

MINUTES

The Tennessee State Board of Cosmetology held a meeting on March 7, 2011 at 9:00 a.m. CST, in Nashville, Tennessee.

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

Others present: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Hazel Buttrey Licensing Technician.

Call to Order by Board Chair Linda Colley.

Linda Colley, Chairman welcomed everyone to the board meeting and acknowledged the cosmetology schools in attendance.

APPEAR BEFORE THE BOARD-

Mr. Jack Brownfield is here on behalf of Georgia Career Institute and Tennessee Career Institute to receive approval to offer the Milday's Master Educator Program to instructors at these schools for the required 16 hours of continuing education. Mr. Brownfield stated if approved by the Board the program would be held at Embassy Suites and offered to approximately sixty (60) instructors which would be from the Tennessee schools and Georgia schools.

MOTION was made by June Huckleby and seconded by Muriel Smith to deny the request for approval of the program for the required sixteen hours of continuing education. Motion carried unanimously. The vote was two (2) for and five (5) against.

Reta McDaniel is here today to discuss approval for opening of her school of cosmetology "Academy of Esthetics and Hair Design" in LaFollette, Tennessee. The application and supporting documents for the new school of cosmetology was presented to the Board at the April 5, 2010 board meeting. The Board voted to have the Board Member Janet Wormsley and Board Inspector James Stanley inspect the school for approval to open. The school was inspected 04/16/10 and the inspections sheet states the

school was not ready to open. The school was inspected again 04/30/10 grade was 100 and was approved to open. The Board office was advised by the Board Member for the area Ms. McDaniel contacted her shortly after the inspection and stated she was closing the school. School license was not issued and the board office made several attempts to contact Ms. McDaniel with no success. Ms. Daniels stated she was open for eight (8) days after which Ms. Wormsley and Mr. Stanley came back to the school and advised her the school had serious problems and they spent thirty (30) minutes talking with the students at the school. After the students talk with Ms. Wormsley and Mr. Stanley they all dropped out of the school. Ms McDaniel said she contacted Ms. Wormsley to say she was closing the school because she did not have any students.

MOTION was made by Diane Buchanan and seconded by Muriel Smith to issue school license. Motion was unanimously.

Bonnie Adams is here today to discuss obtaining her cosmetology instructor license in Tennessee. Ms. Adams qualifies for cosmetology license because she has submitted a 5 year work history as a cosmetologist from Regis Corporation. She would like the Board to consider the 5 year work history as a Smart Style Area Supervisor for qualification for instructor license.

MOTION was made by Nina Coppinger and seconded by Pearl Walker to approve Ms. Adams to take the state board cosmetology instructor examination. The vote was four (4) for approval of the motion and two (2) against approval of the motion.

KieuVu has requested to appear before the Board today to discuss the Board decision requiring her to take the Tennessee State Board Cosmetology Examination. Ms. Vu's application for reciprocity was presented to the Board at the December board meeting. Ms. Vu's completed 1600 hours of instruction in the cosmetology curriculum at Range Valley College in California. Documentation from the California Board of Cosmetology states Ms. Vu applied for and has taken the state board examination but not passed the California written and practical examination. Ms. Vu submitted a certification from the Texas State Board where she currently holds a license which states she applied for the examination in Texas with hours in the curriculum from California and pass the Texas State Board exam. Attorney Jim Greenlee address the Board on behalf of Ms. Vu due to English is her second language. Attorney Greenlee questioned the Board as to why Ms. Vu was required to pass the Tennessee State Board cosmetology examination to obtain license in Tennessee when she had taken the examination in Texas and obtained license and she had completed hours in the curriculum in California. Attorney Greenlee explained it would be hard for Ms. Vu to pass the Tennessee State Board of Cosmetology examination because the examination is only given in English.

MOTION was made by Virgilene Lotze and seconded by Diana Buchanan to approve Ms. Vu for reciprocity of cosmetology license. Voice vote was taken motion carried with four (4) yes and (3) no.

Ali Shedadeh requested to appear before the Board concerning his application for reciprocity of cosmetology license from Wisconsin. Mr. Shedaheh received license in Wisconsin by endorsement from Kuwait. He stated he provided The Wisconsin State Board with educational documents concerning his hours in the cosmetology curriculum in Kuwait but he no longer has that information. He stated he believes he also has a license in Kansas.

MOTION was made by Diana Buchanan and seconded by Virgilene Lotze to approve Mr. Shedadeh for reciprocity of cosmetology license. Vote was four (4) for approval of the motion and (3) against the motion.

ADMINISTRATIVE REPORT

Application for Genesis Career College Nashville's new school of cosmetology was presented at the December board meeting. The school was inspected 02/15/11 by Board Member Linda Colley and Board Inspector Barbara Hendrix. The School was found to be in compliance with all requirements for a school of cosmetology in Tennessee and approval was given to open. I need the Board's final approval for issuance of license.

