



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 June 24, 2013 at 9:00 a.m. in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Hucceby, Muriel Smith, Rufus Hereford, Pearl Walker-Ali and Judy McAllister.

Other present were: Roxana Gumucio, Executive Director, Rachel Powers, Program and Policy Director, Robert Herndon, Attorney for the Board, Hosam William, Paralegal and Betty Demonbreun, Administrative Assistant.

The 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 May 6, 2013 board meeting were submitted for changes and/or approval.

MOTION made by Judy McAllister seconded by Pearl Walker-Ali to approve the May Minutes with the update mentioned. Motion carried unanimously.

### APPEAR BEFORE THE BOARD-

#### **Robin Wilson, Expert Ease Consulting, LLC -- Continuing Education Seminar**

Robin Wilson and Ciara Gordon previously appeared before the board to present information for the board's approval of a continuing education seminar approved for instructors in June 2013. Ms. Wilson and Ms. Gordon are requesting approval of the same seminar on Saturday, August 10, 2013 and Sunday, August 11, 2013 in Gatlinburg, Tennessee, and again in Chattanooga, Tennessee on Saturday, October 12, 2013 and Sunday, October 13, 2013. Seminar information and resumes of instructors are provided.

Motion by Nina Coppinger and seconded by Pearl Walker-Ali to approve the continuing education seminar request as well as board member Nina Coppinger's attendance at the October seminar. Motion carried unanimously.

Robin Wilson and Ciara Gordon are requesting the board's approval of a continuing education seminar entitled "Setting the Future on Fire" for 2014 dates as follows: February 8-9; April 12-13; June 14-15; August 9-10; and October 11-12. Ms. Wilson and Ms. Gordon are requesting approval of a new seminar and all information is provided.

Motion by Nina Coppinger and seconded by Pearl Walker-Ali to approve only the February 8 and 9, 2014 date for the continuing education seminar request and table the remaining dates to allow the board to review the seminar evaluations and surveys for the new curriculum proposed. Motion carried unanimously.

### **SCHOOL APPLICATION –**

A school application has been received from Lisa Akbari Cosmetology Institute to be located in Memphis, Tennessee. The owner is Akbari Corporation. A surety bond, the floor plan, an example school application have all been received and all are provided. The floor plan includes 12,000 square feet as well as room for all curriculums. Pearl Walker-Ali address that the curriculum is missing salon management under the natural hair curriculum and the owner advised is will be taught and was inadvertently omitted from the documentation provided to the board.

Recommendation – Request owner provide all executed enrollment agreements and instructor information. Upon receipt board office is to send an inspector and board member for completion of inspections for final approval.

Motion by Rufus Hereford and seconded by Muriel Smith to send inspector and board member to inspect school. Motion carried unanimously.

A school application has been received from K.I. Academy to be located in Henderson, Tennessee. The owner is Rhoda Smith. A surety bond, the floor plan, twenty (20) school applications and the licensure fee have all been received and all are provided. The owner confirmed the school is 4,000 square feet and that she has not decided what to do relative to school fees.

Recommendation – Request enrollment agreement stating business decisions on cost and details of school administration.

Motion by Nina Coppinger and seconded by June Huckeby to deny school licensure application and have enrollment agreement presented at the August Board meeting for further consideration. Motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION-**

Applications for examination for Kimberly Biggerstaff, Martha Freeman, Latara Jenkins, Kimberly Lightfoot, Ashley Partida, Robert Soto, Demetrius Starks, Kendall Sweat, Trissa Sharp, Kami Ward, and Tylar Persley 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 Pearl Walker-Ali to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

## **INSTRUCTOR SEMINAR EXTENSION REQUEST-**

Request to extend continuing education from 2013 to 2014 for Patricia Ann Hunt because of surgery she had in May of 2013. She needs recovery time and wants to make a decision based on outcome from surgery. She last attended a seminar in 2011. Medical records are provided.

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

Request for extension from the 2013 instructor seminar for David Ephriam Gilbert due to incarceration until 2014. Mr. Gilbert provided a letter of explanation for his request.

Motion made by June Huckleby and seconded by Rufus Hereford to table the request until Mr. Gilbert can provide information relative to incarceration and an explanation for missing the 2012 continuing education. Motion carried unanimously.

## **MISCELLANEOUS REQUESTS-**

Request from Elise Mae Wingfield-Hurt to waive the six (6) month rule (0440-1.10(1)), which requires an applicant to retest if the licensure fee is not paid within six (6) months of passage of an examination. Ms. Wingfield-Hurt provided a letter in 2008 which explains her financial difficulty in paying and misunderstanding of the Rule. On August 4, 2008 the Board voted to decline her request – all documentation relative to this request is attached. Ms. Wingfield-Hurt also appeared before the board to discuss the details relative to her situation and the board asked questions relative to the testing situation and previous application submitted.

MOTION made by Nina Coppinger and seconded by June Huckleby to deny the request to waive rule 0440-1.10(1). Motion carried unanimously.

Request from Viviana Saucedo to waive the six (6) month rule (0440-1.10(1)), which requires an applicant to retest if the licensure fee is not paid within six (6) months of passage of an examination. Ms. Saucedo mailed her money order in January and thought the process to receive

her license took a few months. When she followed up, she learned her money order was not received. On April 25, 2013 she paid for a second time, but was 14 days past the six month period. All documentation relative to this request is attached and the information relative to the timeliness of her application is included.

MOTION made by June Huckeby and seconded by Muriel Smith to approve the request to waive rule 0440-1.10(1). Motion carried unanimously.

**FIELD TRIP REQUESTS- Ms. Smith requests all field trip requests be made in advance of the trip being taken by the school.**

Field trip request from Empire Beauty School for permission for the Tech class on June 12, 2013, to visit a salon in Cordova from 9:00 to 1:00, to study advance color and job search with Jeaneen Smith the educational facilitator.

MOTION made by June Huckeby and seconded by Pearl Walker-Ali to approve the request. Motion carried unanimously.

Field trip request from Empire Beauty School for permission for the Tech class on July 19, 2013, to visit Trichology Center in Memphis from 9:00 to 1:00, to study State Laws and State Boards with Jeaneen Smith the educational facilitator.

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve the request. Motion carried unanimously.

Field trip request from Georgia Career Institute for permission to take students to several salons and supply stores in Murfreesboro on May 28th, 2013, between 9:00 and 3:00.

MOTION made by June Huckeby and seconded by Nina Coppinger to approve the request. Motion carried unanimously.

Notification from Vatterott Career College to have a Student Appreciation Week and allow students to be out of uniform and field trip request from Vatterott Career College for students to visit Memphis Airport Inn on June 10, 2013 to attend a haircutting class.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to approve the request and acknowledge student appreciate week. Motion carried unanimously.

