



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
TENNESSEE STATE BOARD OF COSMETOLOGY  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243  
615-741-2515**

## **MINUTES**

The Tennessee State Board of Cosmetology Held a meeting December 3, 2012 at 9:00 am in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huceby, Muriel Smith, Rufus Hereford, Janet Wormsley and Pearl Walker.

Other present were: Laura Betty, Chief General Counsel for Regulatory Boards, Rachel Powers, Attorney for the Board, Hosam William, Paralegal and Betty Demonbreun, Licensing Technician.

Meeting was called to order by Board Chairman Linda Colley.

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

### **MINUTES-**

Minutes for the October 1, 2012 board meeting submitted for change and/or approval.

MOTION made by Nina Coppinger seconded by Pearl Walker for approval of the Minutes. Motion carried unanimously.

Minutes for the November 5, 2012 board meeting submitted for change and/or approval.

MOTION made by June Huceby seconded by Janet Wormsley for approval of the Minutes. Motion carried unanimously.

### **APPEAR BEFORE THE BOARD-**

Bill Giannini, Assistant Commissioner appeared before the board to discuss the department's continuity plan for the day to day management of the board's administrative office and to answer questions from members of the board. Members of the board discussed the Memorandum and

Order entered by Chancellor Perkins on November 19, 2012 in the matter of Beautiful Eyebrows TN, Inc. and Abdul Siddiqi v. Board of Cosmetology, which REVERSED the board's Declaratory Order, entered on November 30, 2011, which found the Cosmetology Act to include the regulation of hair removal known as "threading".

Ms. Nina Coppinger made a Motion and seconded by Pearl Walker that the board received the Judge's ruling and choose not to appeal the court's decision. Motion carried unanimously.

LeAnn Rampulla, Spring Hill, Tennessee,

Ms. Rampulla is in appearance before the board to request reconsideration of her reciprocity application from New Jersey. The board has previously voted at the November 5, 2012 board meeting that she will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum and sit for the Tennessee exam. Ms. Rampulla submitted a proof of one thousand (1000) hours of instruction in the cosmetology curriculum with a partial work history submitted.

Ms. Rampulla stated that she is a licensed cosmetology in New Jersey who completed the cosmetology education and passed the written and the practical exams in New Jersey and that she will study the Tennessee laws and rules in order to pass the Tennessee exam. Ms. Rampulla further asked the board to give her only one chance to sit for the Tennessee cosmetology exam and she believes that she will pass it since she passed the New Jersey cosmetology exam.

Attorney Rachel Powers advised the board that pursuant to the Cosmetology Act, the board may, in its discretion, grant a license without examination to applicants who substantially meet the qualifications for reciprocity.

MOTION made by Nina Coppinger and seconded by Pearl Walker to allow applicant to sit for the Tennessee exam for one (1) time only. If applicant passes the exam, applicant will then submit the licensure fees to the board office in order to receive the license. If applicant does not receive a passing score, then applicant will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum and then sit for the Tennessee examination. Motion carried unanimously.

Ms. Pearl Walker requested to have a committee formed to address the reciprocity licensure issues. Ms. Linda Colley, Board Chairman, asked the board members to appoint a committee for reciprocity.

The board members unanimously appoint Ms. Pearl Walker, Ms. Nina Coppinger and Ms. Muriel Smith. All members accepted nominations for formation of a reciprocity committee.

Lewis Molina and Leticia Angarita De Pava, Spring Hill, TN.

Lewis Molina and his mother-in-law, Leticia Angarita De Pava are in appearance before the Board today to present new information related to Ms. De Pava's reciprocity application and her work history. Ms. De Pava's education has previously been approved by the Board and she was approved to take the Tennessee examination. Ms. De Pava is requesting the Board reconsider approval of her application for reciprocity from Columbia by proof of her work history shown.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to grant applicant reciprocity license based on the work history provided. Motion carried unanimously.

#### **APPLICATIONS FOR EXAMINATIONS-**

Applications for examination for Thybrelle Hamilton, Mattie Hardiman and Teresa Whisenant, who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of examination from school attended is submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of each application for examination with a signed Agreed Order, Motion carried unanimously.

#### **INSTRUCTOR SEMINAR EXTENSION REQUEST-**

Request for extension from the 2011 instructor seminar for Erma J. Tate to 2013 due to health issues her daughter experienced in child birth. A letter has been provided by Ms. Tate.

MOTION made by Muriel Smith and seconded by Jenat Wormsley to table the request until applicant provides a doctors note regarding her daughters condition and the dates when care was provided or required. Motion carried unanimously.

Request for extension and/or reinstatement of her instructor license from the 2012 cosmetology instructor seminar for Lakeitha Carter. Ms. Carter submitted a statement that details a conversation she had with the board director relative to her extension request.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant her an extension for one (1) year and that applicant must attend the cosmetology instruction seminar in 2013. Motion carried unanimously.

