

MINUTES

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

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice-Chairman, June Huckeby, Virgilene Lotze, Muriel Smith, Diana Buchanan, Janet Wormsley and Judy Golden were present. Pearl Eva Walker was 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. Judy Golden and seconded by Ms. Diana Buchanan to approve the June 7, 2010 minutes. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. Diana Buchanan to approve the August 2, 2010 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Cynthia Roberts, Talbot, TN – Present. Ms. Roberts is a cosmetology instructor who would like to discuss with the board her request for extension from the 2009 cosmetology examination which was presented at the October board meeting and the board declined the request for her extension. Ms. Roberts stated she was not aware that she needed to attend the 2009 instructor seminar and stated that the rules are very confusing.

After a lengthy discuss the board states that the rules are poorly worded and a change will need to be made to the rules.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to put this request on hold until a decision is made. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for change of location for East Tennessee School of Cosmetology was submitted for approval by the board.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. June Huckeby, Board Member and Mr. Larry Chadwick, Inspector inspect the school. Motion carried unanimously.

A letter for an attorney on behalf of the client desiring to do business in Tennessee selling synthetic wigs and hair pieces through home distributorship was presented. It involves the initial presentation and fitting of the wigs with the customer actually trying them on over a protective head covering. There is no after sale maintenance or care involved. They asking if an special law, rules or regulations or licensing requirements pertaining to the retailing of synthetic wigs and hairs pieces is needed.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Janet Wormsley to take no action that the board has no jurisdiction concerning this request. Motion carried unanimously.

An approval for proof of high school educational requirements for three students from Gene Myers with Highland Styling Academy in Chattanooga, Tennessee was presented. The students are Sajida S. Sheikh, Safura Rehman (Sheikh) and Maham Ali. Ms. Waller stated that she is not sure what country the students are from and presented the board members with the information she received. Mr. Meyers was present to discuss with the board the proof of high school education.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request the students appear before the board for more information. Motion carried unanimously.

A request for extension from the 2008 cosmetology instructor seminar from Alesia Traci Smith was presented. Per the board meeting in February 2007 she was granted an extension with instruction to attend the 2007 and 2008 seminars to maintain an active instructor license. She attended the seminar in 2007, but did not in 2008 and she has submitted a request for an extension from the 2008 instructor seminar due to some personal issues which she detailed in her letter.

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

A request for extension from the 2010 cosmetology instructor seminar from Martha Minton was submitted. She had previously requested an extension for personal reasons which was presented to the Board at the October meeting and was declined. The request today has a physician statement attached.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to grant Ms. Minton an extension from the 2010 instructor seminar. Motion carried unanimously.

A letter from Gene Myers who the board granted an extension at the last board meeting was submitted. He has taken exception to the Board granting him an extension and then requiring him to attend the seminars in 2011 and 2012. He attended the 2008 and was not required to obtain CEU hours again until 2010, but he attended in 2009.

This was tabled until the board can make a decision on the rules on continuing education.

An application for cosmetology examination for Thien Thanh Pham was submitted. He completed high school in Vietnam and attended cosmetology school in California. Ms. Waller stated she needs the board's approval of documents that were submitted for proof of high school education.

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

An application for examination from Tiffany LasShelle Roseburr who has a felony was submitted. All the required documents have been submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to approve the application with the signed agreed order. Motion carried unanimously.

An application for examination from Maurisa Patton who has exceeded the required seven (7) years for completion of 1,500 hours in the curriculum was submitted. Her original date of enrollment in the cosmetology curriculum at Pearl Cohn High School was August 11, 2003 and she completed 1,100 hours May 22, 2007. She enrolled in Madison University Beauty School April 27, 2010 and completed her 400 hours August 24, 2010 exceeding her seven (7) years by thirteen (13) days. She is present today to discuss her application.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to grant Ms. Patton permission to take the cosmetology examination. Motion carried unanimously.

An application for examination from Hoang Do, who completed high school in Vietnam and obtained hours in the manicurist curriculum at Georgia Beauty School in Georgia, was submitted. Ms. Waller states she received three (3) certifications from Georgia State Board. One certification has the wrong date of birth. Ms. Waller stated she also needs the board's approval of high school education from Vietnam.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Hucceby to request Mr. Do appear before the board. Motion carried unanimously.