Field trip request from Virginia College School of Business in Knoxville, take students to salons, spas, nail shops and beauty stores the last Saturday of each month. The school advises that this will allow students to gain insight into what future employers look for and how the industry works.

MOTION made by June Huckeby and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Volunteer Beauty, Inc. for permission for students to visit several upscale salons and spas in the Gallatin and Hendersonville area.

MOTION made by June Huckeby and seconded by Pearl Walker-Ali to approve the request. Motion carried unanimously.

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

Application for reciprocity of cosmetologist license from Santurce, Puerto Rico for Athania Salomon Dieujuste. Certification from Puerto Rico verifies testing and licensure. Transcript from Puerto Rico Barber College verifies 1500 hours in the cosmetology curriculum and initial date of licensing in 1982.

Recommendation - is that the applicant be approved for a reciprocal cosmetology license.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from San Juan, Puerto Rico, for Carmen Arroyo Rivera. Certification from Puerto Rico verifies testing and licensure. Transcript from Maison D'Esthetique verifies 1500 hours in the cosmetology curriculum and initial date of licensing in 1999.

Recommendation - is that the applicant be approved for a reciprocal cosmetology license.

MOTION made by Judy McAllister and seconded by Nina Coppinger to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity manicurist license from California for Bich-Lieu Thi Tran. Certification verifies 400 hours of instruction in the manicurist curriculum and initial date of licensing in 2013.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Thu Minh Nguyen. Certification verifies 600 hours of instruction in the manicurist curriculum and initial date of licensing in 2005.

Recommendation - is that the applicant be approved for a reciprocal license.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Pennsylvania for Cuc Thi Le. Certification verifies current good standing of license and initial date of licensing in 2007. An Affidavit is provided stating ownership of Top Nails and work history in the industry since 1999.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from the Republic of Egypt for George Awad. Translated letter by Catholic Charities verifies completion of all required grades and initial date of licensing in 1989. Diploma provided for 1989 with license #365 and in 1994 The Beauty Academy of Egypt provided a second diploma. Many photos of brides and celebrities from Egypt are provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Muriel Smith and seconded by June Huckeby to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Kim Lan Sager from Texas. Certification verifies the applicant was licensed by examination with 600 hours and initial date of licensing in 2013 and is currently licensed. Transcript from Angel Beauty Academy is provided.

Recommendation - is that the applicant be approved for a reciprocal license.

MOTION made by Judy McAllister and seconded by Nina Coppinger to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Danvy Thymy Dong from Pennsylvania. Certification verifies the applicant was licensed by examination with 200 hours and initial date of licensing in 2006. Work history letter is provided from owner of shop stating start date as February 2008 through present.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Pearl Walker-Ali and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Karen Ngoc Han Nguyen with only 400 hours in the curriculum. Certification verifies initial date of licensing in 2008. License is currently active but no work history provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Rufus Hereford and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Hampshire for Beverly A. Quinn with 3000 hours in the curriculum. Certification verifies the applicant was licensed by examination with initial date of licensing in 1975. Letter of recommendation provided.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Chau Thi Ngoc Nguyen. Certification verifies initial date of licensing in 2003 and 400 hours in the manicurist curriculum. Tax returns are provided for years 2008 - 2012 stating occupations as nail care/manicuring.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of hair braider license from South Carolina for Khady Traore.

Certification verifies initial date of licensing in 2006. Letter from Center of Esthetics Beauty and Braid show 480 as apprentice hours.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Pearl Walker-Ali and seconded by Nina Coppinger to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from San Juan, Puerto Rico, for Miosotis Beauchamp. Certification from Puerto Rico verifies reciprocity. Transcript from Kreacion verifies 1500 hours in the cosmetology curriculum and initial date of licensing in 2000.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Ethiopia for Ayalnesh Asnake. Diploma from Niana School of Beauty verifies completion in 1999. Four letters of recommendation provided. No transcript with hours completed provided. No testing information provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Dieu Hien Thi Nguyen. Certification verifies initial date of licensing in 2013. This application was previously presented to the board in March 2013 and the board requested the applicant take the Tennessee examination. The applicant has requested reconsideration as additional information has been provided to clarify number of manicure hours taken, which include 604 classroom/1065 apprentice per the transcripts provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Rufus Hereford and seconded by Nina Coppinger to grant reciprocity recommendation. Motion carried unanimously.



Application for reciprocity of an aesthetics license from Oklahoma for Carrie Zaray. Certification from Oklahoma verifies 600 hours in the curriculum and an initial date of licensing in 2001. A letter from the applicant is also provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Minnesota for Lam T. Tran. Certification verifies 350 hours and initial date of licensing in 2012.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Minnesota for Chi K. Dinh. Certification verifies 350 hours and initial date of licensing in 2012.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Phung Minh Dinh from Arizona and California. California certification verifies the applicant was licensed by examination with 400 hours and initial date of licensing in 2008. Arizona certifies active licensure via reciprocity from California.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license for Amber Cannon from North Carolina. Certification verifies 1200 hours in the curriculum and initial date of licensing in 2006.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Syria for Reem Ourabi. Documentation provided verifies applicant completed 1600 hours in the curriculum at Premiere Beauty Academy in Damascus, Syria, in 2012.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Aaronz A. Le with 400 hours in the curriculum in 2001. Certification from Alaska verifies active licensure and initial date of licensing in 2011. Than Le transcript is provided from California; work history includes: 2012 W-2 in the industry in New York and at Pure Nail Bar in Maryville, Tennessee; 2011 W-2 from Regal Nail in New York and a tax return; 2010 work history includes a 1099 from the same Regal Nails and a tax return; 2009, 2008 tax return in the industry; does not show a full 5 year work history.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by June Huckeby and seconded by Muriel Smith to deny the recommendation and to deny the applicants reciprocity application to Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license for Khanh Tuan Vo from Texas. Certification verifies 600 hours in the manicurist curriculum from Beauty Models (previously Universal Beauty College) in Texas and passage of a written and practical examination. Board office records indicate Universal Beauty College sold hours to various applicants and later had its school license revoked by the Texas Board, this school later reopened as Beauty Models. The applicant has attached his transcript for verification.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for My Singleton from Texas. Certification verifies 600 hours in the manicurist curriculum from Beauty Models (previously Universal Beauty College) in Texas and passage of a written and practical examination. Board office records indicate Universal Beauty College sold hours to various applicants and later had its school license revoked by the Texas Board, this school later reopened as Beauty Models. The applicant has attached a transcript for verification.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Ngoc Dung Thi Huynh from Washington. Certification verifies 600 hours in the manicurist curriculum from Anthony's Beauty School in Washington and passage of a written and practical examination. Washington Board office disciplinary action records indicate Anthony's Beauty School sold hours to various applicants and its license is currently revoked by the Board. The Washington Board office was contacted to aid in verification of this individual's licensure and the contact advised the office records show the individual is licensed and passed the requisite examinations, but the applicant's hours were not vetted.