#### **APPLICATIONS FOR RECIPROCITY-**

Mika Alicea, Ft. Campbell, Kentucky.

Request to accept seven hundred eighty (780) education hours in the manicurist curriculum from a manicure school in Puerto Rico was presented for Mika Alicea.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to sit for the Tennessee manicurist examination. Motion carried unanimously.

Elizabeth Barfield, Burns, Tennessee.

Application for reciprocity of cosmetology license presented for Elizabeth Barfield. Certification from Florida verifies twelve hundred (1200) hours of instruction in the cosmetology curriculum along with a letter from her previous employer where she worked as apprentice from 7/13/2011 to 8/31/2012.

MOTION made by Nina Coppiner and seconded by Muriel Smith to allow applicant to sit for the Tennessee exam for one (1) time only. If applicant passes the exam, applicant will then submit the licensure fees to the board office in order to receive the license. If applicant does not receive a passing score, then applicant will be required to complete three hundred (300) hours of instruction in the cosmetology curriculum and then sit for the Tennessee examination. Motion carried unanimously.

Jennifer Connors, Nashville, Tennessee.

A request for reconsideration before the board along with an additional work history was submitted for the reciprocity application of manager cosmetologist license from Massachusetts for Jennifer Connors. Certification verifies one thousand (1000) hours of instruction in the cosmetology curriculum where she was first licensed on 8/24/2004.

MOTION made by Nina Coppinger and seconded by Pearl Walker to allow applicant to sit for the Tennessee exam for one (1) time only. If applicant passes the exam, applicant will then submit the licensure fees to the board office in order to receive the license. If applicant does not receive a passing score, then applicant will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum and then sit for the Tennessee examination. Motion carried unanimously.

Dang Du, Garland, Texas.

Application for reciprocity of manicurist license presented for Dang Du. Certification verifies six hundred (600) hours of instruction in the manicurist curriculum from Texas where Ms. Du received her manicurist license on 9/7/1999 by examination, but no five (5) year work history submitted. Board office records indicate that the applicant had a manicurist license which was revoked in 1994 for submitting a fraudulent license from Georgia.

MOTION made by June Huckleby and seconded by Pearl Walker that applicant will be required to sit for the Tennessee manicurist exam. Motion carried unanimously.

Ruben L. Elieer Ruiz, Nashville, Tennessee.

Application for reciprocity of cosmetology license presented for Ruben Ruiz. Ms. Ruiz has submitted a cosmetology license issued on 6/14/2011 from New York where she qualified by equivalent experience from Mexico. A translated transcript of hair stylist from Mexico verifies fourteen hundred (1400) hours of instruction, but no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith to allow applicant to sit for the Tennessee exam for one (1) time only. If applicant passes the exam, applicant will then submit the licensure fees to the board office in order to receive the license. If applicant does not receive a passing score, then applicant will be required to complete one hundred (100) hours of instruction in the cosmetology curriculum and then sit for the Tennessee examination. Motion carried unanimously

Jim Adams Sahlan, Knoxville, Tennessee.

Application for reciprocity of cosmetology license presented for Jim Sahlan from Arizona where he received his cosmetology license by reciprocity from Illinois, which was received by endorsement from Jordan. Transcript from Jordan shows two thousand (2000) hours in the cosmetology curriculum. No five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to sit for the Tennessee cosmetology examination. Motion carried unanimously.

Toufic Souki, Nashville, Tennessee.

Application for reciprocity of cosmetology license presented for Toufic Souki. Mr. Souki has submitted a certification along with a school transcript from Lebanon verifies fifteen hundred (1500) hours of instruction in the cosmetology curriculum, but no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to sit for the Tennessee cosmetology examination. Motion carried unanimously.

Tessa Turnbull, Morrison, Tennessee.

Application for reciprocity of aesthetician license presented for Tessa Turnbull. Ms. Turnbull has submitted a certification of licensure from the State of Washington along with a school transcript

verifies (640) hours of instruction in the aesthetician curriculum, but no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Pearl Walker to allow applicant to sit for the Tennessee exam for one (1) time only. If applicant passes the exam, applicant will then submit the licensure fees to the board office in order to receive the license. If applicant does not receive a passing score, then applicant will be required to complete one hundred ten (110) hours of instruction in the aesthetician curriculum and then sit for the Tennessee examination. Motion carried unanimously.

Narjes Younsi, Cordova, Tennessee.

Application for reciprocity of aesthetician license presented for Narjes Younsi. Applicant has submitted a translated certification of training session of Aesthetician-Cosmetician from Tunisia, but no transcript of hours of instruction or five (5) year work history were submitted.

MOTION made by Muriel Smith and seconded by Jenat Wormsley to request a transcript of hours of education and defer until requested documentation is received by the board office. Motion carried unanimously.

Comfort Kwakuyi, Clarksville, Tennessee.