MOTION was made by June Huckleby and seconded by Muriel Smith to approve the issuance of license for the new school. Motion carried unanimously.

Application for Gould's Academy was presented at the February board meeting. The school was inspected 02/18/11 by Board Member Pearl Walker and Board Inspector Jerry Biddle. The school was found to be in compliance with all requirements for a school of cosmetology in Tennessee and approval was given to open. I need the Board's final approval for issuance of license. I also have received notification that Gould's will be offering the instructor curriculum.

MOTION was made by Muriel Smith and seconded by June Huckleby to approve the issuance of license for the new school. Motion carried unanimously.

Application for change of ownership, change of location and change of name for Style Master Academy of Cosmetology located in Newport, Tennessee to Image Maker Beauty Institute to be located in Hendersonville, Tennessee. What I'm needing is the Board's approval for the change of ownership and change of name today for the necessary

paperwork new owner can be completed. The new location is still under construction. Once the new location is completed the new owner will contact the board office to arrange for the Board Member and Board Inspector to visit the new location for the required inspection.

MOTION was made by Virgilene Lotze and seconded by June Huckeby to approve the change of ownership and change of name. Motion carried unanimously.

Application for a new school of cosmetology, "Signature Beauty College" to be located in Chattanooga, Tennessee presented to the Board. This application has been discussed at the last few board meetings. Information on clarification of the bond was submitted to the board office which you have. Ms. Johnnie Simmons the proposed new school owner and Mr. Harry Knox the proposed instructor for the new school are present to discuss the application with the Board. Attorney Terrance Bond reviewed the information faxed to the board office for clarification of the bond. Board members discussed with Mr. Knox his previous history as a school owner and the numerous problems and issues that resulted with his school ownership. Ms. Simmons advised she has never been a cosmetology school owner therefore is not familiar with all the responsibilities with owning a school. She stated her daughter Tonya was going to help her run the school and Mr. Knox is going to be the instructor. The Board expressed concern as to the numerous problems Mr. Knox experienced at his school for several years and now he would be involved with another school. A Board Member stated future behavior can generally be predicted by past behavior.

MOTION was made by Nina Coppinger and seconded by Muriel Smith to deny the application for the new school of cosmetology. Motion carried unanimously.

Applications for examinations for four applicants that have felonies and the required documentation, disclosure from the applicant and letter of recommendation from the cosmetology school attended has been submitted. The applications are from Stacey Powell, Arizona Cooper, Carol Knight, and Brittany Simpson.

MOTION was made by Muriel Smith and seconded by Nina Coppinger to approved applications for examination with sign agreed orders. Motion carried unanimously.

Application for reciprocity from Nilovfer Munshi from India who resides in Louisville, Kentucky. This application was presented at the February board meeting. The applicant is not license in the State of Kentucky but submitted a 5 year work history from a salon in Kentucky. In my phone conversation with her she stated she was not able to get license as a cosmetologist in Kentucky by reciprocity. When the Board reviewed her application for reciprocity it was declined and she would be required to complete the required hours in the cosmetology curriculum and pass the Tennessee State Board examination to obtain

license in Tennessee. She has submitted a document that states she completed 2496 at Divya Beauty Clinic in India in 2007.

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

The Board previously reviewed educational documents from Ghana for Ayisha Tahiru. She has submitted information as to her attendance at the FC Beauty College. The documents recently submitted states she did 750 guided hours and graduated from the College in November 2009. Documents originally submitted was requesting approval of high school education for enrollment in a school of cosmetology in Tennessee. The Director advised the Board she has not spoke with Ms. Tahiru during the process of receiving documents she has been walking with a someone else an apparently there is confusion as to what she is requesting.

MOTION was made by Nina Coppinger and seconded by Muriel Smith to table these documents until the Board can get a clear understanding of what is requested. Motion carried unanimously.

Application for reciprocity of r manicurist license from Vietnam for My Thuy Vu Tran. She states she completed 720 hour Nail Technician course at Service and Vocational Education Center in Hochiminh City, Vietnam and practice manicuring before she came to the United States. Her resident card states she has been a resident since 11/27/10. I have a form from the Memphis City School System stating she is enrolled in Central High School 11th grade. No break down was provided as to what was covered in the 720 hour nail tech curriculum in Vietnam.

MOTION was made by Muriel Smith and seconded by Nina Coppinger to approve Ms. Tran for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Hamiida Panjwani was presented to the Board for review. Certification of licensing from the Oklahoma State Board verifies she has a valid license in that state which was obtained by reciprocity form New York. We have received copies of document stating she completed 1500 hours in the curriculum for Trupti Beauty Parlour in India.

MOTION was made by Muriel Smith and seconded by June Huckeby to request more information for review. Motion carried unanimously.

Application for reciprocity of manicurist license from Tam Lam from Florida presented to the Board for review. He is currently license with the Texas State Board and he obtained that license 12/10 by reciprocity from Florida. Florida required 240 hours of instruction in the manicurist curriculum and no state board exam.