An application for examination from Kim Hoang Do, who completed high school in Vietnam and obtained hours in the manicurist curriculum at Georgia Beauty School in Georgia. Ms. Waller stated she received three certifications from the Georgia State

Board. As the previous application for examination of dates of attendance is August 1, 2009 to December 31, 2009. Also the high school education from Vietnam has smudges.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Mr. Do appear before the board. Motion carried unanimously.

An application for examination from Kim Anh Thi Van who completed high school in Vietnam and obtained hours in the manicurist curriculum at Atlanta Beauty School in Georgia was submitted. Ms. Waller needs the board's approval of her proof of high school education.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Diana Buchanan to accept the proof of high school and request Ms. Van take the manicurist examination. Motion carried unanimously.

The education documents from Lana Ayman Mohammad Al Ramahi from Jordan were submitted for approval for enrollment in a school of cosmetology.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to approve the educational documents. Motion carried unanimously.

A diploma for Chrystal Britton for proof of high school education was submitted. This is an online diploma with no date of enrollment, only the date of graduation.

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

A high school diploma from Brandi Lee McLeod was submitted for approval. This is a home school and no transcript was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request the transcript from the high school and once it is received approve. Motion carried unanimously.

A diploma from Heritage Covenant High School was submitted for approval. This is a home school and the attached transcript shows applicant completed 10th grade education at a high school and a transcript from that school is all the board requires.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request the transcript from the high school and once received approve. Motion carried unanimously.

A document from Republic of Senegal for Haby Sall for proof of high school education for approval for enrollment in a school of cosmetology was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the documents as proof of high school. Motion carried unanimously.

An application for reciprocity of manicurist license from Chuong Ly was presented to the board at the October meeting. The board requested a certification of the 203 hours he completed in the State of Georgia, because he was initially licensed in California which requires 400 hours. Certification was received, but after completion of hours in Georgia he was not required to pass the Georgia State Board he was apparently issued a license.

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

An application for reciprocity of manicurist license for Dana Briggs from Pennsylvania was submitted. Pennsylvania requires 200 hours of instruction in the curriculum and her original date of licensing is May 12, 2008. She also holds a license in North Carolina which she received by reciprocity from Pennsylvania.

MOTION was made by Ms. Judy Golden and seconded by Ms. Diana Buchanan to request Ms. Briggs obtain an additional 400 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 Jenny Seiber from Kentucky was submitted. Certification from the Kentucky State Board states she is licensed as an apprentice cosmetologist on June 2, 2010.

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

An application for reciprocity of cosmetology license for Kimberlee Cavin from Kentucky was submitted. Certification from the Kentucky State Board states she is licensed as an apprentice cosmetologist April 18, 2008. She also holds a license in Alabama which she received by reciprocity from Kentucky.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Cavin 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 Leslie Jane Smith from Kansas was submitted. Certification from the Kansas State Board verifies she completed 650 hours of instruction required at that time and her original date of licensing is July 11, 2006.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Smith obtain an additional 100 hours then take and pass the aesthetics examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Maria Guadalupe Espindola from Mexico was submitted. She has obtained license in Georgia, April 15, 2010 by reciprocity and she has submitted her diploma from the cosmetology schools and courses that she attended in Mexico.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Espindola appear before the board with a record of her hours. Motion carried unanimously.

An application for reciprocity of cosmetology license from Afsaneh Abdi from Iran was submitted. She has submitted her high school diploma information and certification of completion in the profession/field of Hair and Skin Care. She also has 1,200 training hours.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to appear before the board with a breakdown of her hours. Motion carried unanimously.

An application for reciprocity of cosmetology license for Maria Eunice Carneiro from Brazil was submitted. Diploma translated appears to have hours of attendance added.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to request Ms. Carneiro appear before the board. Motion carried unanimously.

An application for reciprocity of natural hair stylist license for Kafui Dagan from Togo was submitted. The diploma states she attended a two (2) year braiding training in a hairdressing salon from July 12, 2003 to July 12, 2005 and successfully carried out the tests for the program completion with honors.

MOTION was made by Ms. Diana Buchanan and seconded by Ms. Nina Coppinger to request Ms. Dagan 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 for Jessica Rothstein from Pennsylvania which requires 1,250 hours of instruction in the curriculum and her certification of licensing from the Pennsylvania State Board states her original date of licensing October 25, 2006.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Rothstein take an additional 250 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 Michele Lynne White from Michigan was submitted. Certification from the Michigan State Board verifies she completed 300 hours in the manicurist curriculum and her original date of licensing as December 6, 1990. She submitted several documents and her resume for the board's review. She does not have a recent five year work history as a manicurist. Ms. White was present to address the board concerning her application.