Application for reciprocity of natural hair stylist license presented for Comfort Kwakuyi. Applicant has submitted a certification from Ghana with three (3) years training in the hair styling curriculum, but without hours of instruction to verify the education and further submitted a letter signed by the owner of Nana's Hairbraiding, Inc. in Fayetteville, NC stating that the applicant has worked as braider for six years, but no dates of employment provided.

MOTION made by Muriel Smith and seconded by Pearl Walker to table the request until a transcript of hours of education from Ghana and a certification of education hours and/or licensure from North Carolina is received by the board office. Motion carried unanimously.

Amanda Sewell, Sparta, Tennessee.

Application for reciprocity of cosmetology license presented for Amanda Sewell. Applicant has submitted a certification of licensure from Florida with twelve hundred (1200) hours of instruction in the cosmetology curriculum, but no five (5) years work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith to allow applicant to sit for the Tennessee exam for one (1) time only. If applicant passes the exam, applicant will then submit the licensure fees to the board office in order to receive the license. If applicant does not receive a passing score, then applicant will be required to complete three hundred (300) hours of

instruction in the cosmetology curriculum and then sit for the Tennessee examination. Motion carried unanimously.

#### **MISCELLANEOUS REQUESTS-**

Request by Audrey Standley to waive the reexamination requirement as a cosmetology applicant who failed to complete the application process within six months because she lost her paperwork through a move. She is just a month late pursuant to her letter.

MOTION made by Nina Coppinger and seconded by Muriel Smith to allow 30 days extension for applicant to complete the application process. Motion carried unanimously.

Request by Neta Mogensen to sit for the cosmetology examination. Applicant has provided a letter from a cosmetology school in Wisconsin where she completed seventeen hundred (1700) hours of instruction in the cosmetology curriculum in 1982.

MOTION made by Muriel Smith and seconded by Nina Coppinger to sit for the Tennessee cosmetology examination. Motion carried unanimously.

#### **OTHER REQUESTS-**

Request for field trip from Volunteer Beauty Academy in Madison, Tennessee to visit 3-4 elite spas (nail and full service salons) in Hendersonville, TN on December 12, 2012 to embrace the enforcements of the theory chapters on nail disorders, manicuring and pedicuring.

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

Request for field trip from Georgia Career Institute-Murfreesboro, TN to take students on November 21, 2012 to Hobby Lobby and Michaels to purchase supplies for portfolios.

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

#### **SEMINAR PROPOSAL REQUESTS-**

Request for a workshop approval of 2013 instructor seminar from Tennessee State University resubmitted with the additional information requested by the board for approval. The request provided the presenters and the Agenda and full content of the course description per hours in the Agenda presented.

Ms. Nina Coppinger advised that she is going to attend the seminar for East Tennessee and Ms. Linda Colley, Board Chairman will attend for Middle Tennessee, and Ms. Pearl Walker for West

Tennessee. Ms. Janet Wormsley requested to attend the East Tennessee seminar. Attorney Rachel Powers advised that only one board member can attend the seminar in order to be in compliance with the Public Meetings Act.

Members of the board advised that this seminar proposal provided only twelve (12) hours of instruction, but sixteen (16) hours of instruction seminar must be accounted in the proposal in order to approve the request, including, but not limited to provide details information about the materials that each instructor will teach at the seminar and further tabled the request until all information is received by the board office.

### **QUESTIONS FOR THE BOARD-**

1. School Student Hourly daily maximum per Rule 0440-1-.03(7) and TCA 62-4-120(b); Can a school offer a three (3) day ten (10) hours curriculum program to students?

MOTION made by Nina Coppinger and seconded by Walker to approve the request allowing a school to offer a three day ten hour per day program. Motion carried unanimously.

### **LEGAL REPORT- STAFF ATTORNEY**

#### **RE-PRESENTED MATTERS:**

- 1. 201201878-1**  
**First License Obtained: N/A**  
**License Expiration: N/A**  
**History: 201200921-1 Closed 06/08/12 with a Cease and Desist advisory notice**

This matter was previously presented at the October 1, 2012 board meeting as follows: *An August 16, 2012 Notice of Violation alleges the area inspector observed an individual practicing cosmetology in an unlicensed shop. The inspector advised that the shop is a wig store, but the customer who received the service did not have a wig. He further noted that there were two other work stations set up for service.*

*The Board previously issued a cease and desist advisory notice relative to this matter in June 2012. Board office records indicate no shop application has been received as of this date of this report.*

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

A response to the Consent Order was sent from the Respondent's counsel advising that the shop merely sells wigs and beauty supplies and does not perform cosmetology services on any person's natural hair. Further the Respondent's counsel advises the shop does not charge a fee for any adjustments or alterations to the wigs, but simply charges for the wigs sold (no cost is added for adjustments or alterations), which furthers their position that there would not be any



violation of the Cosmetology Act. The response states that the customer who was present at the time of the inspection did have a wig and the individual who provided the service was merely adjusting and trimming the wig, but not attempting to cut the natural hair of the customer. The Respondent represents that his business does not perform cosmetology services and further only sells a product, i.e., wigs and beauty supplies. The area inspector was contacted by board counsel to clarify the details in the Notice of Violation. The inspector advised that the employee at the Respondent shop was styling the client's hair and the client did not have a wig at the time of the inspection.