MOTION was made by Diana Buchanan and seconded by Nina Coppinger requiring Tam Lam to complete three hundred sixty (360) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Maryland for Karly A. Crawford presented to the Board for review. Certification from the Maryland State Board verifies prior to 2001 only 100 hours was required in the curriculum and applicant was originally license 07/24/2000. She has a work history which states she has been employed with The Salon and Spa from 03/31/2004 she was on maternity leave from 10/17/2008 to 04/28/2009.

MOTION was made by Muriel Smith and seconded by Diana Buchanan requiring Ms. Crawford to complete five hundred (500) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Missouri for Dayna Ladd presented to the Board for review. She also currently holds a license in Alabama which she obtained by reciprocity from North Carolina. Hours in the manicurist curriculum are 390 which she completed in Missouri and no five year work history.

MOTION was made by Nina Coppinger and seconded by Muriel Smith requiring Ms. Ladd to complete two hundred ten (210) hours in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Soa Pham. Federal tax documents submitted listed her occupation as manicurist. She has submitted work statements from March 2005 to December 2005 , 03/18/2006 to 03/28/2007 and 10/2007 to 6/2010 stating she worked as a manicurist and esthetician.

MOTION was made by Diana Buchanan and seconded by Nina Coppinger to approve Ms. Pham's application for reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from Colombia for Leticia Pava. She states on her reciprocity application she completed 2,025 clocked hours in Colombia at

Sena Cosmetology School. Documents submitted list 165 hours hair cutting and hair styling, 40 hours bio-safety training, 80 hours hair cutting and hair styling, 40 hours manicure and pedicure. Other certificates are for attending and participating in the Customer Service Seminars.

MOTION was made by Nina Coppinger and seconded by Pearl Walker to accept the seven hundred ninety two (792) hours of instruction in the cosmetology curriculum in Colombia Ms. Pava has provided with her documentation and require her to complete an additional seven hundred eight (708) hours in the cosmetology curriculum and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Indiana for Gail Springhorn. The application was reviewed at the February board meeting. Certification from the Indiana State Board certified Ms. Springhorn has a "Provisional Esthetician License". The Board voted Ms. Springhorn would be required to complete 750 hours of instruction in the curriculum and pass the state board esthetics examination. Indiana has apparently issued Ms. Springhorn a regular esthetician license which we have the certification for. Ms. Springhorn has submitted her educational information from City and Guilds of London Institute which is where she obtained her education and hours of instruction in the esthetics curriculum.

MOTION was made by Muriel Smith and seconded by Nina Coppinger to approved Ms. Springhorn's application for reciprocity. Motion carried unanimously.

Two Board Members and the Board Director have been approved to attend the NIC Region meeting to be held April 1-3 at the Renaissance Hotel. The Board Members are Muriel Smith and June Huckleby. As a requirement for keeping expenses down meetings are limited to the Board Director and two (2) Board Members.

Agenda for the University of Memphis Continuing Education Seminar presented for approval.

MOTION was made by Muriel Smith and seconded by Diana Buchanan for approval of the agenda. Motion carried unanimously.

Request for approval of high school diploma for Mahnaz D. Beztchi the diploma is in the name of Mahnaz Dootsi from Iran.

MOTION was made by June Huckleby and seconded by Muriel Smith for approval of the diploma submitted. Motion carried unanimously.

Request for approval of high school diplomas for Sayani Beenishfarid from Pakistan and Bhakta Tamannaben Harishbhai from India.

MOTION was made by June Huckleby and seconded by Muriel Smith approval of the diplomas submitted. Motion carried unanimously.

Field trip request from Empire Beauty Schools submitted for students to attend the Future Professional Expo in Hersey, Pennsylvania. Detail information concerning the field trip submitted with request.

MOTION was made and second by Diana Buchanan and second by Virgilene Lotze to approve the field trip request. Motion carried unanimously.

Field trip request from Paul Mitchell the School Murfreesboro submitted to the Board for review. This field trip request was not included in the last board meeting because it was faxed to the board office after hours on the Friday before the board meeting on Monday. It is the Paul Mitchell Caper event in Las Vegas, Nevada. This opportunity was given to the students due to a school wide competition based on selling retail products. I spoke with the instructor and as she was aware the request for approval had not been presented to the board. The students did attend and if the request for field trip is not approved the school will make arrangements for students to make up the hours.

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

Request for field trip approval request for students from Austin's Beauty College to attend the Fashion Focus Hair Show March 27th and 28th at the Nashville Convention Center.

MOTION was made by Virgilene Lotze and seconded by Diana Buchanan to approve the field trip request. Motion carried unanimously.

Field trip request submitted from Volunteer Beauty School wanting to set up a booth at the Southern Women's Show at the convention center and have students demonstrate

hand massages, braids and air-brush makeup. The event will be held April 14th-17th. Approximately 15 students will be attending with instructors.

