

MINUTES

The Tennessee State Board of Cosmetology held a meeting on December 6, 2010 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice-Chairman, June Huckleby, Pearl Eva Walker, Muriel Smith, and Judy Golden were present. Janet Wormsley, Diana Buchanan and Virgilene Lotze 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. Judy Golden and seconded by Ms. Nina Coppinger to approve the October 4, 2010 minutes. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to approve the November 1, 2010 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Sajida S. Sheikh, Safura Sheikh and Ali Maham, Chattanooga, TN – Present. All are present today with Gene Myers, Owner of Highland Styling Academy to discuss their educational documents to determine if they meet the requirements for the high school education. After discussion.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the educational documents for high school education. Motion carried unanimously.

Ha Thi Nguyen, Ooltewah, TN – Present. Ms. Nguyen is present today to discuss with the board her requirements to take the state board esthetician examination. Her application for reciprocity of esthetics license was presented to the board previously. She had completed 600 hours of instruction in the esthetics curriculum in Washington and obtained a license. She completed additional hours in the esthetics curriculum at Atlantic Beauty Academy in Georgia but does not have a Georgia esthetics license. The board voted she would be required to take and pass the Tennessee aesthetician examination to qualify for license. She holds a manicurist license in Georgia in which she received by reciprocity from Tennessee. Victoria Pritchett a friend of Ms. Nguyen's was with her because Ms. Nguyen does not speak English very well. Ms. Pritchett

questioned the board as to why Ms. Nguyen would be required to take the Tennessee Esthetician examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept the 155 hours additional hours obtained at the Atlantic Beauty Academy and request Ms. Nguyen take and pass the aesthetics examination to become licensed in the State of Tennessee. Motion carried unanimously.

Afsaneh Abdi, Nashville, TN – Present. Ms. Abdi is present today to discuss with the board an application submitted for reciprocity of cosmetology license from Iran, which was presented to the board at the November meeting. The board had requested she appear to discuss her application. Her educational documents states she completed her course of study/training in the profession/field of Hair & Skin Care and passed 1,200 training hours in the period ending July 20, 2008. The board had questions as to what was covered in the training and where the training was conducted.

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

Kim Hoang Do & Hoang Do, Knoxville, TN – Present. An application for examination was presented for both applicants at the November meeting. Their hours of instruction in the manicurist curriculum were completed in Georgia, but they do not have a Georgia manicurist license. High school education is from Vietnam.

The board had several questions concerning the applications. The board office received three (3) certificates of student hours from each applicant from the Georgia State Board with different information. The applicant's social security numbers are very similar.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to not accept the applications until further investigation is completed due to the conflict of information. Motion carried unanimously.

Mary Leigh Thompson, Brentwood, TN – Present. Ms. Thompson submitted an application for reciprocity of esthetics license from California which was presented to the board at the November meeting. California requires 600 hours of instruction in the esthetics curriculum which was verified with a certification of licensing from the California State Board. She was originally licensed on March 21, 2007, so no five year work history was provided. She has submitted additional educational documents which she is present today to discuss with the board.

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

Kim Cardin, Cleveland, TN – Not present. Ms. Cardin is requesting the board to grandfather her in as a licensed esthetician. Ms. Cardin is a licensed cosmetologist and instructor. States she has taught esthetics in school and is purchasing a salon and would like to practice esthetics.

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

ADMINISTRATIVE REPORT

Cosmetology School Applications

An application for change of ownership for Reuben Allen College located in Knoxville to be changed to Paul Mitchell the School – Knoxville, LLC. was submitted to the board. Dale Jones, CEO, Paul Mitchell, was present to discuss the change of ownership with the board.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to approve the application for change of ownership. Motion carried unanimously.

An application for change of location for East Tennessee School of Cosmetology was presented at the November meeting. The school has been inspected by board member and board inspector and was found to be in compliance and a grade of 100 was issued. Ms. Waller stated she needs the board's approval for change of location.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to accept the new location. Motion carried unanimously.

Jenny Lea Academy of Cosmetology located in Johnson City submitted a floor plan for renovation of the downstairs area of her school. The board voted to have the board member for the area, visit the facility after completion of renovation. Ms. Waller stated it has been completed and inspected by the board member.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept the renovation of the school. Motion carried unanimously.