**Recommendation: Concur with the board's prior decision.**

**REGULAR REPORT:**

2.     **201202316-1**  
      **First License Obtained: 12/13/2011**  
      **License Expiration: 12/31/2013**  
      **History: No Prior Complaints**
  
3.     **201202314-1**  
      **First License Obtained: 08/15/2011**  
      **License Expiration: 08/31/2013**  
      **History: No Prior Complaints**
  
4.     **201202423-1**  
      **First License Obtained: 02/03/2012**  
      **License Expiration: 02/28/2014**  
      **History: No Prior Complaints**
  
5.     **201202437-1**  
      **First License Obtained: 09/22/2011**  
      **License Expiration: 09/30/2013**  
      **History: No Prior Complaints**
  
6.     **201202436-1**  
      **First License Obtained: 08/09/2011**  
      **License Expiration: 08/31/2013**  
      **History: No Prior Complaints**
  
7.     **201202435-1**  
      **First License Obtained: 01/30/2012**  
      **License Expiration: 01/31/2014**  
      **History: No Prior Complaints**
  
8.     **201202434-1**  
      **First License Obtained: 11/21/2011**  
      **License Expiration: 11/30/2013**

**History: No Prior Complaints**

9. **201202432-1**  
**First License Obtained: 01/20/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**
10. **201202430-1**  
**First License Obtained: 12/09/2011**  
**License Expiration: 12/31/2013**  
**History: No Prior Complaints**
11. **201202429-1**  
**First License Obtained: 01/31/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**
12. **201202440-1**  
**First License Obtained: 11/15/2011**  
**License Expiration: 11/30/2013**  
**History: No Prior Complaints**
13. **201202431-1**  
**First License Obtained: 11/29/2011**  
**License Expiration: 11/30/2013**  
**History: No Prior Complaints**
14. **201202441-1**  
**First License Obtained: 11/10/2011**  
**License Expiration: 11/30/2013**  
**History: No Prior Complaints**
15. **201202442-1**  
**First License Obtained: 01/10/2012**  
**License Expiration: 01/31/2012**  
**History: No Prior Complaints**
16. **201202425-1**  
**First License Obtained: 09/22/2011**  
**License Expiration: 09/30/2013**  
**History: No Prior Complaints**
17. **201202424-1**  
**First License Obtained: 01/26/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**

18. **201202439-1**  
**First License Obtained: 11/07/2011**  
**License Expiration: 11/30/2013**  
**History: No Prior Complaints**
19. **201202426-1**  
**First License Obtained: 11/29/2011**  
**License Expiration: 11/30/2013**  
**History: No Prior Complaints**
20. **201202428-1**  
**First License Obtained: 01/13/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**
21. **201202427- 1**  
**First License Obtained: 08/05/2011**  
**License Expiration: 08/31/2013**  
**History: No Prior Complaints**
22. **201202438-1**  
**First License Obtained: 08/29/2011**  
**License Expiration: 08/31/2013**  
**History: No Prior Complaints**
23. **201202448-1**  
**First License Obtained: 10/17/2011**  
**License Expiration: 10/31/2013**  
**History: No Prior Complaints**
24. **201202447-1**  
**First License Obtained: 10/24/2011**  
**License Expiration: 10/31/2013**  
**History: No Prior Complaints**
25. **201202446-1**  
**First License Obtained: 07/18/2011**  
**License Expiration: 07/31/2013**  
**History: No Prior Complaints**
26. **201202445-1**  
**First License Obtained: 12/19/2011**  
**License Expiration: 12/31/2013**  
**History: No Prior Complaints**
27. **201202444-1**  
**First License Obtained: 09/07/2011**

- License Expiration: 09/30/2013**  
**History: No Prior Complaints**
28. **201202443-1**  
**First License Obtained: 01/18/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**
29. **201202450-1**  
**First License Obtained: 12/19/2011**  
**License Expiration: 12/31/2013**  
**History: No Prior Complaints**
30. **201202451-1**  
**First License Obtained: 10/13/2011**  
**License Expiration: 10/31/2013**  
**History: No Prior Complaints**
31. **201202452-1**  
**First License Obtained: 10/31/2011**  
**License Expiration: 10/31/2013**  
**History: No Prior Complaints**
32. **201202453-1**  
**First License Obtained: 10/07/2011**  
**License Expiration: 10/31/2013**  
**History: No Prior Complaints**
33. **201202454-1**  
**First License Obtained: 08/31/2011**  
**License Expiration: 08/31/2013**  
**History: No Prior Complaints**
34. **201202455-1**  
**First License Obtained: 11/30/2011**  
**License Expiration: 11/30/2013**  
**History: No Prior Complaints**
35. **201202456-1**  
**First License Obtained: 01/24/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**
36. **201202457-1**  
**First License Obtained: 09/13/2011**  
**License Expiration: 09/30/2013**  
**History: No Prior Complaints**