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

An application for reciprocity of manicurist license for Trang Phuong Vo from Alabama was submitted. Certification from the Alabama State Board verifies she apprenticed with a nail shop to qualify for license in Alabama and her original date of licensing as August 24, 2010.

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

An application for reciprocity of cosmetologist license for Steven Anthony from Florida was submitted. Florida requires 1,200 hours of instruction in the cosmetology curriculum and his original date of licensing is January 26, 2000 and no five year work history submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Mr. Anthony 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 Khanh Trinh Troung Tran from Florida was submitted. Florida requires 240 hours of instruction in the manicurist curriculum and no state board examination. Certification states her original date of licensing May 27, 2010.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Tran obtain an additional 360 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 Videll Russell Jones from Florida was submitted. Florida requires 1,200 hours in the curriculum and no five year work history as a cosmetologist was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Jones 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 for Samantha Marie Hall from Florida was submitted. Certification from the Florida State Board verifies she is licensed as a facial specialist in which requires 260 hours of instruction in the curriculum and no state board examination. She stated she completed more hours than required and has submitted a transcript from her school, but the hours are not certified by the Florida State Board.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Hall obtain an additional 490 hours then take and pass the aesthetics examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Lisa Danielle Johnstone from Florida was submitted. She completed 1,200 hours of instruction in the cosmetology curriculum in Florida. She currently holds a valid license by the Georgia State Board. No five year work history submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Johnstone 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 for Elizabeth Aylor from Florida was submitted. Certification gives her original date of licensing as September 15, 2010 and 1,200 hours in the curriculum.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Aylor 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 for Cheonggeum Yang from South Korea was submitted. She has submitted her educational documents from South Korea.

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

An application for reciprocity of cosmetology license for Kathleen Ongena from Belgium was submitted. She has submitted her educational documents. After reviewing some of the documents submitted the board was presented with a "Scripture Witnesses of Apprenticeship" and "Apprenticeship Certificate Exams End". She is present today to address the board to explain the process for licensing in Belgium and the documents she has submitted for review.

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

Consent orders totaled \$1,750.00.

Collins Barber and Style Shop
208 East McLemore
Memphis, TN 38106

Violation issued January 15, 2010
Pd \$1,000.00 on 10-05-2010

Generations Salon Inc.
837 Wren Road
Goodlettsville, TN 37072

Violation issued March 4, 2010
Pd \$750.00 on 9-2-2010

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

STAFF ATTORNEY REPORT

1. 200707823-1

Consumer complaint alleges that the Respondent sold fraudulent licenses and/or hours of completion to persons seeking Tennessee manicurist licenses. The Complainant was unwilling to provide an affidavit and one of the individuals allegedly approached by the Respondent denied that the Respondent attempted to sell him hours or assist him in obtaining a license by fraud.

Recommendation: Close.

2. 200801048-1

Consumer complaint alleges that the Respondent, a licensed cosmetologist, allegedly ruined her hair by failing to properly time a perm application. The Respondent failed to respond to the complaint.

Recommendation: Close with a letter of warning re: professionalism (failure to respond to a complaint).

3. 200900757-1

Consumer complaint alleges that the Respondent, a licensed cosmetologist, has practiced cosmetology in her home and received compensation for same. Respondent states that she rents booth space in a salon and purchases all of her own products. According to the Respondent, any services that she may have performed in her home were for persons who were ill or pregnant. Respondent states that the complaint was filed by her estranged husband while divorce proceedings were pending.

Recommendation: Close with a letter of warning.

4. 200901069-1

Consumer complaint alleges that the Respondent, a licensed aesthetician formerly employed in a dermatologist's office, took patient contact information with her when her employment was terminated and began contacting those patients and soliciting their business. The Respondent failed to respond to the Complaint.

Recommendation: Close with a letter of warning re: professionalism (failure to respond to a complaint).

5. 200901760-1

Consumer complaint alleges that the Respondent, a licensed aesthetician, is practicing medical aesthetics from her home without doctor supervision. The Respondent denies the allegations and states further that she has recently been prohibited from working by a serious and potentially fatal medical condition, which is confirmed by doctor's statement. The Respondent also includes a statement from her former employer, a licensed physician, commending her business practices and professional judgment.

Recommendation: Close.