An application for a new school of cosmetology Genesis Career College, Nashville Area Campus was submitted. The floor plan, hours of operation, surety bond and twenty (20) copies of applications were submitted for prospective students.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to send board member and board inspector to inspect the school. Motion carried unanimously.

An application for change of name of Genesis Career College, Lebanon Campus (previously listed with the board as Genesis Career College Lebanon) was submitted for approval.

An application for change of name for Genesis Career College, Cookeville Campus, (previously listed with the board as Genesis Career College Cookeville) was submitted for approval.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept the name changes of the two above schools. Motion carried unanimously.

An application for new school of cosmetology was received in the office late Friday afternoon. The application is from Johnnie Simms, the new school would be named Signature Beauty College. Ms. Simms would be the school owner and Mr. Harry Knox would be the instructor at the school. Ms. Simms states that she works for Mr. Knox at his daycare. The board had questions about the bond submitted with the application. The board had a lengthy discussion concerning the opening of this school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. June Huckeby to defer the application until the February 2011 board meeting. Motion carried unanimously.

APPLICATIONS FOR EXAMINATIONS

An application of instructor examination from Caroline Kee gives her dates of completion of the 300 hour instructor curriculum December 3, 2009 thru October 12, 2010 exceeded the six (6) month time period for completion. Attached is a letter from the school owner explaining her lengthy time period for completion of her hours.

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

An application for instructor examination from Billie Davis gives her dates of completion of the 300 hour instructor curriculum as February 15, 2010 thru October 23, 2010 exceeds the six (6) months time period for completion.

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

An application for examination from James Brown and Cimmarron Martin who have felonies and all the required information has been submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve for examinations with the agreed order. Motion carried unanimously.

An application for manicurist examination from Duong Nguyen who completed his hours in the manicurist curriculum at Atlantic Beauty School in Texas and high school education documents from Vietnam was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden accept the application for examination. Motion carried unanimously.

SEMINAR EXTENSION REQUESTS

Crystal Gore, Cosmetology Instructor obtained instructor status on August 31, 2006 and attended seminar in 2007. She sent a letter stating she did not attend the 2009 instructor seminar due to mother in the hospital. No medical statement was submitted. Stated she did not teach and has not for the last couple of years. She owns her own salon.

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

Terry Krick, Cosmetology Instructor obtained instructor status on February 17, 2005 and attended seminar in 2007. She sent letter stating he did not attend the seminar in 2009 because her father who resides in Indiana was hospitalized and she was in Indiana. No medical statement was provided.

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

Ivalyn Gayle Luecke, Cosmetology Instructor last seminar attendance was 2008. She stated in her email unfortunately for her none of the sessions were scheduled when she was able to attend due to inflexible commitments.

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

Linda Austin, Cosmetology Instructor previously submitted a request for an extension from the 2010 instructor seminar due to her mother's illness. She has submitted a medical statement from her mother's physician.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to allow the extension and request Ms. Austin obtain her continuing education hours in 2011. Motion carried unanimously.

Serena A. Wallace, Cosmetology Instructor is requesting an extension from the 2008 instructor seminar. She attended the seminar in 2006 and attended the next seminar in 2009.

Cynthia Roberts, Cosmetology Instructor requested an extension at the November board meeting. The request was put on hold until the board members could discuss the rules on continuing education. Ms. Roberts obtained her instructor status on February 11, 2009 and attended the seminar in 2010 not 2009.

The board stated that Ms. Wallace and Ms. Roberts would be okay due to attending during her renewal cycle.

Mr. Terrance Bond, Staff Attorney for the board discussed with the board the requirements for documentation of continuing education for instructors. Mr. Bond referenced Cosmetology Law 62-4-114 – Hours for Instruction. After discussion the board and attorney agreed sixteen (16) hours of continuing education will be required within the renewal cycle of the license. Applicant should obtain sixteen (16) hours of continuing education anytime between the date license issued and license expires.

Gene Meyers, Cosmetology Instructor requested an extension at the November board meeting. The request was put on hold until the board members could discuss the rules on continuing education. Mr. Meyers attended the seminar in 2010 not 2009 and the board approved the extension but required him to attend in 2011 and 2012. Mr. Meyers did not agree with the decision.

The board stated that he would be okay due to attending during his renewal cycle.