Recommendation - request the transcript of the student's hours be provided for additional information.

MOTION made by Nina Coppinger and seconded by Judy McAllister to table the request until the applicant to send in the transcript of hours obtained for consideration to the board. Motion carried unanimously.

Application for reciprocity of manicurist license for An Thi Nguyen from Washington. Certification verifies 600 hours in the manicurist curriculum from HOA's Beauty School in Washington and passage of a written and practical examination. Washington Board office disciplinary action records indicate HOA's Beauty School sold hours to various applicants and its license is currently revoked by the Board. The Washington Board office was contacted to aid in verification of this individual's licensure and the contact advised the office records show the individual is licensed and passed the requisite examinations, but the individual applicant's hours were not vetted.

Recommendation - request the transcript of the student's hours be provided for additional information.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to table the request until the applicant to send in the transcript of hours obtained for consideration to the board. Motion carried unanimously.

Application for reciprocity of cosmetologist license from India for Sonal Patel states applicant attended Palak Beauty in India and received 1800 hours. A diploma and other documentation is provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Linh Quan Bui from Alabama and California. Certification from Alabama verifies reciprocal licensure received from California in 2009. Verification of 400 hours is provided and 2012 tax return is provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetics license from California for Erica Paige provides applicant received 600 hours in the curriculum in 2009. California certification verifies 600 hours and initial date of licensure in 2010.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Puerto Rico for Suxiao Wu provides applicant received 1500 hours in the curriculum in 2001. Certification verifies 1500 hours and initial date of licensure in 2002.

Recommendation – approval.

MOTION made by Judy McAllister and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetics license from California for Chau Thi Ngoc Nguyen provides applicant received 600 hours in the curriculum from Christine K. Beauty School. California certification verifies 600 hours and initial date of licensure in 2012.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Van Chanh Nguyen provides applicant received 400 hours in the curriculum from International College. California certification verifies 400 hours and initial date of licensure in 2009.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Tracy Huynh provides applicant received 240 hours in the curriculum from School of Skin and Nails. Certification verifies 240 hours and initial date of licensure in 2011. Tax returns are provided for 2008 -- 2012, but are inconclusive due to date of licensure.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania and Virginia for Kristy Jones-Slappy. Virginia certification verifies reciprocal licensing from Pennsylvania from 2012 to the present and Pennsylvania certification verifies 1250 hours and initial date of licensure in 2010.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Nguyen Nguyen provides applicant received 400 hours in the curriculum in 1999. California certification verifies 400 hours and initial date of licensure in 1999. A work history letter is provided as well as tax records for 2007 through 2011. The applicant's information was previously presented for approval in February and the board voted the applicant test. At that time the tax records were not included in the applicant's information.

Recommendation - Approval.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Arizona by reciprocity from California and for Thanh T. Nguyen. California certification verifies 400 hours and initial date of licensure in 2012.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Rufus Hereford to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Thuy-Dung Thi Tran. Certification and transcript verifies 600 hours and initial date of licensure in 2013.

Recommendation – Approval.

MOTION made by Nina Coppinger and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Texas for Duc P. Luu. Certification and diploma verifies 1500 hours and initial date of licensure in 2012.

Recommendation – Approval.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicuring license for Hien Dieu Nguyen from Georgia. Certification verifies 525 hours and transcript verifies 604 hours and initial date of licensure in 2011.

Recommendation – Approval.

MOTION made by Nina Coppinger and seconded by Muriel Smith to deny the reciprocity recommendation and have applicant take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of manicurist license for Min Htet. Applicant is requesting reconsideration from the Boards February 2013 decision that he test. Applicant's certification verifies 600 hours in the manicurist curriculum from Universal Beauty College in Texas and passage of a written and practical examination. Board office records indicate Universal Beauty College sold hours to various applicants and later had its school license revoked by the Texas Board. The Texas Board office was contacted to aid in verification of this individual's licensure and the contact advised the Texas office records show the individual is licensed, that the school certified the hours were submitted by the school prior to license revocation, but the individual applicant's hours were not vetted. The applicant has attached his transcript for verification.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

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

MOTION made by Pearl Walker-Ali and seconded by Nina Coppinger for approval of the legal report items 1-5. Motion carried unanimously.

MOTION made by Nina Coppinger and seconded by Pearl Walker-Ali for approval of the legal report items 1-33, with the exception of a change to item number 26 to increase the penalty to \$2,000. Motion carried unanimously.

Motion made by Nina Coppinger and seconded by Judy McAlister for approval of closure of the remainder of the six (6) items on the legal report. Motion carried unanimously.

#### **COSMETOLOGY CONSENT ORDERS- June 2013- Totaling \$13,780.00**

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

## **OTHER BUSINESS-**

### **PSI Testing Approval Process Changes:**

Rachel Powers submitted an example electronic application to the board for review and explained the benefit previously discussed at the May meeting relative to electronic submission of the board testing applications to PSI. Rachel Powers requested the Board vote to approve the PSI proposed electronic application where all the schools can be noticed to get ready for the new process.

Motion made by Pearl Walker-Ali and seconded by Judy McAllister to approve the electronic application presented. Motion carried unanimously.

Rachel Powers also requested the Board vote to approve electronic application submission process submitted by PSI to shorten the application receipt and testing scheduling time to better aid applicants in the process.

Motion made by Rufus Hereford and seconded by Nina Coppinger to approve all student applications be allowed to be submitted by an electronic application submission process by schools as presented in the PSI database. Motion carried unanimously.

Rufus Hereford comments this will greatly help the school and the students.

**Charles Schneider, Commerce and Insurance Legislative Liaison** - Charles Schneider appeared before the board to discuss the new public chapters passed and the legislative process when statutory changes are enacted. Charles also addressed the board sunset government operations hearings which will occur in the fall.

**Public Chapter 477:** creates a new exemption for manicurists to provide service to homebound individuals and their caregivers.


**Public Chapter 447:** allows the board of cosmetology to license schools that specialize solely in natural hair styling, manicuring and the practice of aesthetics; this chapter also sets forth that the board establish rules and regulations that enables schools to develop courses and curriculum for receipt of fifty (50%) percent of the hours from classroom training and fifty (50%) percent from apprenticeship.


The floor was open for public comments, questions and concerns regarding Public Chapter 447 also known as Senate Bill No.109. The following individuals provided commentary: Phillip Gould, Tom Callahan, Dale Jones, Rick Wallace, Elizabeth Pierce, Gwyn Daniel, Michael Martin, Dominick DeLorenzo, Adimu Ali, Patty Patterson, and G.A. Hardaway. All individuals who had comments were opposed to the public chapter with the exception of Mr. Adimu Ali.