6. 201002113-1

Consumer complaint alleges that the Respondent, a licensed cosmetologist, made false statements to a zoning commission in order to obtain a code variance that would permit her to build a residential cosmetology shop. In addition, the Complainant alleges that the Respondent has been convicted of several misdemeanor crimes, each of which allegedly reflect poorly on her fitness to continue practicing cosmetology. The Complainant failed to respond to the complaint.

Recommendation: Informal conference.

7. 201002380-1

Consumer complaint alleges that the owner of a licensed skin care shop employs an unlicensed individual to perform skin care services. A search of the shop's website indicates that the individual, whose name does not appear among the records for licensed aestheticians, is employed as a "skin care" specialist at the shop. In addition, the complainant provided a copy of the individual's business card, which identifies the shop as her place of employment and "skin care" as her area of specialization.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty to the shop owner. Issue CEASE and DESIST letters to both the Respondent and the shop owner.

8. 200801496-1

The board previously authorized formal hearing with authority to settle by Consent Order and two thousand dollar (\$2,000.00) civil penalty against the Respondent on an allegation that the Respondent permitted an individual in possession of an expired cosmetology license to practice cosmetology in his shop. The Respondent has closed the cosmetology shop and relocated outside Tennessee. Several efforts to serve the Consent Order and other official documents have been unsuccessful.

Recommendation: Close and flag.

9. 200801506-1

The board previously authorized formal hearing with authority to settle by Consent Order and five hundred dollar (\$500.00) civil penalty against the Respondents on an allegation that the Respondents operated their cosmetology shop while the shop license was expired. Departmental records indicate that the shop is now closed.

Recommendation: Close and flag.

10. 200801521-1

The Notice of Violation at issue was not written during the inspection or at the shop.

Recommendation: Close.

11. 200801595-1

A consumer complaint alleges that the Respondent, a licensed cosmetologist, used poor quality products during the complainant's hair service and that the complainant felt misled by the Respondent regarding the quality of products used.

Recommendation: Close with a letter of warning re: professionalism (failure to respond).

12. 200801612-1

The board previously authorized a formal hearing with authority to settle by Consent Order and payment of a one thousand dollar (\$1,000.00) civil penalty on allegations that multiple sanitation violations were noted during an inspection of a licensed cosmetology shop. The shop owner, through counsel, submitted affidavits from three (3) shop employees who were present during the inspection. Each affiant admitted that adequate ultraviolet sanitizer and a covered trash can were not provided at inspection time but denied all other sanitation-related allegations.

Recommendation: Close with a letter of warning relative to the agreed violations.

13. 200801478-1

The board previously authorized a formal hearing with authority to settle by Consent Order and payment of a five hundred dollar (\$500.00) civil penalty on an allegation that the owner of a licensed cosmetology shop displayed a barber pole at her shop. The owner has now removed the barber pole display and has not received any other Notices of Violation.

Recommendation: Close with a letter of warning.

14. 200802196-1

Notices of Violation issued September 25, 2008 and May 5, 2009 allege that a wax machine was found a licensed manicure shop. In addition, nail dust was present on manicure tables not in use and several manicure tools and implements not in use were not sanitized and stored.

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

15. 200802776-1

A complaint alleged that a licensed cosmetologist was practicing cosmetology from her residence, which is not a licensed cosmetology shop. An investigator visited the Respondent's home in order to discuss the allegations, but was denied access and spoke with the Respondent outside. According to the investigator, several items commonly found in cosmetology shops were visible to him through the reflection in the home's screen door, including various hairstyling products for sale.

Recommendation: Close with a letter of warning.

16. 200900168-1

Notice of Violation issued January 13, 2009 alleges that several dirty wet sanitizers, hair in clean tool drawers and an unsanitary trash can area were found in a licensed cosmetology shop.

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

17. 200900216-1

A written warning was issued to a licensed cosmetology shop for the following: hair present at the bottom of a styling chair and an unplugged ultraviolet sanitizer.

Recommendation: Close.

FINAL: Close with a letter of warning.

18. 200900562-1

Consumer complaint alleges that the consumer contracted a bacterial infection requiring treatment after visiting a licensed manicure shop. The shop responds that it never received any notice of an issue from the complainant. To date, no Notices of Violation relative to sanitation have been received for this shop.

Recommendation: Close and flag.