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

Question submitted to the board office for presentation to the Board. “ Are cosmetologist allowed to use a “safety razor” (not a straight razor) on customers around the neck, ears, and forehead hairline”? Or is this only allowable at barber shops?

THE BOARD DECLINE TO ISSUE A RULING ON THIS QUESTION AT THIS TIME.

Question submitted to the board office for presentation to the Board. “If you work in a spa on a cruise ship, how does your license work? Are you licensed in the state that the boat leaves from”?

THE BOARD ADVISED TO CONTACT THE CRUISE SHIP FOR INFORMATION.

Barber/Cosmetology Continuing Education Seminar Schedule for 2011 issued to Board Members.

Copy of approved minutes (December 6, 2010) with corrections page1, 3 & 12.

Copies of correspondence from previous board meeting.

CONSENT ORDERS \$11,750.00

Bea’s Hair Salon
1501 Pinetree Road
Clarksville, TN 37042

Violation issued June 18, 2010
Pd \$250.00 on 03-27-2011

Elegant Nails
1951 Madison Street
Clarksville, TN 37043

Violation issued March 23, 2010
Pd \$2500.00 on 02-24-2011

Elite Nail and Spa
1000 Rivergate Pkwy
Suite 1705
Goodlettsville, TN 37072

Violation issued May 6, 2010
Pd \$500.00 on 02-03-2011

Hair Studio at Lenox
6909 Lenox Village Drive
Nashville, TN 37211

Violation issued November 9, 2010
Pd \$500.00 on 02-24-2011

Lacey's Haircare Salon
3513-15 Ramill
Memphis, TN 38128

Violation issued March 17, 2010
Pd \$500.00 on 01-06-2011

Julie's Hair and Color Studio
1715 Old Fort Pkwy.
Suite 400
Murfreesboro, TN 37129

Violation issued July 20, 2010
Pd \$500.00 on 01-18-2011

Miracles Hair Salon, Inc.
472 W. Main Street
Hendersonville, TN 37075

Violation issued August 13, 2010
Pd \$1000.00 on 02-16-2011

Q-Nails
741 Dolly Parton Pkwy.
Suite 4
Sevierville, TN 37862

Violation issued March 19, 2010
Pd \$2000.00 on 01-31-2011

Regal Nails
911 Highway 321 N.
Lenoir City, TN 37771

Violation issued September 11, 2009
Pd \$1000.00 on 01-25-2011

Sapphire Nails Spa
625 Bakers Bridge Avenue
Suite 103
Franklin, TN 37067

Violation issued September 2, 2009

Pd \$1000.00 on 11-18-2010

Studio BBC, LLC
1219 17th Avenue S.
Suite 4
Nashville, TN 37212

Violation issued September 14, 2010
Pd \$500.00 on 02-24-2011

Ultra Nails
1409 Hillsboro Blvd.
Manchester, TN 37355

Violation issued August 21, 2009
Pd \$1000.00 on 02-4-2011

Zion Hair Studio
4536 Nolensville Road
Nashville, TN 37211

Violation issued April 17, 2009
Pd \$500.00 on 03-01-2011

Board voted unanimously to accept the consent orders.

RE-PRESENTED MATTERS:

Upon further review and consultation with litigation counsel, it is the opinion of counsel that the following cases should be closed without further action.

Insufficient Proof:

1. 2007088491
2. 2008027391
3. 2009001351

Recommendation: Close with no further action.

Area inspectors advise that the following shops are either closed for business or are under new ownership:

Change of Ownership or No Longer Exists:

4. 2008006081
5. 2008007851
6. 2010019521
7. 2009009791

**Recommendation: Close and flag.
Substantial Compliance:**

In each of the following cases, the Respondent shop has substantially complied with the terms of a Consent Order by paying a substantial portion of the proposed civil penalty and refraining from any future violations of the Cosmetology Act and rules. No new Notices of Violation have been received relative to these shops.

8. 2008005511

9. 2008014831

First License Obtained:

License Expiration:

History: 2008023641 –Under Review by Legal

10. 2008023641

First License Obtained:

License Expiration:

History: 2008014831 – Under review by Legal

Recommendation: Close the complaints as settled in full.

Formal hearings:

11. Docket Number 12.09-110481J/Case No. 2010000271

The above-referenced case is currently scheduled for a formal hearing on allegations that the Respondent, who is the president of the corporation (“owner”) that owns two (2) skin care shops and several unlicensed establishments throughout the state engaged in unlicensed activity through the continued employment of unlicensed personnel at his licensed shop and the ongoing provision of license-required services in unlicensed establishments. The owner, who is represented by counsel, has agreed (by his signature on an Agreed Order of Settlement) to settle the formal hearing, which will require him to do the following: 1) Stipulate to the State’s proposed “Findings of Fact” and “Conclusions of Law” relative to his ongoing unlawful conduct, 2) Pay a \$15,000.00 civil penalty, 3) Consent to the revocation of the two (2) existing shop licenses that were previously issued by the board, 4) Cease operating any unlicensed establishments that he owns that are required to be licensed by the board, 5) Submit a sworn affidavit that he has ceased operating the previously referenced establishments, both licensed and unlicensed, and 6) Agree that any license to operate a shop that he may be granted in the future will be subject to probationary terms. It is the opinion of counsel, after consultation with litigation counsel, that this represents an adequate final settlement of the issues under consideration.