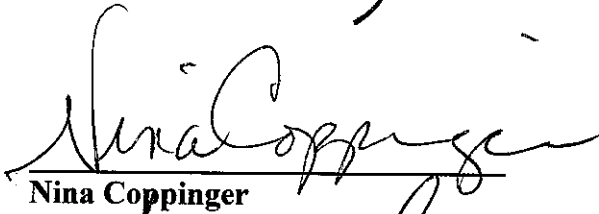


**Motion to adjourn**

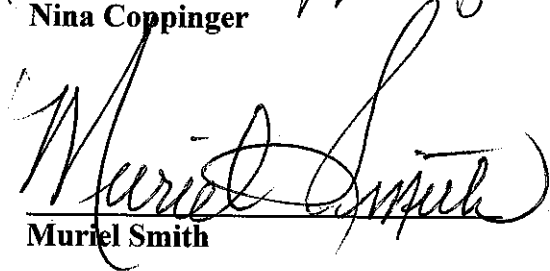
MOTION to adjourn made by June Huceby and seconded by Muriel Smith. Motion carried unanimously.

  
Linda Colley, Chairman

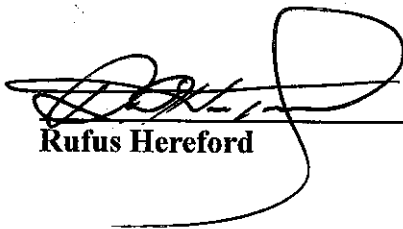
  
June Huceby

  
Nina Coppinger

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Pearl Walker-Ali

  
Muriel Smith

  
Judy McAllister

  
Rufus Hereford



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**TO:** Tennessee State Board of Cosmetology  
**FROM:** Robert E. Herndon, Assistant General Counsel  
**DATE:** June 24, 2013  
**SUBJECT:** Legal Report

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**PREVIOUS CASES WITH NEW INFORMATION**

**1. Case No.: L13-COS-RBS-2013003831**

**First License Obtained:** 11/14/2008  
**License Expiration:** 10/31/2014  
**Complaint history:** None

This matter was presented to the Board at its April 2013 meeting as follows: *A January 29, 2013 Notice of Violation alleges that the area inspector observed a licensed manicurist in a licensed manicure shop providing a pedicure on a client while her license was expired in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The inspector states that no one in the shop was wearing a name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]. Additionally, the inspector observed washer and dryer were visible to the public in violation of TENN. COMP. R. & REG. 0440—02—.09(1)(a) [Laundry Work].* Based on this information, the Board decided to authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$750.00. UPDATE: Legal received a letter from Respondent's attorney dated May 20, 2013 in which a request is made for the Board to reconsider the proposed civil penalty to settle the case. The reasons given were that, although the name tag allegation is admitted, the laundry appliances were concealed behind a

curtain that was installed at the recommendation of the previous inspection and the Respondent(s) believed that this was sufficient to comply with the Board's rules. Also, in response to the allegation of unlicensed conduct relative to providing manicure services, the letter asserts that the Respondent has "timely obtained the renewal of (the Respondent's) license but had failed to properly display the current unexpired license."

Recommendation: Maintain the decision to approve a formal hearing with authority to settle through a consent order with a reduced civil penalty of \$500.00 in recognition of the Respondent's apparent attempts to comply.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013004101**

**First License Obtained:** 03/21/1994  
**License Expiration:** 09/01/2013  
**Complaint history:** One (1) violation 11/07/95; \$100.00 CP

This matter was presented to the board at its May 6, 2013 meeting as follows: *The Notice of Violation alleges that the Respondent, a licensed cosmetology school, had at least one trainee teaching a manicuring and/or cosmetology class without an instructor present in violation of TENN. CODE ANN. § 62-4-122(b) (an instructor must be present when cosmetology courses are being presented). Additionally, the Respondent school allegedly violated the Board's sanitary rules (TENN. CODE ANN. § 62-4-122(g)(1) requires schools to comply with the Board's sanitary rules) by failing to have the inspection report posted [TENN. COMP. R. & REG. 0440-02-.05(2)]; failing to provide lighting on manicure tables (TENN. COMP. R. & REG. 0440-02-.06(1) requires manicuring only in rooms which are adequately lighted); failed to properly label all products [TENN. COMP. R. & REG. 0440-02-.07]; failed to ensure that all instructors were wearing proper name tags [TENN. COMP. R. & REG. 0440-02-.08(2)].* Based on this information, the Board decided to authorize a formal hearing with authority to settle by consent order with a civil penalty of \$250.00 for each of the five (5) violations, for a total civil penalty of \$1,250.00. UPDATE: Since the initial presentation, a more thorough review of the circumstances surrounding the Notice of Violation shows that the violations were almost immediately either corrected or were in the process of being corrected and that the evidence presented as violations was not detailed enough to support a formal hearing.

Recommendation: Rescind the consent order and issue a Letter of Warning to maintain compliance with all rules in recognition of the Respondent's efforts to comply.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**3. Case No. L12-COS-RBS-2012026181**

**First License Obtained:** 03/16/1992  
**License Expiration:** 07/31/2014  
**History:** No Prior Disciplinary Action

This matter was presented to the board at its February 4, 2013 meeting as follows: *A November 28, 2012 Notice of Violation alleges the area inspector observed a cosmetologist and a manicurist working on clients without wearing an identification tag in a licensed cosmetology shop in violation of administrative rule TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]. The inspector also observed a licensed master barber who stated that he has been working in the shop for approximately six weeks in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The inspector found dirty brushes in the barber's drawer at the work station. According to the departmental licensing records, the shop does not have a dual shop licenses. At the time, the Board accepted a recommendation to authorize formal hearing with authority to settle by Consent Order and a total civil penalty of a \$500.00. UPDATE: A review of the Board's records reveals that the area inspector has advised that this Respondent shop is no longer operating.*

Recommendation: Close the case and flag the Respondent's licensing file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**4. Case No. L12-COS-RBS-2012024821**

This matter was presented to the board at a previous meeting, at which time it was reported that an October 18, 2012 Notice of Violation indicated that the Respondent shop was open for business without a manager present in violation of TENN. CODE ANN. § 62-4-119 (Responsibilities of owner and manager of shop). At the time of presentation, the Board accepted a recommendation to authorize formal hearing with authority to settle by Consent Order and a total civil penalty of a \$500.00. UPDATE: A review of the Board's records reveals that the area inspector has advised that this Respondent shop is no longer operating.

