reports that an expired cosmetologist's license was displayed in a licensed cosmetology shop. The expired licensee was not present at inspection time, but another employee of the shop informed the inspector that the individual had performed service while her license was expired. As of this date, the license remains delinquent.

Recommendation: Send a CEASE and DESIST letter to the licensee.

48. 2010000100-1

January 13, 2010 Notice of Violation reports that a licensed cosmetologist was practicing cosmetology in a shop whose license was expired. (exp. date 9/30/09). The shop license remains delinquent as of this summary.

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

49. 201000101-1

January 14, 2010 Notice of Violation reports that a licensed cosmetologist was practicing cosmetology in a shop whose license was expired. (exp. date 6/30/09). The shop license remains delinquent as of this summary.

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

50. 2010000126-1

December 1, 2009 Notice of Violation reports that a hot wax machine was found in a full service cosmetology shop. According to the inspector, all licensees present in the shop were licensed manicurists. The inspector also reported that nail dusters and buffers were not enclosed in a cabinet sanitizer and that several spa tub drains were left in an unsanitary condition after use. In addition, the inspector observed that three (3) manicurists failed to display their licenses at their respective work stations.

Prior history- most recent prior violation in 2003.

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

51. 201000129-1

December 2, 2009 Notice of Violation reports that an expired cosmetologist license was displayed in a licensed cosmetology shop.

Recommendation: Close with a letter of warning to the holder and the owner of the shop re: display of valid license.

52. 201000138-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. In response to the complaint, the school provided the student's original high school transcript, which shows completion of grades 9 through 12 and does bear the school seal and the signature of a school official.

Recommendation: Close with no action.

53. 2010000152-1

January 15, 2010 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing in a licensed cosmetology shop while her license was expired. (exp. date 10/31/09.) As of this summary, the license remains delinquent.

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

54. 2010000153-1

January 15, 2010 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing in a licensed cosmetology shop while her license was expired. (exp. date 11/30/09.) As of this summary, the license remains delinquent.

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

55. 2010000154-1

January 15, 2010 Notice of Violation reports that the inspector found that the owner of a licensed cosmetology shop, who is a licensed cosmetologist, failed to display her license at her work station.

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

56. 2010000155-1

January 15, 2010 Notice of Violation reports that the inspector found a used nail file and buffer inside a work station in a licensed manicure shop.

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

57. 200900151-1

Student complaint alleges that the school administrator is “bringing her personal life to school” and causing conflict among the students and parents. The student further alleges that the administrator is changing the students’ contractual obligations without notice. The school failed to respond to the complaint, despite two (2) requests for response from the board’s office.

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

FINAL: Raise the recommended civil penalty to \$1,000.00.

58. 201000193-1

Consumer complaint alleges that the consumer’s daughter experienced rude treatment at a salon after the daughter voiced her dissatisfaction with a color service. The shop owner stated that she was not rude to the daughter and that she attempted to satisfy the daughter and correct the color but that she did tell the daughter that she could leave the shop after the daughter made rude comments to her.

Recommendation: Place a copy of the consumer’s complaint in the shop license file and close.

59. 200900683-1

Consumer complaint alleges that she received a poor quality extension service from the Respondent, who is a cosmetology student, according to the departmental license roster.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and agreement to CEASE and DESIST practice until a valid license is obtained.

60. 200802000/200901041-1

Consumer complaint and August 13, 2008 Notice of Violation allege that unlicensed individuals are practicing natural hairstyling in an unlicensed establishment.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty and agreement to CEASE and DESIST practice and operation until valid licenses are obtained.

61. 200901160-1

Administrative office complaint alleges that a licensed school of cosmetology admitted a student with insufficient proof of high school education or sufficient achievement on the G.E.D. exam. Documents submitted by the school indicate that the student began high school in Puerto Rico 2000 and satisfactorily the completed the territorial high school equivalency exam in 2003.

Recommendation: Close with no action.

62. 201000164-1

January 20, 2010 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing cosmetology in an unlicensed establishment. According to the departmental license roster, the shop remains unlicensed as of this summary.

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

63. 200800989-1

Licensed manicure shop has paid \$5,000.00 of a \$7,000.00 proposed civil penalty relative to an April 2008 Notice of Violation issued for unsanitary shop conditions. No additional violations have been reported since the original violation.

Recommendation: Accept \$5,000.00 as settlement in full and close the file with no further action.

64. 200901432-1

Consumer complaint alleges that the consumer received a toenail infection after receiving service at a licensed manicure shop. The administrative office transmitted a copy of the consumer's complaint to the owner of the shop and requested a response, but as of this date, no response has been received.

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

65. 200901462-1

Administrative office complaint alleges that a licensed cosmetology school admitted a licensed cosmetologist into its instructor training program without sufficient proof of education. The school provided a copy of the trainee's high school diploma, which was obtained in Germany.