**37. 201202458-1**  
**First License Obtained: 09/19/2011**  
**License Expiration: 09/30/2013**  
**History: No Prior Complaints**

**38. 201202459-1**  
**First License Obtained: 01/06/2012**  
**License Expiration: 01/31/2014**  
**History: No Prior Complaints**

**201202459-2**  
**First License Obtained: 08/02/2012**  
**License Expiration: 08/31/2014**  
**History: No Prior Complaints**

An administrative board office complaint has been filed against the above-referenced Respondents (licensees) alleging fraud in procuring reciprocity licenses. Upon review of the board office records, a letter was sent to each of the above Respondents requesting certifications of licensure from the reciprocal states or proof of education and licensure records. To date, no responses to the requests on the above cases have been received. Further, board legal counsel contacted each state from where the Respondent allegedly obtained the certifications of licensure and/or hours of education in order to review the possibility of administrative mistakes. All responses requested from the reciprocal states have been received - each of which certifies that, a license search was made for each Respondent listed and no records were found that indicate any Respondent is currently licensed or has ever been licensed with such states. A second letter was then sent to each Respondent notifying them of the initiation of a board office complaint, which included the additional information provided by each state and once again requested a response. No responses to the complaints have been received from the Respondents as of this date.

**Recommendation: Authorize a formal hearing on all of the above cases.**

**39. 201202433-1**  
**First License Obtained: 02/02/2012**  
**License Expiration: 02/28/2014**  
**History: No Prior Complaints**

An administrative board office complaint has been filed against the above-referenced Respondent (licensee) alleging fraud in procuring reciprocity license. Upon review of the board office records, a letter was sent to both Respondent and the reciprocal state requesting certifications of licensure or proof of education and licensure records. A response from the reciprocal state received certifies that a license search was made for the Respondent and no records were found that indicate the Respondent is currently licensed or has ever been licensed with the state. Accordingly, a second letter was sent to the Respondent notifying him of the initiation of a board office complaint. The letter included the additional information provided by the reciprocal state and once again requested a response.

The Respondent came into the board office and met with legal counsel who explained to the Respondent that an application for licensure was submitted and then a license was issued, but was never sent due to insufficient documentation. Legal counsel asked the Respondent about an application for the issued reciprocal cosmetology license and the listed education from California and provided the Respondent with copies of the letters sent and the California records. The Respondent denies any knowledge of the allegations and states he has never been in California and further verbally agreed to enter into a voluntary license revocation.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order for License Revocation.**

- 40. 201202220-1**  
**First License Obtained: 07/12/1965**  
**License Expiration: 04/30/2014**  
**History: Violation issued 07/22/00 Paid \$300.00 CP**

An October 1, 2012, complaint alleges the Respondent shop employs a very unprofessional cosmetologist who is unsanitary, horrible and makes defamatory statements about the Complainant (a prior coworker). Several examples were provided which explain the demeanor of the individual who is the subject of the complaint. A response to the complaint received from the owner of the Respondent shop states that since the Complainant voluntarily quit from the Respondent shop, the shop owner has been receiving letters from him which include accusations the Respondent owner has determined to be false.

**Recommendation: Close with no action.**

- 41. 201202503-1**  
**First License Obtained: 12/01/1994**  
**License Expiration: 05/13/2013**  
**History: Violation issued 11/24/99 Paid \$1,000 CP (Under previous owner)**  
**Violation issued 02/19/04 Paid \$500.00 CP (Under previous owner)**

A November 1, 2012 Notice of Violation alleges the area inspector observed two (2) individuals servicing clients without valid board-issued licenses in a licensed manicure shop. The inspector also observed the manager of the shop servicing a client without wearing an identification tag. Further, the inspector observed a washer and dryer which were visible to the public and dirty buffers and files improperly stored at the work stations.

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

- 42. 201202317-1**  
**First License Obtained: 03/21/1994**  
**License Expiration: 09/01/2013**

**History: Violation issued 11/07/95 Paid \$100.00 CP**

An October 23, 2012 complaint was received against the Respondent School by a student enrolled at the Respondent School. The Complainant alleges prior to starting school, she asked if would it be possible to transfer if she needed to transfer to another location depending on her schedule and she was advised by the Respondent School that she could. She then wrote a letter to request to transfer to another location sometime thereafter and the Respondent School refused to allow the transfer because of a lack of students at the particular location where she is enrolled. A response to the complaint received from the Respondent school states that the Admissions Representative advised all night manicure class students that there would need to be full enrollment because of the size of the class in order for the school to be able to offer the particular class. Further the response states that the students sign a contract and further the school is not required to amend the contract unless the schools chooses. In this case they do not allow students to change their schedules if they take the night manicure class and further contend the complainant was never told she would be allowed to change her schedule because of the limited amount of students enrolled in the particular night class.