Recommendation: Close the case and flag the Respondent's licensing file.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**5. Case N. L12-COS-RBS-2013002291**

**First License Obtained:** 06/25/2009  
**License Expiration:** 11/30/2014  
**Complaint history:** None

This matter was presented to the board at its March 4, 2013 meeting as follows: *A January 17, 2013 Notice of Violation alleges that the area inspector observed a licensed aesthetician was adding eye lash extensions to a client without wearing an ID tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE] and while the shop license was expired as of 11/30/2012 in violation of TENN. CODE ANN. § 62-4-118(a) (Operation of a shop). The inspector states that the licensee's license was not posted in violation of TENN. CODE ANN. § 62-4-113 (a)(1) (Display of license), and further found the owner's personal brushes were dirty and stored in closed container with her clean tools in violation of TENN. COMP. R. & REG. 0440—02—.13 [SANITATION AND DISINFECTION]. The shop license was renewed on 02/04/2013. At the initial presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$500.00. UPDATE: A review of the Board's records reveals that the area inspector has advised that this Respondent shop is no longer operating.*

Recommendation: Close the case and flag the Respondent's licensing file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

## **NEW CASES**

### **1. Case No.: L13-COS-RBS-2013009041**

<b><u>First License Obtained:</u></b>	<b>06/21/2012</b>
<b><u>License Expiration:</u></b>	<b>05/31/2014</b>
<b><u>Complaint history:</u></b>	<b>None</b>

A Notice of Violation issued on April 16, 2013 alleges that the Respondent, a licensed cosmetology shop, has utilized an unlicensed individual, that individual's license having expired on September 30, 2012, in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); failed to maintain a clean facility by exhibiting dirty floors in violation of TENN. COMP. R. & REG. 0440—02—.06(3) [FACILITIES]; had uncovered trash containers and failed to properly label all products in violation of TENN. COMP. R. & REG. 0440—02—.07(1) [EQUIPMENT]; failed to keep all tools and implements properly cleaned and sanitary in violation of TENN. COMP. R. & REG. 0440—02—.13 [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the five distinct violations, for a total civil penalty of \$1, 250.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013002991**

<b><u>First License Obtained:</u></b>	<b>10/15/2009</b>
<b><u>License Expiration:</u></b>	<b>09/30/2013</b>
<b><u>Complaint history:</u></b>	<b>L13-COS-RBS-2013003941; closed 06/21/13 w/\$500.00 CP</b>

A complaint submitted by a member of the public dated January 13, 2012 alleges that the Respondent, a licensed cosmetology shop, has utilized unlicensed individuals to provide cosmetology services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). An investigation was requested and conducted by a person that is not a Board inspector, and the results of which proved to be inconclusive.

Recommendation: Close with a Cease and Desist Order and a Letter of Warning against the use of unlicensed individuals.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**3. Case No.: L13-COS-RBS-2013003001**

<b><u>First License Obtained:</u></b>	<b>04/13/2012</b>
<b><u>License Expiration:</u></b>	<b>03/31/2014</b>
<b><u>Complaint history:</u></b>	<b>None</b>

A complaint submitted by a member of the public dated January 13, 2012 alleges that the Respondent, a licensed cosmetology shop, has utilized unlicensed individuals to provide cosmetology services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). An investigation was requested and conducted by a person that is not a Board inspector, and the results of which proved to be inconclusive. There is no complaint history for this Respondent.

Recommendation: Close with a Cease and Desist Order and a Letter of Warning against the use of unlicensed individuals.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**



**4. Case No.: L13-COS-RBS-2013003391**

**First License Obtained:** 02/03/2011  
**License Expiration:** 01/31/2013  
**Complaint history:** None

A complaint submitted by a member of the public dated January 13, 2012 alleges that the Respondent, a licensed cosmetology shop, has utilized unlicensed individuals to provide cosmetology services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). An investigation was requested and conducted by a person that is not a Board inspector, and the results of which proved to be inconclusive. There is no complaint history for this Respondent.

Recommendation: Close with a Cease and Desist Order and a Letter of Warning against the use of unlicensed individuals.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**5. Case No.: L13-COS-RBS-2013007571**

**First License Obtained:** 09/14/2012  
**License Expiration:** 08/31/2014  
**Complaint history:** None

A Notice of Violation issued on April 4, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to maintain a clean facility by exhibiting excessive trash on the floor and nail dust on exposed surfaces in violation of TENN. COMP. R. & REG. 0440—02—.06(2) & (3) [FACILITIES]; did not store towels in a proper container in violation TENN. COMP. R. & REG. 0440—02—.07(1) [EQUIPMENT]; failed to properly clean the foot bath(s) and keep instruments properly sanitized in violation of TENN. COMP. R. & REG. 0440—02—.13(2) & (6) [SANITATION AND DISINFECTION]; failed to properly label all products in violation of TENN. COMP. R. & REG. 0440—02—.07(1) [EQUIPMENT]; and was utilizing at least one employee who was not wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1) [ATTIRE]. There is no complaint history.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the five distinct violations, for a total civil penalty of \$1, 250.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**6. Case No.: L13-COS-RBS-2013003031**

**First License Obtained:** 11/15/1993  
**License Expiration:** 04/30/2014  
**Complaint history:** L94-COS-RBS-994, L94-COS-RBS-1008 and L94-COS-RBS-1017 closed w/no action 05/08/06; L96-COS-RBS-7245 Dismissed 05/06/96; L07-COS-RBS-2007083371, closed 11/27/07 w/\$250.00 CP pd; (4) closed complaints.

The complaint arises from a consumer complaint dated January 3, 2013 and alleges that the Respondent, a licensed cosmetology shop, was responsible for transmitting skin disorders due to improper disinfection of the shop's foot baths which, if true, would violate TENN. COMP. R. & REG. 0440—02—.13(6) [SANITATION AND DISINFECTION]. A letter was sent to the Respondent shop from the Board offices dated February 11, 2013 asking for a clarification of the allegations, but no reply was ever received.

Recommendation: Close with a Letter of Warning that all equipment must be maintained in sanitary condition.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**7. Case No.: L13-COS-RBS-2013006001**

**First License Obtained:** 02/08/2012  
**License Expiration:** 01/31/2014  
**Complaint history:** None

The complaint arises from a consumer complaint dated March 11, 2013 and alleges that the Respondent, a licensed cosmetology shop, employs unlicensed persons to provide manicure services which, if true, would violate TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The Respondent shop, in a written reply, addresses the Complainant's behavior while receiving services, but does not mention the allegation of the use of unlicensed persons. There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning that the use of unlicensed and/or unqualified persons to provide services is unlawful.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**8. Case No.: L13-COS-RBS-2013005341**

**First License Obtained:** 06/04/2009  
**License Expiration:** 05/31/2015  
**Complaint history:** L11-COS-RBS-2011007001, closed  
06/02/11 w/L.O.W

The complaint was filed as a consumer complaint dated February 23, 2013 and alleges that the Respondent, a licensed cosmetology shop, used improper methods to provide pedicure services and did not sanitize implements before providing these services which, if true, would violate TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION].