Recommendation: Authorize the board chairperson to sign the Agreed Order of settlement on behalf of the board, which will settle the pending charges and dismiss the pending formal hearing.

12. 2009020811

The above-reference has been authorized for a formal hearing after several Notices of Violation were issued to the Respondent, who is owner of a licensed manicure shop, alleging that the owner repeatedly employed or permitted unlicensed persons to practice manicuring in her shop. The owner has proposed that, in lieu of formal charges, she be permitted to surrender her shop license (the Respondent understands and agrees the surrender will be entered as a license revocation in the board office) and sell her shop. The owner has already located a buyer and the buyer has submitted an application for a new shop license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order setting forth the above-referenced terms.

Reconsideration requests:

13. 2010034491

The board previously authorized formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty upon review of a October 7, 2010 Notice of Violation alleging that an individual who had filed an application for a cosmetology shop license allowed a licensed cosmetologist to practice in the shop before the required inspection could be completed. The owner of the shop, which is now licensed, has submitted a request for reconsideration. [Note: The request will be read into the record.]

Recommendation: Close with a letter of warning.

14. 200802734

The board previously authorized formal hearing with authority to settle by Consent Order and payment of a \$3,000.00 civil penalty upon review of a November 6, 2008 Notice of Violation alleging that several items in a licensed manicure shop were found to be in an unsanitary condition during an inspection. The owner of the shop indicated that he has now fixed the problems identified in the Notice of Violation; no new Notices have been issued to this shop for sanitation since such date. The owner requests that the board consider reducing the proposed civil penalty to \$1,000.00.

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

REGULAR REPORT:

15. 2010036261

First License Obtained: 7/16/10

License Expiration: 6/30/12

History: No Prior Complaints

The Complainant alleges that the Respondent, a licensed cosmetologist, ruined her hair by cutting it much shorter than she indicated she wanted it cut. The Respondent states that she cut off as much hair as the Complainant indicated she wanted cut and that she confirmed with the Complainant how much hair she would be cutting before beginning the haircut. The Respondent has offered to refund the Complainant's money.

Recommendation: Note the complaint in the licensing file and close.

16. 2010036301

First License Obtained: 8/26/99

License Expiration: 7/31/12

History: No Prior Complaints

The Complainant alleges that the Respondent, a licensed manicurist, failed to soak her acrylic nails before attempting to remove, causing her pain and damage to her nail beds. The Respondent denies the Complainant's allegations, stating the Complainant never made her aware of any pain during her service and did not contact her following the service to advise of any injury.

Recommendation: Note the complaint in the licensing file and close.

17. 2011000671

First License Obtained: 12/4/09

License Expiration: 10/31/11

History: No Prior Complaints

A Notice of Violation issued November 17, 2010 alleges that an unlicensed individual was observed practicing cosmetology in a licensed cosmetology shop.

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

18. 2011000681

First License Obtained:

License Expiration:

History: 2009005091 - \$2,000 CP Satisfied 7/1/09

A Notice of Violation issued November 23, 2010 alleges that a licensed manicurist was observed practicing in a licensed manicure shop while her license was expired. The license at issue has now been made valid.

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

19. 2011000691

First License Obtained: 10/9/06

License Expiration: 10/31/12

History: No Prior Complaints

A Notice of Violation issued December 1, 2010 alleges that a non-service animal was present in a licensed cosmetology shop. Additionally, the inspector reported that it appeared that the owner was residing in a portion of the shop where services were provided.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty and instructions to CEASE and DESIST using for residential purposes any portion of the shop where cosmetology services are provided.

20. 201100701

First License Obtained: N/A

License Expiration: N/A

History: N/A

A Notice of Violation issued December 7, 2010 alleges that an unlicensed individual was observed demonstrating the use of a hairstyling product by flatironing a patron's hair at an unlicensed establishment (kiosk).

Recommendation: Issue a CEASE and DESIST letter.

21. 2011000711

First License Obtained: 2/2/06

License Expiration: 1/31/08 (Closed 6/15/07)

History: No Prior Complaints

A Notice of Violation issued on or around December 8, 2010 alleges that a licensed cosmetologist was found operating a cosmetology shop that had previously been reported closed while the shop license was expired. One client was receiving service in the shop at inspection time.

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

22. 2011000721

First License Obtained: 9/24/07

License Expiration: 9/30/11

History: No Prior Complaints

A Notice of Violation issued December 16, 2010 alleges that no towels were provided during service at a licensed manicure shop and that one (1) licensed manicurist was not wearing an identification tag while performing a service.