**Recommendation: Close with no action.**

- 43. 2012023701**  
**First License Obtained: 03/05/2008**  
**License Expiration: 02/28/2014**  
**History: No Prior Complaints**

An October 25, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist (also the owner and the manager of the shop) coloring a client's hair while her personal license and shop license were both expired. Board office records indicate that both licenses have been now renewed.

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

- 44. 201202144-1**  
**First License Obtained: 07/08/2008**  
**License Expiration: 09/01/2013**  
**History: No Prior Complaints**

A September 18, 2012 complaint was received against the Respondent School by a student enrolled at the Respondent School. The Complainant alleges that the Respondent School failed to pay for her practical portion of the cosmetology test in a reasonable time subsequent to passing the theory portion of the test. A response received from the Respondent School states that the complaint fails to state a violation of the Board's rules and regulations, that the complaint is unfounded and adamantly denied by the Respondent School. Further the response requests the complaint be dismissed in its entirety without further action.

**Recommendation: Close with no further action.**

- 45. 201202371-1**  
**First License Obtained: 11/06/2012**  
**License Expiration: 09/30/2014**  
**History: No Prior Complaints**

A September 19, 2012 Notice of Violation alleges the area inspector observed the shop open for business and the owner of the shop (a licensed cosmetologist) styling a client's hair without passing the required inspection and obtaining a license to operate the shop. Board office records indicate that an application for shop license was received on 9/19/12 and approved on 11/6/12.

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

- 46. 201202312-1**  
**First License Obtained: 09/22/2010**  
**License Expiration: 03/31/2014**  
**History: 201202142-1 Closed 11/06/12 w/no action**

An October 7, 2012 consumer complaint received alleges that the Complainant received a prior pedicure service at the Respondent shop, where the pedicurist used a callus razor on her feet. When requesting this same tool during a different visit to the Respondent shop, the Complainant was told the pedicurist was not allowed to use the tool and further that the owner/manager was rude when advising this. The complainant states the Respondent shop owner is rude, unprofessional, hostile and condescending. A response received from the Respondent shop owner states that the shop never uses razors in their pedicures and further that when the owner advised the Complainant of the issue she became rude and raised her voice stating that no one should diagnose her.

**Recommendation: Close with no further action.**

- 47. 201202372-1**  
**First License Obtained: 11/07/2012**  
**License Expiration: 09/30/2014**  
**History: No Prior Complaints**

A September 19, 2012 Notice of Violation alleges the area inspector observed the shop open for business and the owner of the shop (a licensed cosmetologist) working on a client's nails without passing the required inspection and obtaining a license to operate the shop. Board office records indicate that an application for a shop license was received 9/20/12 and was approved 11/7/12.

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

- 48. 201202373-1**  
**First License Obtained: 10/14/1998**  
**License Expiration: 08/31/2014**  
**History: 201200221-1 Closed 05/17/12 w/\$500.00 CP Satisfied**



An October 4, 2012 Notice of Violation alleges the area inspector observed the shop open for business while no manager was present in a licensed cosmetology shop. The inspector found five (5) work stations set up for service, but only one (1) license posted in the shop. No services were being provided at the time of the inspection.

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

- 49. 201202375-1**  
**First License Obtained: 05/05/2008**  
**License Expiration: 06/30/2013**  
**History: 201003284-1 Dismissed 02/07/11**

An October 4, 2012 Notice of Violation alleges the area inspector observed three (3) individuals braiding hair at inspection time in a licensed natural hair stylist shop — two (2) of the individuals were practicing without valid board-issued licenses.

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

- 50. 201202376-1**  
**First License Obtained: 04/05/2007**  
**License Expiration: 03/31/2013**  
**History: 200901488-1 Closed w/ no action 08/11/09**  
**200902403-1 Closed w/\$4,000 CP Satisfied**  
**201200172-1 & 201200236-1 combined w/ case #201200244-1 (Under review by legal)**

An October 5, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual performing a pedicure on a client in a licensed cosmetology shop.

The board has previously authorized a formal hearing with authority to settle by Consent Order in a previous case against this Respondent shop at the March 5, 2012 board meeting. To date the Respondent shop has not accepted the settlement offer.

**Recommendation: Combine the case with the other pending cases where a formal hearing is authorized.**

- 51. 201202486-1**  
**First License Obtained: N/A**  
**License Expiration: N/A**  
**History: 201201005-1 closed 06/11/12 w/ Cease & Desist advisory notice**

An October 5, 2012 and an October 26, 2012 Notice of Violation both allege the following: the area inspector observed an unlicensed individual threading a client's eyebrows in an unlicensed shop. Board office records indicate that an application to license the shop was received on

10/16/12 and such application is still pending, as of this date. The allegations in both Notices of Violation do not constitute a violation of the Cosmetology Act of 1986.