Consent orders totaled \$52,500.00.

A Great Cut #10
7395 Highway 64, Suite 101
Memphis, TN 38133

Violation issued September 15, 2009
Pd \$250.00 on 11-19-2010

All Star Nails
2101 Ft. Henry Drive, Suite 31
Kingsport, TN 37664

Violation issued May 4, 2010
Pd \$1,000.00 on 11-2-2010

Angel Nails
609 N. Kentucky Street, Suite B
Kingston, TN 37763

Violation issued July 15, 2010
Pd \$3,000.00 on 11-17-2010

Beauty World d/b/a Discount Salon
4657 American Way
Memphis, TN 38118

Violation issued April 29, 2010
Pd \$1,000.00 on 11-29-2010

Bella Nails
2021 N. Highland Avenue
Jackson, TN 38305

Violation issued July 16, 2010
Pd \$1,000.00 on 11-10-2010

Bombay Beauty Salon
5062 American Way
Memphis, TN 38115

Violation issued June 26, 2009
Pd \$2,000.00 on 12-2-2010

Cassie Nails and Spa
2500 Jacksboro Pike
Jacksboro, TN 37757

Violation issued May 20, 2010
Pd \$500.00 on 11-1-2010

Clipper and Co. Hair Salon
2823 Columbine Place
Nashville, TN 37204

Violation issued March 30, 2010
Pd \$500.00 on 11-3-2010

Coco Nails
5591 Hwy 153
Hixson, TN 37343

Violation issued June 19, 2010
Pd \$1,000.00 on 11-17-2010

DK Nails
3315 Hacks Cross Road
Memphis, TN 38125

Violation issued October 13, 2009
Pd \$1,000.00 on 12-2-2009

Dogwood Bend ALCF
160 Hillcrest Drive
Clarksville, TN 37043

Violation issued October 15, 2009
Pd \$1,000.00 on 11-29-2010

Dynasty Nails
1004 Memorial Blvd.
Murfreesboro, TN 37129

Violation issued May 5, 2009
Pd \$2,000.00 on 11-29-2010

Faithful Hands Beauty
2918 S. Third Street
Memphis, TN 38109

Violation issued March 19, 2010
Pd \$500.00 on 11-29-2010

Fancy Nails & More
259 Keith Street
Cleveland, TN 37311

Violation issued July 17, 2009
Pd \$1,000.00 on 11-23-2010

Great Clips
P.O. Box 28027
Chattanooga, TN 37424

Violation issued April 21, 2010
Pd \$500.00 on 11-2-2010

Great Clips
606 Caselton Ct.
Franklin, TN 37069

Violation issued March 31, 2009
Pd \$1,000.00 on 11-12-2010

Hamblen School of Beauty
133 W. Main Street
Morristown, TN 37814

Complaint
Pd \$1,000.00 on 11-29-2010

Hamblen School of Beauty
133 W. Main Street
Morristown, TN 37814

Complaint
Pd \$1,000.00 on 11-29-2010

Holly's Nails
1031 West Main Street
Lebanon, TN 37087

Violation issued March 16, 2010
Pd \$1,000.00 on 11-24-2010

Hollywood Nail
1790-D Tiny Town Road
Clarksville, TN 37042

Violation issued October 17, 2009
Pd \$1,000.00 on 11-19-2010

Lavender Nail Spa
1307 Bell Road
Antioch, TN 37013

Violation issued March 19, 2010
Pd \$750.00 on 11-10-2010

Lee Nails
187 Foothills Mall Drive
Maryville, TN 37801

Violation issued July 9, 2010
Pd \$500.00 on 11-12-2010

Li-En Nail 1
1110 Hillsboro Road
Franklin, TN 37064

Violation issued August 25, 2009
Pd \$1,000.00 on 11-19-2010

Luxe Nails
74 Watkins Road
Maryville, TN 37804

Violation issued May 7, 2010
Pd \$2,000.00 on 11-17-2010

Paul Mitchell The School (Memphis)
8000 US Hwy 64
Bartlett, TN 38133

Complaint
Pd \$500.00 on 11-29-2010

Paul Mitchell The School (Nashville)
5510 Crossings Circle
Antioch, TN 37013

Complaint
Pd \$500.00 on 11-19-2010

Paul Mitchell The School (Nashville)
5510 Crossings Circle
Antioch, TN 37013

Complaint
Pd \$1,000.00 on 11-29-2010

Model Spa & Nails
1258 Getwell Road
Memphis, TN 38111

Violation issued September 25, 2009
Pd \$1,000.00 on 11-19-2010

Nail Bar on the Island
117 Harbor Town Square
Memphis, TN 38103

Violation issued April 16, 2010
Pd \$500.00 on 11-17-2010

Nail 1st
817 Industrial Blvd.
Smyrna, TN 37167

Violation issued July 7, 2010
Pd \$4,000.00 on 11-19-2010

Nail Tek