19. 200900573-1

Consumer complaint alleges that employees in a licensed manicure shop do not appear to be trained to perform their duties and that the shop does not appear to be maintained in sanitary condition. There are no open complaints on this shop relative to sanitation or unlicensed activity.

Recommendation: Close and flag.

20. 200900726-1

Consumer complaint alleges that an individual at a licensed manicure shop injured her during a service and that she required medical attention following the service. The complainant is requesting compensation for medical expenses. The Respondent states that it was unaware of an issue until the complaint was filed and that the complainant should contact the shop directly to discuss the matter.

Recommendation: Close and flag.

21. 200900880-1

Consumer complaint alleges that the consumer received a poor quality service at a licensed natural hairstyling shop that resulted in hair loss. The owner of the shop failed to respond to the complaint.

Recommendation: Close with a letter of warning re: professionalism (failure to respond).

22. 200901021-1

Consumer complaint alleges that the consumer was injured by a protruding screw on a pedicure chair in a licensed manicure shop and that the shop owner failed to complete an accident report. The shop owner admits that the consumer was injured in the manner described and states that employees in the shop attempted to treat the consumer's injury to the best of their ability. The shop owner also agreed to compensate the consumer for medical expenses incurred due to her injury.

Recommendation: Close.

23. 200901040-1

Consumer complaint alleges that the consumer contracted a bacterial infection from a foot bath in a licensed manicure shop. The shop owner states that the foot bath was cleaned and sanitized before the consumer's service was performed and that the shop has never received an inspection score of less than 96.

Recommendation: Close and flag.

24. 200901117-1

Consumer complaint alleges that the consumer was injured during a perm application (resulting in hair loss) after an individual at a licensed cosmetology shop shampooed her hair with an anti-dandruff shampoo after applying the relaxer. According to the complainant, the individual admitted during the service that it is atypical to apply anti-dandruff shampoo to the scalp following application of a perm. The shop owner states that she was familiar with the complainant's situation and that she has been in good standing with the board for 42 years and hoped that this complaint would not affect such standing.

Recommendation: Close with a strong letter of warning re: competent practice.

25. 200901417-1

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

Recommendation: Close with no action.

26. 200901452-1

Consumer complaint alleges that an unlicensed individual was performing manicuring services at a licensed manicure shop. The inspector could not confirm the allegations but did find the individual present at the shop.

Recommendation: Close and flag.

27. 200901490-1

July 17, 2009 Notice of Violation alleges that an individual was observed flat-ironing a patron's hair at a kiosk location while demonstrating the use of a hairstyling product.

Recommendation: Issue a CEASE and DESIST letter.

28. 200901706-1

Consumer complaint alleges that the consumer contracted six nail fungi over a series of visits to a licensed manicure shop. The shop owner states that he was unfamiliar with the complainant's issues until the complaint was filed and suggested the complainant contact the shop directly.

Recommendation: Close and flag.

29. 200901765-1

Anonymous consumer complaint alleges that a licensed cosmetology shop employs several unlicensed individuals to provide services to clients. To date, no Notices of Violation have been received indicating unlicensed activity at this shop.

Recommendation: Close and flag.

30. 200901782-1

Administrative office complaint alleges that a licensed cosmetology school admitted a student who did not complete two (2) years of high school or receive the minimum acceptable score on the GED prior to entering cosmetology school.

The school provided a copy of the student's high school transcript, which showed that the student completed the 12th grade and received a high school diploma prior to entering cosmetology school.

Recommendation: Close with no action.

31. 200901884-1

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

Recommendation: Close with no action.

32. 201002333-1/201002332-1

Anonymous consumer complaint does not identify a Respondent and according to available data, neither of the addresses for the unidentified Respondents actually exists.

Recommendation: Close with no action.

33. 200902105-1

Consumer complaint alleges that the Respondent, who owns a licensed skin care facility, performs laser treatments in the shop and does not hold an aesthetician license. Respondent states that she only performs laser treatments and that these procedures are performed under the direct supervision of a board-licensed physician, who is listed on the shop's website as the "medical director" of the facility.

Recommendation: Close with no action.

34. 200902202-1

Complainant, a former employee of the Respondent, a licensed cosmetology shop owner, alleges that the Respondent routinely fails to observe required sanitation and sterilization practices. The Respondent states that she usually receives a "100" inspection score. To date, no Notices of Violation have been issued to this shop relative to sanitation.

Recommendation: Close with no action.