Recommendation: Close with a Letter of Warning that all equipment must be maintained in sanitary condition.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**9. Case No.: L13-COS-RBS-2013006011**

**First License Obtained:** 12/23/1995  
**License Expiration:** 11/30/2013  
**Complaint history:** L07-COS-RBS-2007058621, closed  
06/01/07 w/L.O.W; L12-COS-RBS-  
2012001791, closed 03/08/12 w/L.O.W.

The complaint was filed as a consumer complaint dated April 13, 2013 and alleges that the Respondent, a licensed cosmetology shop, used improper methods to provide pedicure services and did not sanitize implements before providing these services which, if true, would violate TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. In written reply, the Respondent shop denies any sanitary violations and expresses the desire to satisfy all customers, and regrets any dissatisfaction experienced by the Complainant.

Recommendation: Close with a Letter of Warning that all equipment must be maintained in sanitary condition.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**10. Case No.: L13-COS-RBS-2013009111**

<b><u>First License Obtained:</u></b>	<b>10/05/1995</b>
<b><u>License Expiration:</u></b>	<b>01/31/2015</b>
<b><u>Complaint history:</u></b>	<b>Violation issued 03/12/98, closed w/\$500.00 CP; violation issued 06/04/98, closed w/\$1,000 CP; L02-COS-RBS-2002089841, Dismissed 08/08/02; L08-COS-RBS-2008014761, Dismissed 02/07/11.</b>

A Notice of Violation issued April 25, 2013 alleges that the Respondent, a licensed manicure shop, was operating with unlicensed persons providing services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); was in possession of waxing equipment despite that the Respondent was only licensed to provide manicuring services in violation of TENN. CODE ANN. § 62-4-119(2) (licensees may only provide services for which they/it possess a proper license); failed to properly label all products in violation of TENN. COMP. R. & REG. 0440—02—.07(3) [EQUIPMENT]; failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(1) [ATTIRE]; and had the washer and dryer improperly placed next to a sink in violation of TENN. COMP. R. & REG. 0440—02—.09(1)(a) [LAUNDRY WORK].

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the five distinct violations, for a total civil penalty of \$1, 250.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**11. Case No.: L13-COS-RBS-2013008351**

**First License Obtained:** 10/08/2007  
**License Expiration:** 09/01/2013  
**Complaint history:** One discipline, 201000148-1, Closed  
11/29/10 w/ \$500 CP

The complaint alleges that the Respondent, a licensed cosmetology school, acted in an unprofessional way toward an enrollee. Specifically, aside from personality conflicts, the Complainant alleges that the school terminated her without justification, would not release her grades and demanded tuition payment for services received. Documentation from the Respondent school denies the personal allegations, and a letter dated May 1, 2013, addressed to the Board's offices, indicates that the Complainant's hours have been released and the tuition balance has been dropped "in an effort to resolve the situation."

Recommendation: Close and flag the Respondent's license file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**12. Case No.: L13-COS-RBS-2013008901**

**First License Obtained:** 03/21/1994  
**License Expiration:** 09/01/2013  
**Complaint history:** One (1) violation 11/07/95; \$100.00 CP;  
L13-COS-RBS-2013004101 (under  
review)

The complaint alleges that the Respondent, a licensed cosmetology school, acted in an unprofessional way toward an enrollee. Documentation in the complaint file does not indicate any disciplinary behavior on the part of the Respondent in its relations with the Complainant enrollee. **(This matter is the basis of a Title VI discrimination case.)**

Recommendation: Close and flag the Respondent's license file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**13. Case No.: L13-COS-RBS-2013007001**

<b><u>First License Obtained:</u></b>	<b>03/21/1994</b>
<b><u>License Expiration:</u></b>	<b>09/01/2013</b>
<b><u>Complaint history:</u></b>	<b>One (1) violation 11/07/95; \$100.00 CP; L13-COS-RBS-2013004101 (under review)</b>

The complaint alleges that the Respondent, a licensed cosmetology school, acted in an unprofessional way towards a current enrollee. From the complaint form that was submitted, it appears that the Complainant enrollee is experiencing personal differences with her director, a situation that is outside the Board's regulatory jurisdiction.

Recommendation: Close complaint for lack of disciplinary grounds.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**14. Case No.: L13-COS-RBS-2013007931**

<b><u>First License Obtained:</u></b>	<b>04/15/2009</b>
<b><u>License Expiration:</u></b>	<b>10/31/2014</b>
<b><u>Complaint history:</u></b>	<b>None</b>

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, is utilizing unlicensed persons to provide professional services; if true, this would constitute a violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The Respondent answers with a list of current employees and the accompanying license numbers. There is no inspection report for this business.

Recommendation: Close and flag the Respondent's license file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**15. Case No.: L13-COS-RBS-2013007921**

**First License Obtained:** 01/29/2007  
**License Expiration:** 08/31/2013  
**Complaint history:** L10-COS-RBS-2010034501, closed  
03/04/11 w/\$500.00 CP; L13-COS-RBS-  
2013009021 (under review)

This consumer complaint alleges that the Respondent, a licensed manicure shop, is utilizing unlicensed persons to provide professional services; if true, this would constitute a violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The Respondent answers with a list of current employees and the accompanying license numbers. There is no inspection report for this business.

Recommendation: Close and flag the Respondent's license file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**16. Case No.: L13-COS-RBS-2013007871**

**First License Obtained:** 03/26/1993  
**License Expiration:** 06/30/2011  
**Complaint history:** L12-COS-RBS-2012002381, closed  
05/29/12 w/\$500.00 CP

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, ignored the Complainant's requests, provided an incompetent service and did not accept responsibility for the errors in the Complainant's hair coloring in violation of TENN. CODE ANN. § 62-4-127(b)(2) (the Board may discipline a licensee for unprofessional, immoral or dishonorable conduct). In support of the allegations, the Complainant provides photographs of the results, which appear to be below industry standards. The Respondent did not reply to the allegations.

Recommendation: Close with a Letter of Warning to provide professional services at all times.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**17. Case No.: L13-COS-RBS-2013004091**

**First License Obtained:** N/A  
**License Expiration:** N/A  
**Complaint history:** None

This consumer complaint alleges that the Respondent, an unlicensed individual, is offering hair styling services without first obtaining the proper license in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). This is evidenced by the Complainant providing a screen shot of the Respondent's website that shows the offering of such services. There has been no answer from the Respondent.