2588 Memorial Blvd.
Springfield, TN 37172

Violation issued July 2, 2010
Pd \$2,000.00 on 11-10-2010

Natural Oasis Day Spa and Salon
300 Indian Lake Blvd.
Hendersonville, TN 37075

Violation issued June 22, 2010
Pd \$500.00 on 11-29-2010

P'Zaz Styles
1395 Volunteer Pkwy
Bristol, TN 37620

Violation issued July 2, 2010
Pd \$500.00 on 11-29-2010

Professionail
2550 E. Morris Blvd.
Morristown, TN 37813

Violation issued May 13, 2010
Pd \$2,000.00 on 11-17-2010

Rose's Nails
1800 Galleria Blvd.
Franklin, TN 37064

Violation issued March 25, 2010
Pd \$1,000.00 on 11-2-2010

Sequoia Nails
114 Tanner Place
Clinton, TN 37716

Violation issued October 13, 2009
Pd \$2,000.00 on 11-18-2010

Shayla's Nails
1800 Carothers Pkwy
Brentwood, TN 37027

Violation issued June 25, 2010
Pd \$2,000.00 on 11-3-2010

Social Grace Nail Spa
5228 Main Street
Spring Hill, TN 37174

Violation issued May 25, 2010
Pd \$500.00 on 11-8-2010

Southern Institute of Cosmetology
3099 S. Perkins
Memphis, TN 38118

Complaint
Pd \$500.00 on 11-30-2010

Sports Clips Haircuts
1701 West Main Street
Lebanon, TN 37087

Violation issued April 7, 2010
Pd \$500.00 on 11-29-2010

T Nails
3152 Parkway
Pigeon Forge, TN 37863

Violation issued May 7, 2010
Pd \$2,000.00 on 11-4-2010

Tennessee Career Institute
1412 Trotwood Avenue
Columbia, TN 38401

Complaint
Pd \$500.00 on 11-29-2010

The Hair Doctor, Etc.
324 Wet Burton Drive
Murfreesboro, TN 37130

Violation issued March 5, 2010
Pd \$500.00 on 11-19-2010

TN Nails
335-L West Main Street
Gallatin, TN 37066

Violation issued June 17, 2010
Pd \$1,000.00 on 11-1-2010

US Nails
2244 N. Roan Street
Johnson City, TN 37601

Violation issued June 18, 2010
Pd \$4,000.00 on 11-29-2010

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

An application for manicurist examination from Binh T. Kortokray was submitted. She holds a license in Florida as a Full Specialist which requires 240 hours in the curriculum and no board examination is required to obtain a license. She completed 605 hours in the manicurist curriculum at Atlantic Beauty Academy in Georgia and proof of high school education is from Vietnam.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the request for examination. Motion carried unanimously.

An application for the manicurist reinstatement examination from Arouny Keohavong was submitted. Applicant was originally licensed in Tennessee as a manicurist on June 27, 1995. She obtained license in Louisiana by reciprocity from Tennessee. Her license in Tennessee expired on June 30, 1997 and she was in a salon working on September 9, 2010 without a license.

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

Approval of proof of high school education from Ghana for Ayusha Tahiru was submitted. The diploma states it is from a Accra International (Business) College in Ghana.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to request more information. Motion carried unanimously.

Approval of education documents from Rena Bala from New Delhi for approval of high school education was presented. Ms. Bala was present.

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

Approval of educational documents from Thao Bui for proof of high school education from Vietnam was presented.

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

Approval of educational documents from Akiko Asakura from Japan for proof of high school education from Japan was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept proof of education. Motion carried unanimously.