Recommendation: Close with a letter of warning.

23. 2011000751

First License Obtained: 2/11/08

License Expiration: 1/31/12

History: No Prior Complaints

A Notice of Violation issued December 8, 2010 alleges that a licensed cosmetology shop was open for business while the shop license was expired. The license has now been made valid.

Recommendation: Close with a letter of warning.

24. 2011002091

First License Obtained: 5/10/01

License Expiration: 7/31/12

History: 2005032671 - \$500 Consent Order, Satisfied 2/6/07

2005033361 - \$500 Consent Order, Satisfied 2/6/07

2006005191 - \$500 Consent Order, Satisfied 2/6/07

A Notice of Violation issued December 30, 2010 alleges that two (2) unlicensed manicurists were found practicing on clients in a licensed manicure shop. In addition, one (1) licensed manicurist in the shop failed to wear an identification tag while performing services in the shop and all operator licenses were displayed on a wall in the shop and not at or near the respective operator's work station. Several sanitary violations were noted, including: four (4) pedispa chairs which were left in an unsanitary condition (lint, residue and standing water were present), unsanitary tools were stored with sanitized tools, sanitized tools were not

properly stored, nail dust was present in tool drawers and a nail bit was left in a nail drill.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$10,000.00 civil penalty.

25. 2011003341

First License Obtained: N/A

License Expiration: N/A

History: N/A

Administrative office complaint alleges that an unlicensed individual is providing cosmetology services to client in an unlicensed establishment. Preliminary investigation revealed that the individual has published a website describing various cosmetology services that she offers, hours of operation and providing access to both a business phone number and online appointment scheduling.

Recommendation: Issue a CEASE and DESIST letter.

26. 2010004171

First License Obtained: 6/30/08

License Expiration: 5/31/12

History: 2009005581 - \$500 CO proposed (Unlic. Emp.)

The Complainant, a former employee of a licensed manicure shop, alleges that the shop has rodents and that she has brought this to the attention of the shop owners. The Respondent alleges that a construction site near the shop may be responsible for the presence of rodent and states that it has had a full extermination service since the complaint was filed. No Notices of Violation relative to sanitation have been received.

Recommendation: Close with a letter of warning.

27. 2010014381

First License Obtained: 10/30/06

License Expiration: 10/31/12

History: 2009025441 – \$2,000 CO (Unlic. Emp.) Complied 1/26/10

The Complainant alleges an individual at a licensed manicure shop injured her by cutting her foot with a razor during a pedicure service. According to the Complainant, it did not appear that the individual sterilized the implement that allegedly injured her. The Respondent failed to respond to the complaint.

Recommendation: Close with a letter of warning.

28. 2010017611

First License Obtained: 12/19/97

License Expiration: 5/31/12

History: None.

The Complainant alleges that an unidentified individual at a licensed manicure shop “took off all her nails to the quick” during a manicure service. The Complainant alleges that her nails became sore and bled following the service and that she experienced fluid discharge at each of the injury sites. According to the Complainant, she attempted to address the situation with one of the shop owners one (1) week following the service, but that the owners refused to acknowledge her injuries and refused to issue her refund. According to the Complainant, the owners ultimately asked her to leave the shop.

The Respondent alleges that the Complainant complained about the condition of her nails from a previous service at a different salon prior to receiving service at the shop. The Respondent states that she noted the “brittle and dry” appearance of the Complainant’s before the nail service began and inquired about same prior to beginning service. According to the Respondent, it was upon the “Complainant’s insistence” that she performed the service. Relative to the Complainant’s visit to the shop one (1) week following her service and alleged injuries, the Respondent states that the Complainant admitted that she did significant yard work in the week prior to her return visit, causing the Respondent to inform the Complainant that the dried blood she alleged was present at the injury sites was actually dirt. Respondent denies refusing to issue the Complainant a refund and also denies asking the Complainant to leave, stating that she did request that the Complainant return to the shop in an hour to discuss her concerns (since the shop was full at the time of her visit). According to the Respondent, the Complainant reacted belligerently to the suggestion that she return to the shop later, yelling that she would contact an attorney about the situation and that she wanted her money back.

Recommendation: Note the complaint in the licensing file and close the complaint.

29. 2010028421

First License Obtained: 8/4/94

License Expiration: 8/31/11

History: 6116 – Closed, no further info noted in RBS

2007071191 – Dismissed w/ out action

The Complainant alleges that she was treated rudely by personnel at a licensed manicure shop after she called the shop to report an infection that developed in her foot after she received a pedicure there. According to the Complainant, shop

personnel called her a liar and disconnected the call after she advised of her condition. The Respondent denies the Complainant's allegations, saying that none of her employees would make such a statement. According to the Respondent, its most recent inspection prior to the Complainant's visit yielded a score of 100.