**Recommendation: Close the case with no action and request the area inspector to complete the shop inspection within ten (10) days (if applicable).**

**52. 201202472-1**  
**First License Obtained: 08/25/2009**  
**License Expiration: 08/31/2013**  
**History: 201200230-1 closed 04/18/12 w/\$500.00 CP Satisfied**

An October 5, 2012 Notice of Violation reports that the area inspector observed a man performing a manicure service without a valid board issued license in a licensed manicure shop.

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

**53. 201202471-1**  
**First License Obtained: N/A**  
**License Expiration: N/A**  
**History under prior shop license: 200901988-1 Closed 01//08/2010 w/\$2,000.00 CP Satisfied**  
**201001750-1 Closed 02/17/2011 w/\$2,500.00 CP Satisfied**  
**201003458-1 Closed 05/25/2011 w/\$1,000.00 CP Satisfied**  
**201200325-1 Closed 06/15/12 w/Consent Order Revocation**

An October 16, 2012 Notice of Violation reports that the area inspectors entered the shop to find a nail customer receiving a manicure while no shop license was posted in the shop. Further, the shop manager admitted providing the service without a valid board license posted. Board office records indicate that the shop license was revoked pursuant to a Consent Order entered on 6/14/12. An application for a new shop license was received on 10/24/12 and such application is still pending as of the date of this report.

**Recommendation: Issue a CEASE and DESIST advisory notice with a request to the area inspector to complete the shop inspection within ten (10) days.**

**54. 201202473-1**  
**First License Obtained: 05/06/2011**  
**License Expiration: 04/30/2013**  
**History: No Prior Complaints**

An October 16, 2012 Notice of Violation states that the area inspector observed a licensed cosmetology shop open for business without a manager or a shop license posted. The two cosmetologists performing services at the time of the inspection were questioned by the inspector about the manager and stated that there was no manager at the time of inspection. Board office records indicate that the licensed shop has not updated the manager listed for the shop as of the date of this report.

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

**55. 201202474-1**  
**First License Obtained: 12/23/2010**  
**License Expiration: 12/31/2014**  
**History: No Prior Complaints**

An October 17, 2012 Notice of Violation states that the area inspector observed the owner of the licensed manicure and skin care shop performing services while his personal license was expired. The inspector also observed dirty buffers and files improperly stored and an unsanitary skin care room in the shop. Board office records indicate the owner does not hold a personal license.

**Recommendation: Issue a CEASE and DESIST advisory notice.**

**56. 201202475-1**  
**First License Obtained: 10/15/2001**  
**License Expiration: 10/31/2014**  
**History: 200801472-1 Closed 08/28/08 w/ \$500.00 CP Satisfied**

An October 18, 2012 Notice of Violation states that the area inspector observed a licensed cosmetology shop open for business with an expired shop license posted. The shop license expired 1/31/2012. Board office records indicate that shop license has been renewed.

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

**57. 201202476-1**  
**First License Obtained: 06/13/1990**  
**License Expiration: 05/31/2014**  
**History: No Prior Complaints**

An October 17, 2012 Notice of Violation states that the area inspector observed a master barber working in a licensed cosmetology shop. According to the departmental licensing records, the shop does not hold a barber shop license.

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

**58. 201202481-1**  
**First License Obtained: 07/11/1990**  
**License Expiration: 08/31/2014**  
**History: No Prior Complaints**

An October 23, 2012 Notice of Violation states that the area inspector observed an expired shop license posted in a licensed cosmetology shop. The inspector also observed an expired cosmetology license and further found two licensed cosmetologists practicing with dirty scissors and clippers in the shop. Board office records indicate that the shop license has been now renewed and the cosmetology license renewal fees have been received.

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

**59. 201202482-1**  
**First License Obtained: 09/01/2010**  
**License Expiration: 08/31/2012**  
**History: No Prior Complaints**

An October 18, 2012 Notice of Violation states that the area inspector observed a cosmetology shop open for business under an expired shop license, which expired 8/31/2012. The inspector further states that the manager's (also the owner) personal license was expired and was not present at the inspection time. Board office records indicate that both licenses remain expired as of this date of this report.

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

**60. 201202484-1**  
**First License Obtained: 03/22/2011**  
**License Expiration: 03/31/2013**  
**History: No Prior Complaints**

An October 25, 2012 Notice of Violation states that the area inspector observed a cosmetology shop open for business without the manager present at inspection time. The inspector also observed a small black dog present in the shop. The inspector also reports there were no customers and the shop was clean.

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

**61. 201202491-1**  
**First License Obtained: 04/12/1978**  
**License Expiration: 12/31/2014**  
**History: 200501759-1 Closed 11/03/05 w/\$500.00 CP Satisfied**  
**200504219-1 Closed 02/07/06 w/\$1,000 CP Satisfied**  
**200707221-1 Closed 02/08/10 w/\$2,000 CP Satisfied**

An October 15, 2012 Notice of Violation alleges the area inspector observed an individual coloring a client's hair without possessing a valid board-issued license in a licensed cosmetology shop.