A request from Melissa Nickerson for retention of hours she obtained in the cosmetology curriculum from July 5, 2000 to December 18, 2001 with 966 hours was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept the hours. Motion carried unanimously.

A request from Holly Hullender to take the galvanic and high frequency portion of the esthetics examination mock due to the fact she is seven (7) months pregnant.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to approve Ms. Hullender's request. Motion carried unanimously.

Notification was received stating that the UT Conference will be hosting the continuing education for barber and cosmetology in 2011 and the planning committee will be meeting Monday, December 13, 2010. Ms. Judy Golden, Board Member will be attending from the board.

The board was issued the dates for 2011 cosmetology board meetings.

RECIPROCITY APPLICATIONS

An application for reciprocity of manicurist license from Alabama for Thao H. Huynh was submitted. Certification of licensing from the Alabama State Board states Mr. Huynh obtained license in that state on June 25, 2008 and apprenticed with Nail City, a salon, to meet the qualifications for examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny the request for reciprocity. Motion carried unanimously.

An application for reciprocity of manicurist license from California for Phuc Trong Pham was submitted. Certification of licensing from the California State Board states Mr. Pham obtained license in that state on September 16, 1993 and California requires 400 hundred hours of instruction in the manicurist curriculum to qualify for examination. Mr. Pham also holds a license in the State of Illinois which he obtained by endorsement from California. He submitted a work history for 2009.

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

An application for reciprocity of cosmetology license from California for Kieu Vu was submitted. Ms. Vu completed 1,600 hours of instruction in the cosmetology curriculum in California. Documents submitted show she applied to take the cosmetology examination in California and did not pass the examination. California transferred her hours to Texas and she took the examination in Texas.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Vu 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 Amy Lynn Tenpenning was submitted. Certification from the Florida State Board verifies she completed 1,200 hours of instruction in the curriculum and obtained a license September 9, 2010, therefore she has no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Tenpenning 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 Jenny Lyn Faucher was submitted. Certification from the Florida State Board verifies she completed 1,200 hours of instruction in the curriculum and obtained license June 4, 2007 and therefore no five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Faucher 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 Georgia for Alisha Nichole Barber was submitted. Certification from the Georgia State Board verifies she completed 3,000 apprentice hours and obtained license August 25, 2010.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Barber obtain 1,500 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 Michigan for Meredith Colleen McQuinn was submitted. Certification from the Michigan State Board verifies she completed two years as a registered apprentice to qualify for examination and she became licensed December 8, 2003.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. McQuinn obtain 1,500 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 Texas for Charlotte Tate was submitted. Ms. Tate obtained her original license in Missouri in 1997 and she completed 3,000 hours apprentice program to qualify for that license. She obtained license in Texas by reciprocity from Missouri and she does not have a five (5) year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Tate obtain 1,500 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 North Carolina for Teriann Stapleton was submitted. Certification from the North Carolina State Board verifies she completed 1,200 hours of instruction in the curriculum and obtained original license November 20, 2006. She does not have a five (5) year work history as a licensed cosmetologist.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Stapleton 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 North Carolina for Hang Thi Thui Tran was submitted. Certification from the North Carolina State Board verifies she obtained license in that state by reciprocity as May 29, 2007 from Vietnam

and she has submitted the educational documents that was submitted to the North Carolina State Board.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Tran 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 New York for Maria Cutler was submitted. Certification from the Florida State Board verifies she completed 1,000 hours in the cosmetology curriculum to qualify for license on August 22, 2005. She currently holds a cosmetology license issued by the Florida State Board and does not have a five year work history.

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

An application for reciprocity of manicurist license from Ohio for Duong D. Le was submitted. Certification from the Ohio State board verifies he completed 200 hours in the manicurist curriculum and was originally licensed June 21, 2010.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Le 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 from Bogota Columbia for Clara Scoggins was submitted. Ms. Scoggins presented the board with a letter.

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

An application for reciprocity of cosmetology license from Nova Scotia for Stephanie Sperker was submitted. She has submitted copies of her membership card for the Nova Scotia Cosmetology Association. She is a licensed practical nurse in Tennessee. She has submitted a description of a program of studies in cosmetology which has a total of 1,000 hours. Also, submitted was a letter from the hairdresser association congratulating her on passing the cosmetology examination, it also states upon completion of 960 hours of apprenticeship under a master hairdresser to send written verification of hours signed by a master hairdresser and money order to the association for payment of General License Fee. Documents indicate hours were obtained in classroom and shop.