35. 201001787-1

Consumer complaint alleges that she sustained severe injuries after being treated at a laser center (which was never licensed by the board as a skin care shop). The center is now out of business.

Recommendation: Close with no action.

36. 201000141-1

Consumer complaint alleges that the consumer contracted a nail fungus following a acrylic nail service at a licensed manicure shop. Consumer states that an employee at the shop did not attempt to treat the condition, but instead replaced the acrylic nail at issue. The Respondent failed to respond to the complaint.

Recommendation: Close with a letter of warning re: professionalism (failure to respond).

37. 201001076-1

Consumer complaint alleges that the consumer received poor quality braiding service at an unlicensed natural hairstyling service. The Respondent failed to respond to the complaint.

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

38. 201002115-1

Consumer complaint alleges that the consumer was cut during a pedicure at a licensed manicure shop and that the consumer believes the individual who performed the pedicure was unlicensed, as he looked too young to perform the service. The consumer acknowledges receiving treatment for her cut during the service. The Respondent states that it only uses licensed personnel to perform services and employees were re-trained on proper technique following the consumer's injury.

Recommendation: Close and flag.

39. 200800781-1/201001958-1

March 19, 2008 Notice of Violation alleges that an unlicensed individual was observed performing natural hairstyling services on a client in an unlicensed natural hairstyling shop. A Cease and Desist Consent Order was then mailed to the shop but was never returned. The shop became licensed on June 24, 2009. On April 28, 2010, another Notice of Violation was issued alleging that the same unlicensed individual was performing natural hairstyling services on a client in

the shop, which had moved to a new location without first obtaining an inspection of the new location.

Recommendation: Combine cases. Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty. Issue a letter directing the Respondent to CEASE and DESIST until appropriate licenses are obtained.

40. 200902543-1

Administrative office complaint alleges possible operation of an unlicensed cosmetology shop. Investigation revealed that the shop is licensed and that services were performed at the shop, although no services were being performed and no clients were present during the investigation. It remains unclear whether the individual who performed services at the shop held a license.

Recommendation: Close with a letter of warning.

41. 201002348-1

Complaint filed by a former employee of a licensed cosmetology shop states that the shop did not have a salon manager following her departure and that the shop owner would designate a stylist as manager for compliance purposes if the shop were inspected. The shop owner states that there was previously a vacancy for the manager position but that the position has now been filled.

Recommendation: Close with no action.

42. 200902676-1

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

Recommendation: Close with no action.

43. 201000152-1

The board previously authorized formal hearing with authority to settle by Consent Order and payment of a one thousand dollar (\$1,000.00) civil penalty upon a Notice of Violation alleging that a licensed cosmetologist was observed practicing on a client in a licensed shop while her license was expired. The owner of the shop has submitted a second request for reconsideration after the board denied her first request, which was submitted at the August meeting. (letter will be read into the record.)

Recommendation: Maintain authority for a formal hearing and reduce the civil penalty to \$500.00.

44. 201002482-1

The board previously authorized formal hearing with authority to settle by Consent Order and payment of a one thousand dollar (\$1,000.00) civil penalty upon a Notice of Violation alleging that a licensed cosmetologist was observed practicing on a client in a licensed shop while the shop license was expired. The owner of the shop has submitted a request for reconsideration. (letter will be read into the record.)

Recommendation: Maintain authority for a formal hearing and reduce the civil penalty to \$500.00.

45. 201002500-1

The board previously authorized formal hearing with authority to settle by Consent Order and payment of a five hundred dollar (\$500.00) civil penalty upon a Notice of Violation alleging that a non-service animal (dog) was found in a licensed cosmetology shop. The owner of the dog has submitted a statement from her doctor detailing the need for the animal. (letter will be read into the record.)

Recommendation: Deny the request and maintain the original offer of settlement.

46. 200902477-1/201002957-1

Individual complaint and Notice of Violation issued August 4, 2010 allege operation of an unlicensed cosmetology shop. Upon investigation of the individual complaint, no evidence was found indicating that the alleged shop owner was operating a cosmetology shop at the location in question, although equipment commonly found in cosmetology shops was present at the location. On August 4, the inspector observed an individual in possession of an expired cosmetology license practicing cosmetology at the location, which was unlicensed. A shop license application is now pending.

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

47. 200705676-1

Individual complaint alleges that the owners of a licensed skin care shop are using unapproved technologies to perform unapproved service without the supervision or oversight of a licensed physician.

Recommendation: Close and flag.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden 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.