Recommendation: Close with no action.

66. 200901697-1

Consumer complaint alleges that the consumer experienced extremely poor service at a licensed natural hairstyling shop resulting in extensive damage to her hair. The administrative office transmitted a copy of the consumer's complaint to the owner of the shop and requested a response to the consumer's complaint, but as of this date, no response has been received.

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

67. 200901869-1

Administrative office complaint alleges that a formerly-licensed school of cosmetology accepted hours from a student which were accumulated more than seven (7) years prior to the date of the student's enrollment at the school.

Recommendation: Close with no action.

68. 200901911-1

Consumer complaint alleges that the consumer received a toenail infection after receiving service at a licensed manicure shop. The administrative office transmitted a copy of the consumer's complaint to the owner of the shop and requested a response, but as of this date, no response has been received.

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

69. 200902029-1

Administrative office complaint alleges that a licensed cosmetology school submitted proof of education documents on behalf of a student enrolled in its cosmetology education program which were not translated from the student's native language. In response to the complaint, the school provided an English-translated copy of the student's records.

Recommendation: Close with no action.

70. 200902162-1

Administrative office complaint alleges that a formerly-licensed cosmetology school submitted insufficient proof of a student's educational achievement prior to entering cosmetology school.

The school failed to respond to the complaint and is no longer in existence.

Recommendation: Close with no action.

71. 201000010-1

Administrative office complaint alleges that a licensed cosmetology school submitted insufficient proof of a student's educational achievement prior to entering cosmetology school. The school failed to respond to the complaint, despite a request from the board's administrative office for same.

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

72. 201000238-1

Administrative office complaint alleges that a licensed cosmetology school admitted a student to its cosmetology program without sufficient proof of her educational achievement prior to entering cosmetology school. In response to the complaint, the school provided the student's transcripts from the Memphis City School system, which show that the student accumulated six credits and was considered a 9th grade student at the time she withdrew from the school. The school also provided documents from an online high school showing that the student received instruction in a variety of courses and received a high school diploma on September 25, 2008. The online high school documents do not provide a date of entry for the student; however, the student's documents from the Memphis City School system indicate that the student withdrew from public school in May of 2008.

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

73. 201000240-1

Administrative office complaint alleges that a licensed school admitted a student to its cosmetology program without sufficient proof of her educational achievement prior to entering cosmetology school. According to the office, the documents submitted were not certified by a school official. In response to the complaint, the school provided a letter from the student's high school certifying that the transcript submitted was "the best copy available" of the document. The document does show that the student completed 12th grade prior to entering cosmetology school.

Recommendation: Close with no action.

74. 201000256-1

Administrative office complaint alleges that a licensed school admitted a student to its cosmetology program without sufficient proof of her educational achievement prior to entering cosmetology school. In response to the complaint, the school provided the student's education transcript, which shows that the student completed the 12th grade prior to entering cosmetology school.

Recommendation: Close with no action.

75. 200706043-1

Consumer complaint alleges that the consumer's foot became infected after she was cut during a pedicure service at a licensed manicure shop. The owner of the shop failed to respond to the complaint, despite the administrative office's written request for response to the consumer's complaint.

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

76. 200706287-1

Consumer complaint alleges that the consumer experienced an adverse reaction after receiving a facial skin care service at a licensed full service cosmetology shop. According to the consumer, she advised the aesthetician performing the service of the sensitivity of her skin prior to the start of service. Further, the consumer states that after she began to experience the adverse reaction, a manager with the shop gave her cream-based treatment to apply to her skin, which allegedly caused her to develop a rash near the affected area. The owner of the shop failed to respond to the complaint, despite the administrative office's written request for response to the consumer's complaint.

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

77. 200707119-1

Consumer complaint alleges that the consumer observed a manicurist in a licensed manicure shop perform a pedicure on a client using the same pedicure soaking solution that had been used on a previous client. The consumer also states that the tools used on the previous client were not sanitized or sterilized in any way before the manicurist began service on the next client. The owner of the shop failed to respond to the complaint, despite the administrative office's written request for response to the consumer's complaint.

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

78. 200708828-1

Consumer complaint alleges that the consumer received poor color service at a licensed cosmetology shop and that the consumer was at the shop for nearly six (6) hours while the stylists performing the service attempted to make corrections to the service. The owner of the shop failed to respond to the complaint, despite the administrative office's written request for response to the consumer's complaint.

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

79. 200800156-1

Consumer complaint alleges that the owners of a licensed cosmetology shop hired or otherwise permitted a cosmetology school student to practice shampooing at their shop. The owners of the shop failed to respond to the complaint, despite the administrative office's written request for response to the consumer's complaint.

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

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

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