MOTON was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Sperker obtain and 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 France for Romuald Levigneur was submitted. The educational documents state she was trained under a hairdresser.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Levigneur take the cosmetology examination. Motion carried unanimously.

An application for reciprocity of cosmetology license from New Jersey for Loraine K. Anicito was submitted. Certification from the New Jersey State Board verifies she completed 1,200 hours in the curriculum. Also, her certification states she was licensed to practice "Teaching" from February 1, 1986 to September 30, 2012 and completed 1,500 hours of training and 30 hours of methods of teaching course. She is only wanting cosmetology license and requesting the hours in practice teaching accepted to total 1,500 hours required in Tennessee.

MOTION was made by Ms. Muriel and seconded by Ms. Judy Golden to request Ms. Anicito come before the board at the next meeting. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. **200902014-1**
- 201002964-1**
- 201002370-1**
- 201002357-1**
- 201002369-1**
- 201002799-1**
- 201002367-1**
- 200902096-1**
- 201002953-1**
- 201002861-1**
- 201002893-1**
- 201002918-1**
- 201002951-1**
- 201002952-1**
- 200902563-1**
- 201001500-1**
- 201000268-1**
- 201000016-1**
- 201000238-1**
- 200901374-1**
- 200901459-1**
- 200901657-1**
- 200901798-1**
- 200901808-1**

200902190-1
200902233-1
201001675-1

After further review and consultation with deputy general counsel and the assistant commissioner, it is believed that the above-referenced complaints do not allege a violation of the Tennessee Cosmetology Act of 1986 or any rule lawfully promulgated thereunder.

Recommendation: Close.

ACCEPTED AS RECOMMENDED.

2. 200900592-1/200901437-1

The area inspector reports that the Respondent, who was allegedly engaged in the unlicensed practice of cosmetology in an unlicensed shop, has abandoned the shop and has not been seen in the area for nearly six months.

Recommendation: Close and flag.

ACCEPTED AS RECOMMENDED.

3. 201003463-1

October 22, 2010 Notice of Violation alleges that the inspector observed an unlicensed individual practicing cosmetology in a licensed cosmetology shop.

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

ACCEPTED AS RECOMMENDED.

4. 201002812-1

The board office received notice that the Respondent, who received her manicurist license in this state by reciprocity from Texas, entered into an Agreed Order revoking her Texas manicurist license on allegations that she purchased classroom hours from a Texas cosmetology school and then used such hours to become licensed in Texas. The Respondent states that she was unaware that the manner in which she received her education in Texas was illegal.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of License Revocation and six month waiting period before re-application.

ACCEPTED AS RECOMMENDED.

5. 201002800-1

Consumer complaint alleges that the Respondent is practicing aesthetics without a license. The Respondent appeared before the board in August 2010 seeking reciprocity of her facialist license from Florida. The board ordered that she attend 490 additional hours of classroom training at Tennessee school and successfully complete the Tennessee aesthetician licensing exam before practicing aesthetics in this state. The Respondent has not completed such hours and is currently employed by a licensed physician, where she is identified as a “licensed aesthetician”. The Respondent’s employer responded to the complaint, stating the Respondent is allowed to perform services under his medical license and does not need to hold an aesthetician license to do so.

Recommendation: Send a letter to the Respondent’s employer directing him to CEASE and DESIST referring to the Respondent as a “licensed aesthetician” until she obtains the appropriate license.

ACCEPTED AS RECOMMENDED.

6. 201002943-1

July 15, 2010 Notice of Violation alleges that the inspector observed an unlicensed individual practicing manicuring in a licensed manicure shop. In addition, the inspector found unsanitary files and buffers stored in work station drawers in the shop.

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

ACCEPTED AS RECOMMENDED.

7. 201002944-1

July 20, 2010 Notice of Violation alleges that the inspector found unsanitary tools in the majority of work stations in a licensed cosmetology shop. According to the inspector, the shop was issued a verbal warning concerning tool sanitation during the previous inspection performed in September 2009.

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

ACCEPTED AS RECOMMENDED.

8. 201002945-1

July 22, 2010 Notice of Violation alleges that an unlicensed individual was found practicing cosmetology in an unlicensed cosmetology shop. The shop owner has now applied for a license.