Recommendation: Note the complaint in the licensing file and close the complaint.

30. 2010033731

First License Obtained: 5/25/89

License Expiration: 4/30/11

History: No Prior Compliants

Consumer complaint alleges that the owner of a licensed cosmetology shop keeps a non-service animal in her shop; the Complainant provided pictures of the shop interior, where a dog and various animal care items were present.

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

31. 2010034521

First License Obtained: 2/26/08

License Expiration: 8/31/12

History: No Prior Complaints

A Notice of Violation issued October 21, 2010 alleges that an unlicensed individual was observed providing manicuring services to a client in a licensed manicure shop. In addition, one (1) licensed manicurist in the shop failed to wear an identification tag while providing service to a client in the shop.

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

32. 2010034531

First License Obtained: 9/5/08

License Expiration: 8/31/12

History: No Prior Complaints

A Notice of Violation issued October 19, 2010 alleges that no manager was present in a licensed manicure shop while two (2) manicurists were performing services on clients in the shop. The inspector also reports that neither of the manicurists were wearing identification tags and that a hot wax machine which appeared to have been used was found inside a cabinet in the shop.

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

33. 2010034581

First License Obtained: 3/20/96

License Expiration: 6/30/11

History: 2006010781 - \$1,000 CO (Unlic. Emp.) Satisfied 6/6/06
2006034111 – Dismissed w/out action
2009019881– \$2,000 CO (Unlic. Emp., Name tags, Dirty stations)
Satisfied 1/11/10
2010017501 - \$2,500 CO (Unlic. Emp. (Same as last violation)

A Notice of Violation issued October 2, 2010 alleges that a manager in a licensed manicure service failed to wear an identification tag while performing a service on a client in the shop (according to the inspector, the manager began wearing the tag after his arrival). The inspector also noted the presence of a hardware drill with an unsanitized nail disk on the drill. The inspector also found a wax machine in a box, along with all tools necessary to perform a waxing service, in a box in the shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$1,000.00 civil penalty and imposition of a one (1) year probationary period.

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

34. 2010034591

First License Obtained: 3/17/95

License Expiration: 3/31/11

History: 7663 – Closed, no further info on RBS
9334 – Closed, no further info on RBS
2006020371 - \$2,000 CO – (Unlic. Emp., Wax Mach., Dirty shop and stations.)
2006025801 – Combined with complaint above
2008021741 - \$4,000 CO – Dirty shop, no ID tags, hot wax machine satisfied 12/2/08
2009022591 - \$4,000 CO - Waxing, No ID tags, dirty stations, tools not in closed containers. Satisfied 1/13/10

A Notice of Violation issued October 7, 2010 alleges that one (1) unlicensed individual was observed practicing manicuring in a licensed manicure shop. The inspector also found one (1) licensed manicurist who failed to wear an identification tag while providing service to a client in the shop. Additionally, the inspector found one (1) pedicure tub in the shop was left in an unsanitary condition after use and that the floor in the shop had not been swept free of used manicuring implements. According to

the inspector, the individual that he identified as the manager of the shop offered him \$1,000.00 to “make all this go away” during the inspection.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$3,000.00 civil penalty and imposition of a one (1) year probationary period.

SCHOOLS

35. 2008007401

A student complaint alleges that the student does not receive regular instruction at the licensed school of cosmetology she attends and that the school lacks adequate supplies for the students to perform services on clients. The school owner denies the allegations, stating that the student has a poor attendance record and that, when an instructor is not available, an instructor trainee is always on hand to provide guidance to students. In addition, the owner states that students always have ample supplies to perform services on clients and that the complaint about supplies stems from the student’s anger over not being provided supplies for personal use.

Recommendation: Close with no action.

36. 2009025971

First License Obtained: 3/21/94

License Expiration: 9/1/11

History: 7301 – Closed 3/18/96, no further info in RBS

8302 – Closed 3/14/97

9283 – Closed 6/25/98

9781 – Closed 1/13/99

2000032481 – Closed 7/26/00

2001036321 – Closed 1/18/02

2001036341 – Closed 1/18/02

2001036421 – Closed 1/18/02

2001053341 – Closed 2/11/02

2002099431 – Closed 1/13/03

2002115141 – Closed 6/20/03

2003170361 – Dismissed 5/10/05

2004198561 – LOW 5/31/05 having instructor present

2005009291 – Dismissed 2/7/06

2005037361 – Dismissed 2/7/06

2005044581 – Dismissed 4/4/06

2006028071 – Dismissed 8/10/06

2008005951 – Dismissed 4/8/08

2008018031 – Dismissed 12/2/08

2008023021 – Dismissed 12/2/08

2009000071 – Dismissed 4/13/09
2009018081 – Dismissed 12/9/10
2009021641 – Dismissed 12/4/09
2010009271 – Dismissed 10/12/10

A student complaint alleges that the licensed school of cosmetology she attends does not have adequate supplies, that the school's equipment is not in good repair, that the school regularly fails to timely disburse her living allowance and that the school is tampering with her and other student's financial aid records. The owner of the school states that new equipment was purchased several months prior to the date the student filed her complaint and that students fail to take care of school equipment as they should. The owner also states that the school's managers and instructors constantly review supply levels and make decisions as to when supplies should be purchased—according to the owner, students' complaints over lack of supplies stem from their desire to have sufficient supplies to perform personal services. The owner states that the student living allowance is a privilege extended to students meeting minimum GPA requirement—the student no longer qualifies and is under threat of suspension for poor attendance. The owner denies the student's allegations relative to financial aid and demands to see proof of the allegations.