Recommendation: Authorize a Cease and Desist Order.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**18. Case No.: L13-COS-RBS-2013005311**

**First License Obtained:** 08/06/2007  
**License Expiration:** 11/30/2013  
**Complaint history:** L09-COS-RBS-2009014041, closed  
08/27/09 w/ \$1,000 CP; L12-COS-RBS-  
2012002421, closed 05/11/12 w/L.O.W

This consumer complaint alleges that the Respondent, a licensed manicure and skin care shop, provided services for which the shop did not have a license in violation of TENN. CODE ANN. § 62-4-119(2) (licensees may only provide services for which they/it possess a proper license). Specifically, the complaint alleges that waxing services were provided when the license only allowed manicuring services to be offered. A review of the Board's records shows that the Respondent is licensed in both disciplines.

Recommendation: Close the case for lack of grounds for discipline.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**



**19. Case No.: L13-COS-RBS-2013004031**

**First License Obtained:** 04/13/2012  
**License Expiration:** 03/31/2014  
**Complaint history:** None

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, ignored the Complainant's requests, provided an incompetent service and did not accept responsibility for the errors in the Complainant's manicure treatment in violation of TENN. CODE ANN. § 62-4-127(b)(2) (the Board may discipline a licensee for unprofessional, immoral or dishonorable conduct). The Respondent did not reply to the allegations.

Recommendation: Close with a Letter of Warning to provide professional services at all times.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**20. Case No.: L13-COS-RBS-2013007861**

**First License Obtained:** 01/20/2012  
**License Expiration:** 11/30/2013  
**Complaint history:** None

**Note: The license information above belongs to the Respondent shop owner at the time the complaint was filed – this shop is now under new ownership since 04//26/2013 with a new shop license number issued.**

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, did not use proper antiseptic techniques while providing manicuring services in violation of TENN. COMP. R. & REG. 0440—02—.13(3) [SANITATION AND DISINFECTION]. A written reply from the Respondent insists that all applicable rules were followed in the course of providing this service. There is no complaint history for this Respondent.

Recommendation: Close with a Letter of Warning to strictly follow all of the Board's sanitary rules.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**21. Case No.: L13-COS-RBS-2013006971**

**First License Obtained:** 06/26/1991  
**License Expiration:** 09/30/2013  
**Complaint history:** L99-COS-RBS-9806, closed 01/19/99  
w/L.O.W

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, ignored the Complainant's requests, provided an incompetent service and did not adequately correct the errors in the Complainant's hair coloring in violation of TENN. CODE ANN. § 62-4-127(b)(2) (the Board may discipline a licensee for unprofessional, immoral or dishonorable conduct). In support of the allegations, the Complainant provides photographs of the results, which appear to be below industry standards. The Respondent did not reply to the allegations.

Recommendation: Close with a Letter of Warning to provide professional services at all times and to honor client requests.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**22. Case No.: L13-COS-RBS-2013004081**

**First License Obtained:** 12/11/1998  
**License Expiration:** 12/31/2014  
**Complaint history:** L10-COS-RBS-2010001541, closed  
03/10/10 w/L.O.W

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, is employing persons to provide hair styling services without first obtaining the proper license in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The Complainant describes the license on for the employee providing her haircut as having expired in February of 2009. There has been no answer from the Respondent.

Recommendation: Authorize a Cease and Desist Order against using unlicensed employees to provide services.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**23. Case No.: L13-COS-RBS-2013003951**

<b><u>First License Obtained:</u></b>	<b>03/29/2004</b>
<b><u>License Expiration:</u></b>	<b>03/31/2014</b>
<b><u>Complaint history:</u></b>	<b>Not Available</b>

A Notice of Violation issued February 1, 2013 alleges that the Respondent, a licensed manicure shop, was operating with an unlicensed person providing services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Authorize a Cease and Desist Order along with a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**24. Case No.: L13-COS-RBS-2013006061**

<b><u>First License Obtained:</u></b>	<b>12/02/2010</b>
<b><u>License Expiration:</u></b>	<b>04/30/2014</b>
<b><u>Complaint history:</u></b>	<b>L13-COS-RBS-2013004421 (Consent Order sent to Respondent and case is pending).</b>

The Complainant alleges that the Respondent, a licensed cosmetology shop, is employing unlicensed individuals to provide cosmetology services in violation of TENN. CODE ANN. §§ 62-4-108 and 62-4-119. Subsequently to the receipt of the complaint, the Complainant submitted a request to withdraw the complaint stating that he did not have all the facts to warrant any further action. There is a pending complaint on an unrelated matter for this Respondent, but otherwise there is no disciplinary history.

Recommendation: Dismiss the case for lack of disciplinary grounds.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**25. Case No.: L13-COS-RBS-2013006991**

<b><u>First License Obtained:</u></b>	<b>06/02/2008</b>
<b><u>License Expiration:</u></b>	<b>05/31/2014</b>
<b><u>Complaint history:</u></b>	<b>None</b>

The Complainant alleges that the Respondent, a licensed manicurist/skin care shop, is employing unlicensed individuals to provide services in violation of TENN. CODE ANN. §§ 62-4-108 and 62-4-119. Board office records indicate that a copy of the complaint and a request for response were sent to Respondent; however, no record of such response has been received as of this date of this report.

Recommendation: Authorize a CEASE and DESIST advisory notice regarding employing unlicensed individuals with warning provisions for the failure to respond to the complaint and close the case.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**26. Case No.: L13-COS-RBS-2013007561**

<b><u>First License Obtained:</u></b>	<b>10/07/2005</b>
<b><u>License Expiration:</u></b>	<b>09/30/2011</b>
<b><u>Complaint history:</u></b>	<b>None</b>

The Notice of Violation alleges that during the course of inspecting the Respondent's shop the area inspector observed the Respondent's shop license expiration date had been written over to read 09/30/2014 instead of 09/30/2011 in violation of TENN. CODE ANN. §§ 62-4-118(a) [Operation of a shop]. The inspector states that the owner/manager's cosmetology license expired as of 10/31/2012 in violation of TENN. CODE ANN. § 62-4-108. The inspector also noted sanitary violations that would apply if the shop had an active shop license. Board office records indicate that the Respondent's shop license had been expired since 09/11/2011 and remains 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 \$1,000 civil penalty for operating unlicensed shop and to CEASE and DESIST operating until a valid shop license is issued.