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

ACCEPTED AS RECOMMENDED.

9. 201002948-1

August 4, 2010 Notice of Violation alleges that a wax machine was found in a licensed manicure shop. According to the inspector, the shop was formerly licensed as a skin care shop, but the owner of the shop elected to close that portion of the business. The license roster shows that the shop has a current full-service cosmetology license in addition to a manicure shop license.

Recommendation: Close with no action.

ACCEPTED AS RECOMMENDED.

10. 201002956-1

July 22, 2010 Notice of Violation alleges that the owner of a licensed cosmetology shop relocated the shop without first obtaining an inspection of the new location. The inspector reports that no clients were present at the shop, but that the shop did appear to be open. The owner indicated that she filed a change of ownership application the week prior to the inspector's visit, but the board office could not confirm receipt of the application. The new location became licensed in August 2010.

Recommendation: Close with a letter of warning.

ACCEPTED AS RECOMMENDED.

11. 201002958-1

August 10, 2010 Notice of Violation alleges that a permanent makeup tattoo machine was found in a licensed manicure shop. In addition, the inspector observed a licensed manicurist in the shop spray a foot bath with Lysol in an attempt to disinfect the foot bath.

Recommendation: Close with a CEASE and DESIST letter/letter of warning.

ACCEPTED AS RECOMMENDED.

12. 201002960-1

August 13, 2010 Notice of Violation alleges that unsanitary tools were found at all work stations in a licensed manicure shop. In addition, the inspector observed two (2) licensed cosmetologists fail to sanitize used tools before beginning the next service. One (1) licensed cosmetologist was practicing in the shop while her license was expired. The license has now been renewed.

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

ACCEPTED AS RECOMMENDED.

13. 201002961-1

August 18, 2010 Notice of Violation alleges that foot baths were left in an unsanitary condition after use and that dirty files and buffers were left at the work stations. According to the inspector, the shop owner used profane language at him after he issued the Notice of Violation, refused to sign it and threw the document out the front door of the shop. He also ordered the inspector to never come to his shop again before 9:30 am.

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

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

14. 201002962-1

August 20, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring in a licensed manicure shop. In addition, the inspector observed that washer and dryer for the shop was installed in front of the shop restroom, leaving approximately twenty (20) inches of clearance between the laundry equipment and the bathroom door.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of \$2,000.00 civil penalty and instructions to re-locate the washer and dryer so that it does not obstruct entry to the bathrooms.

ACCEPTED AS RECOMMENDED.

15. 201002963-1

August 20, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring in a licensed manicure shop.

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

ACCEPTED AS RECOMMENDED.

16. 201002965-1

August 27, 2010 Notice of Violation alleges that a wax machine was found in a licensed manicure shop. In addition, the inspector found an uncovered trash can, dirty files, buffers and tools kept in a basket at work stations.

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

ACCEPTED AS RECOMMENDED.

17. 201002946-1

July 22, 2010 Notice of Violation alleges that an unlicensed individual was found practicing cosmetology in a licensed cosmetology shop.

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

ACCEPTED AS RECOMMENDED.

18. 201001139-1/201003462-1

October 15, 2010 Notice of Violation alleges that the inspector found evidence of an unlicensed cosmetology shop. Clipped hair, tools, a service chair and haircutting tools were found in the shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and an ORDER to CEASE and DESIST practicing and operating until appropriate licenses are obtained.

FINAL RECOMMENDATION: Combine cases. Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and an ORDER to CEASE and DESIST practicing and operating until appropriate licenses are obtained.

19. 201001140-1/201003461-1

October 15, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing cosmetology in an unlicensed cosmetology shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and an ORDER to CEASE and DESIST practicing and operating until appropriate licenses are obtained.

FINAL RECOMMENDATION: Combine cases. Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and an ORDER to CEASE and DESIST practicing and operating until appropriate licenses are obtained.

20. 200901439-1/200900006-1

The owners of the above-referenced licensed manicure shop have applied for both a change of ownership as well as change of location while two disciplinary cases alleging sanitary violations are pending.

Recommendation: Grant the application if the owners are willing to enter in an Agreed Order of License Probation. The Agreed Order will also informally settle both disciplinary complaints.