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

**62. 201202492-1**  
**First License Obtained: 06/21/2012**  
**License Expiration: 06/31/2014**  
**History: No Prior Complaints**

An October 31, 2012 Notice of Violation alleges that the manager (also the owner) was not present at inspection time and the shop license was not posted in the licensed cosmetology shop. No services were being provided at the time of the inspection. The area inspector states that the owner came while she was at the shop.

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

**63. 201202501-1**  
**First License Obtained: 10/09/2006**  
**License Expiration: 08/31/2013**  
**History: 200802368-1 Closed 12/30/08 w/\$1,500.00 CP Satisfied**  
**201102624-1 Closed 12/13/11 w/\$1,000.00 CP Satisfied**

A November 1, 2012 Notice of Violation alleges the area inspector observed dirty floors, three (3) dirty work stations, four (4) pedicure chairs with build-up around the drain pipe and jets, nail dust and tips on the work stations and tools improperly stored in a licensed shop. Further, the inspector found an air mattress and a pillow in the back room of the shop.

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

**64. 201202502-1**  
**First License Obtained: 12/17/2002**  
**License Expiration: 08/31/2013**  
**History: 201102491-1 Closed w/ no action 11/15/11**

A November 2, 2012 Notice of Violation alleges the area inspector observed three (3) individuals servicing clients without wearing identification tags in a licensed manicure shop. The inspector also observed a hot wax machine with all tools necessary to perform waxing in the shop. Further, the inspector found a couch and a hammock in the rear of the shop and states that it appears someone was sleeping in the shop.

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

- 65. 201202504-1**  
**First License Obtained: 05/02/2003**  
**License Expiration: 04/30/2013**  
**History: No Prior Complaints**

A November 8, 2012 Notice of Violation alleges the area inspector observed dirty floors and walls in a licensed cosmetology shop. The inspector also found malfunctioning ultra violet sanitizer at the work station and unclean improperly stored tools and hair driers. The area inspector also stated this shop was given a previous verbal warning about the issues.

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

- 66. 201202505-1**  
**First License Obtained: 02/01/2010**  
**License Expiration: 10/31/2013**  
**History: 201200776-1 Closed 07/09/12 w/\$500.00 CP Satisfied**

An October 8, 2012 Notice of Violation alleges the area inspector observed buffers, dusters and drills which were improperly stored in a licensed manicure shop. The inspector also found unclean pedicure filters and manicure tables in the shop. No services were being provided at the inspection time.

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

- 67. 201202530-1**  
**First License Obtained: 10/29/2003**  
**License Expiration: 01/31/2004**  
**History: 201200374-1 Closed 09/21/12 w/\$500.00 CP Satisfied**

A November 16, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist cutting a client's hair without wearing an identification tag and another cosmetologist (the shop manager) was not wearing an identification tag in a licensed cosmetology shop. The inspector also observed black mold and crud build up around the jets and pipes in the pedicure chairs in the back of the shop.

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

- 68. 201202480-1**  
**First License Obtained: 12/15/1993**

**License Expiration: 08/31/2013**

**History: No Prior Complaints**

An October 26, 2012 Notice of Violation alleges the area inspector observed an individual servicing a client without a valid board-issued license in a licensed manicure shop. The owner admitted that the individual servicing the client was unlicensed. Further, the owner of the shop was performing a manicure without wearing identification tag. The inspector also found dirty buffers and files in the drawer at the work station.

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

**69. 201202529-1**

**First License Obtained: 05/18/2001**

**License Expiration: 12/31/2014**

**History: 200210814-1 Closed 10/31/02 w/ L.O.W**

**200602578-1 Closed 12/04/06 w/\$500.00 CP Satisfied**

A November 15, 2012 Notice of Violation alleges the area inspector observed two (2) licensed cosmetologists providing services without wearing identification tags in a licensed manicure shop. The inspector also observed inadequate wet sterilizer at the back sink; nail brushes, two (2) drill bits and nail dusters which were improperly stored and found a wax machine with all tools necessary to perform waxing services in the shop.

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

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of the legal report. Motion carried unanimously.

#### **COSMETOLOGY CONSENT ORDERS- NOVEMBER 2012-**

MOTION made by Nina Coppinger and seconded by Pearl Walker for approval of all consent orders. Motion carried unanimously.

#### **OTHER BUSINESS-**

Med Spa Study Group Meeting.

Attorney Rachel Powers advised the board that the SR94 group's next meeting will be held in January 2013 and that the Minutes for all meetings can be found at the Tennessee Department of Health's website.

**Motion to adjourn**

MOTION made by Muriel Smith and seconded by Pearl Walker to adjourn. Motion carried unanimously.