**Analysis: The Board wants to increase the civil penalty in consideration of the aggravating factor of deception. The expiration of the owner/manager's license and the expiration of the shop license will be considered two separate offences that carry the maximum civil penalty allowed.**

**Decision: Authorize a formal hearing with authority to settle by consent order with a payment of a \$1,000.00 civil penalty for each of the two expired licenses, for a total civil penalty of \$2,000.00, and to CEASE and DESIST operating until a valid licenses are obtained.**

**27. Case No.: L13-COS-RBS-2013007491**

**First License Obtained:** 05/02/2013  
**License Expiration:** 04/30/2015  
**Complaint history:** None

The Notice of Violation alleges that the Respondent shop has been operated under a new shop owner for two (2) months without first submitting an application for change of ownership and passing the required inspection in violation of TENN. CODE ANN. § 62-4-118(f)(1). Further, the inspector also observed a copy of manicurist license posted in the Respondent shop in violation of TENN. CODE ANN. § 62-4-113(a)(1). Board office records indicate that an application for change of ownership was received on 04/10/2013 and such application was approved on 05/02/2013.

Recommendation: Authorize a formal hearing with authority to settle by consent order with a civil penalty of \$250.00 for each of the two (2) violations, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**28. Case No.: L13-COS-RBS-2013008301**

**First License Obtained:** 08/05/2011  
**License Expiration:** 07/31/2013  
**Complaint history:** None

The Notice of Violation and accompanying inspection report alleges that the Respondent shop owner (also the manager) cosmetology license expired as of 03/31/2013 in violation of TENN. CODE ANN. § 62-4-108. According to the inspection report, the Respondent shop owner had a client at the time of the inspection. Board office records indicate that the license in question has been now renewed.

Recommendation: Authorize a Letter of Warning and close the case.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**29. Case No.: L13-COS-RBS-2013008311**

**First License Obtained:** 05/30/2012  
**License Expiration:** 05/31/2014  
**Complaint history:** None

The Notice of Violation and accompanying inspection report alleges that the area inspector observed seven (7) personal licenses were posted on the front wall of the Respondent shop and not at the holder's work station in violation of TENN. CODE ANN. § 62-4-113(a)(1) [Display of license]. The inspector also observed an unlicensed individual performing an acrylic service on a client's nails wearing someone else identification name tag in violation of TENN. CODE ANN. § 62-4-108. Further, the inspector states that no shop manager was present in violation of TENN. COMP. R. & REG. 0440—02—.03(2). Additionally, the inspector found nail dust on the manicure table and nail tips on the floor in violation of TENN. COMP. R. & REG. 0440—02—.06.

Recommendation: Authorize a formal hearing with authority to settle by consent order with a civil penalty of \$250.00 for each of the four (4) violations, for a total civil penalty of \$1,000.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**30. Case No.: L13-COS-RBS-2013008501**

**First License Obtained:** 12/01/1994  
**License Expiration:** 11/30/2014  
**Complaint history:** None

A Notice of Violation issued April 16, 2013 alleges that the Respondent, a licensed cosmetology shop, had no inspection sheet posted in the shop in violation of TENN. COMP. R. & REG. 0440—02—.05 (2) [INSPECTIONS]; and the washer and dryer were improperly placed in violation of TENN. COMP. R. & REG. 0440—02—.09 (1)(a), and that a trash can was open in violation of TENN. COMP. R. & REG. 0440—02—.14(1). The inspector states that the Respondent shop was previously verbally warned for similar violations in 2011.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the three distinct violations, for a total civil penalty of \$750.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**31. Case No.: L13-COS-RBS-2013008531**

**First License Obtained:** 03/23/2011  
**License Expiration:** 03/31/2015  
**Complaint history:** None

A Notice of Violation issued April 19, 2013 alleges that the Respondent, a licensed manicure shop, failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(1) [ATTIRE]; and was utilizing an unlicensed individual to provide manicure services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the two distinct violations, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**32. Case No.: L13-COS-RBS-2013008521**

**First License Obtained:** 11/26/2007  
**License Expiration:** 06/30/2015  
**Complaint history:** L10-COS-RBS-2010029631, closed  
01/21/11 w/\$1,000 CP

A Notice of Violation issued April 17, 2013 alleges that the Respondent, a licensed manicure shop, failed to ensure that a licensee was wearing the proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1) [ATTIRE]; and was utilizing a licensee who displayed a photo copy of his personal license in the shop in violation of TENN. CODE ANN. § 62-4-113(a)(1); failed to maintain a clean facility by exhibiting nail dust on exposed surfaces in violation of TENN. COMP. R. & REG. 0440—02—.06(2) & (3) [FACILITIES] and keep instruments properly sanitized and stored all in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]; was in possession of waxing equipment despite that the Respondent was only licensed to provide manicuring services in violation of TENN. CODE ANN. § 62-4-119(2) (licensees may only provide services for which they/it possess a proper license);



Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the four distinct violations, for a total civil penalty of \$1, 000.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**33. Case No.: L13-COS-RBS-2013007471**

<b><u>First License Obtained:</u></b>	<b>03/19/2009</b>
<b><u>License Expiration:</u></b>	<b>04/30/2015</b>
<b><u>Complaint history:</u></b>	<b>L10-COS-RBS-2010019331, closed 10/04/10 w/L.O.W</b>

A Notice of Violation issued March 27, 2013 alleges that the Respondent, a licensed cosmetology shop, was operating in a new location without submitting an application for change of location and passing the required inspection in violation of TENN. CODE ANN. § 62-4-118(d) [Operation of a shop]. Board office records indicate that an application for change of location was received on April 2, 2013, and such application was approved on April 24, 2013.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**RECIPROCITY CASES PRESENTED TO CLOSE**

**1. Case No.: L13-COS-RBS-2013010171**

<b><u>First License Obtained:</u></b>	<b>08/18/2011</b>
<b><u>License Expiration:</u></b>	<b>08/31/2013</b>
<b><u>Complaint history:</u></b>	<b>None</b>

**Decision: Approved.**

2. Case No.: L13-COS-RBS-2013010021

**First License Obtained:** 11/29/2011  
**License Expiration:** 11/30/2013  
**Complaint history:** None

**Decision: Approved.**

3. Case No.: L13-COS-RBS-2013010071

**First License Obtained:** 07/22/2011  
**License Expiration:** 07/31/2013  
**Complaint history:** None

**Decision: Approved.**

4. Case No.: L13-COS-RBS-2013010281

**First License Obtained:** 08/23/2011  
**License Expiration:** 08/31/2013  
**Complaint history:** L13-COS-RBS-2013010191 (Case received from staff-under review)

**Decision: Approved.**

5. Case No.: L13-COS-RBS-2013010111

**First License Obtained:** 01/26/2012  
**License Expiration:** 01/31/2014  
**Complaint history:** None

**Decision: Approved.**

6. Case No.: L13-COS-RBS-2013010181

**First License Obtained:** 09/29/2011  
**License Expiration:** 09/30/2013

**Complaint history:                      None**

**Decision: Approved.**

The above-referenced cases were investigated for reciprocity issues and were found to be properly awarded licenses; they are presented with a recommendation to close the cases.

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