ACCEPTED AS RECOMMENDED.

21. 201003219-1

Student complainant alleges that the students are being taught by instructor trainees without supervision from licensed instructors. The owner of the school states that trainees are supervised. An unannounced inspection of the school on Friday did not result in the issuance of a Notice of Violation relative to instruction or any other issue.

Recommendation: Close.

ACCEPTED AS RECOMMENDED.

RE-PRESENTED CASES:

22. 201002380-1

The board authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty on allegations that an unlicensed individual was practicing aesthetics at a licensed cosmetology shop. The complainant provided a copy of the

Respondent's business card, which showed that she provided "skin care" at the shop. The owner of the shop submitted a written response to the offer of settlement.

Recommendation: Close with Letter of Warning.

FINAL RECOMMENDATION: Close with a strong letter of warning.

23. 201002479-1/201002949-1

The board authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty on allegations that the owners of a licensed cosmetology shop relocated the shop and began operating the shop at the new location before obtaining an inspection of the new location. The shop is now duly licensed at the new location and the owner of the shop has submitted a written response to the offer of settlement.

Recommendation: Discuss.

FINAL RECOMMENDATION: Maintain the original offer of settlement.

24. 201002461-1

The board authorized settlement by Consent Order and payment of a \$500.00 civil penalty on allegations that the owner of a licensed cosmetology shop failed to display her shop license and most recent inspection sheet despite numerous requests from the inspector to do so. The owner of the shop has submitted a written response to the offer of settlement.

Recommendation: Discuss.

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

25. 201002457-1

The board authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty on allegations that a wax machine was found in a licensed manicure shop and that licensed cosmetologists practicing in the shop failed to wear identification tags. The owners of the shop, through counsel, submitted a written response to the offer of settlement.

Recommendation: Discuss.

FINAL RECOMMENDATION: Maintain the original offer of settlement.

26. 201002382-1

The board authorized settlement by Consent Order and payment of a \$1,500.00 civil penalty on allegations that an unlicensed individual was found practicing manicuring in a licensed manicure shop. The owner of the shop submitted a written response to the offer of settlement.

Recommendation: Discuss.

FINAL RECOMMENDATION: Maintain the original offer of settlement and offer the Respondent payment arrangements of \$100.00 per month.

27. 200900997-1

The board authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty on allegations that the inspector found a wax machine in a licensed manicure shop, that all licenses were not displayed at work stations, that a unlabeled bottle of liquid was found in the shop and that drill bits and nail dusters were not properly stored. The owner of the shop submitted a response to the offer of settlement.

Recommendation: Discuss.

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

28. 200902082-1

The board authorized settlement by Consent Order and payment of a \$2,000.00 civil penalty on allegations that an unlicensed individual was found practicing manicuring in a licensed manicure shop, that a wax machine was found in the shop, and that various items in the shop were left in an unsanitary condition. The owner of the shop submitted a written response to the offer of settlement.

Recommendation: Discuss.

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

29. 201001742-1

The board authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty on allegation that an unlicensed individual was found practicing manicuring in a licensed manicure shop. The owner of the shop, through counsel, submitted a written response to the offer of settlement.

Recommendation: Discuss.

FINAL RECOMMENDATION: Maintain the original offer of settlement.

30. 201001691-1

The board authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty on an allegation that a cosmetologist in possession of an expired cosmetologist license was found practicing in a licensed cosmetology shop. The owner of the shop has submitted a written response to the offer of settlement.

Recommendation: Discuss.

FINAL RECOMMENDATION: Maintain the original offer of settlement.

31. 201002941-1/200901410-1

April 22, 2010 Notice of Violation alleges that four (4) manicurists in a licensed manicure shop failed to wear identification tags while practicing and also failed to display their licenses at or near their work stations. Both the manicurists and the shop owner ignored the inspector's request for them to begin wearing their identification tags. Another disciplinary case remains pending against the owner of this shop relative to a June 10, 2009 Notice of Violation alleging that two unlicensed individuals were found practicing manicuring in the shop and one manicurist in the shop failed to wear identification.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$4,000.00 civil penalty.

FINAL RECOMMENDATION: Combine cases. Authorize formal hearing with authority to settle by Consent Order and payment of a \$4,000.00 civil penalty.

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

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