Recommendation: Close with no action.

- 37. 2008012361
- 38. 2008014551

The above-referenced complaints do not provide sufficient information for counsel to evaluate the allegations set forth in the complaints.

Recommendation: Close with no action.

- 39. 2008021771

A Notice of Violation issued August 29, 2008 alleges that at a licensed school of cosmetology, one (1) restroom sink was in disrepair, the school license was not displayed, identification tags were not worn by the instructors and an ultraviolet sanitizer was unplugged.

Recommendation: Close with a letter of warning.

- 40. 2009010121
First License Obtained: 5/2/05
License Expiration: 9/1/11
History: 2005018931 - \$500 CO (Roster too low, Incomplete files, Enrolled students prior to Board approval for classes
2005035781 – Dismissed 11/9/05

2007072131 – Dismissed 6/22/10

2008026791 – CO Proposed (No bond on record, lic exp 9/1/08)

Administrative office complaint alleges that a licensed school of cosmetology failed to timely submit evidence that it continued to maintain a certificate of deposit or surety bond. The school did finally submit all necessary documentation.

Recommendation: Close with a letter of warning.

41. 2009013531

A student complaint alleges that the student is not receiving instruction at the licensed school of cosmetology she attends. According to the student, her curriculum instructor frequently lacks knowledge of the subject matter area and would skip portions of the curriculum that she did not understand. In addition, the student states that the school fails to provide adequate supplies for the students to use during services. The school's director of education states in response to the complaint that the instructor at issue is no longer employed by the school and that the school provides to the students all supplies that are required by law.

Recommendation: Close with no further action.

42. 2010027981

First License Obtained: 3/18/05

License Expiration: 9/1/11

History: 2009011601 – Dismissed 3/10/10

2009014621 – Dismissed 3/10/10

2010004531 – Dismissed 8/3/10

2010027991 – Dismissed 12/9/10

2010029511 – Dismissed 12/9/10

2010029521 – Dismissed 12/9/10

A student complaint alleges that the student, who was enrolled in a licensed school of cosmetology, required hospitalization after another student at the school improperly used high frequency electric current to treat a blemish on the Complainant's face. According to the complaint, the student performing the service was not supervised during the procedure. 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.

43. 2008014531

A student complaint alleges that the student, who is enrolled at a licensed cosmetology school does not have an instructor for her curriculum area. No Notices of Violation have been received relative to student-instructor ratio for the school.

Recommendation: Close with no action.

44. 2009014581

First License Obtained: 3/21/94

License Expiration: 9/1/11

History: 7833 – Closed 10/10/96

7834 – Closed 10/10/96

8774 – Closed 9/24/97

2000054391 – Closed 5/2/01

2001023671 – Dismissed 9/20/01

2003133271 – Dismissed 5/6/05

2004178681 – Dismissed 5/13/05

2005028891 – Dismissed 2/7/06

2005043581 – Dismissed 4/4/06

2006009571 – Dismissed 11/7/06

2006044591 – Dismissed 8/8/07

2007058091 – Dismissed 6/4/07

2008004781 – Dismissed 4/8/08

2008022451 – Dismissed 12/2/08

2008022881 – Dismissed 12/2/08

2008025331 – Dismissed 2/4/09

2009000011 – Dismissed 5/6/09

2009012441 – Dismissed 12/10/09

2009013951 – Dismissed 12/10/09

2009018661 – Dismissed 12/10/09

2009019171 – Dismissed 12/10/09

2009019781 – LOW 1/5/11 (Sanitation, No Instructor)

2009020081 – Dismissed 12/4/09

2009020171 – Dismissed 12/4/09

2010014711 – Dismissed 10/12/10

A student complaint alleges that the student, who attended a licensed cosmetology school, was withdrawn from the school after disclosing her HIV status to a school personnel member. The owner of the school denies the allegation, stating that he met with the student following her disclosure and that, at the conclusion of the meeting, he and student reached a mutual agreement that the student withdraw from the school for one (1) week in order allow to him to research the area and determine his legal obligations relative to the student's attendance. The owner states that the board's rules in this area are unclear and do not provide sufficient guidance on how to address students with infectious diseases.

Recommendation: Close with no action.

Board voted unanimously to accept the legal report.

Board meeting adjourned.