



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 October 7, 2013 at 9:00 a.m. in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huckleby, Muriel Smith, Rufus Hereford, 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 June 24, 2013 were submitted and approved. Minutes for the August 5, 2013 board meetings were submitted but errors were discovered so minutes will be tabled until November meeting.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve the June 24, 2013 minutes and make corrections to the August 5 minutes for approval at the November meeting. Motion carried unanimously.

### APPEAR BEFORE THE BOARD-

#### **Rick Wallace and Chip Woods - TAB**

Mr. Rick Wallace, Member of the newly created Tennessee Association of Beauty Professionals (TAB) and Chip Woods, President of TAB, introduced the association and spoke on behalf of their members explaining their interest and future plans.

### **Kathy McKinney – Interstate Healthcare**

Ms. Kathy McKinney spoke about her experience with insurance coverage, the Aesthetics industry and answered questions about other States that have apprenticeship programs.

### **Ciara Gordon, Expert Ease Consulting, LLC -- Continuing Education Seminar 2014**

Ms. Gordon and Ms. Wilson requested the board reconsider their previous approval of only the February 8 and 9, 2014 date for the continuing education seminar. They have reviewed their positive evaluations and the cost to send marketing information for one session at a time and it is not worth their effort. They would like to be approved for all five sessions in 2014.

Motion by Rufus Hereford and seconded by Nina Coppinger to approve their request. Motion carried unanimously.

### **APPLICATIONS FOR EXAMINATION-**

Applications for examination for Lori Barnes, and Derrick Carey, Jacquelyn Ford, Gregory Mathis, Jason Matthews, Debbie McSpadden-Benson, Gary Helton, Lori Livingston, Christopher McGill, Marcus Martin, Lynsey Mullins, Lisa Simpson, Amelia Stem, Ashley Thacker and Jessica Rawlings who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation is submitted.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve each application for examination with a signed Agreed Order. The license file for Mr. Christopher McGill must be flagged and the Board notified if a complaint should arise. Motion carried unanimously.

### **INSTRUCTOR REQUEST FOR INACTIVE STATUS-**

Request to place instructor license in inactive status for Claudia Rourk due to disability as of 2010. She was unable to fulfill her continuing education requirement in 2011.

Motion made by Rufus Hereford and seconded by Judy McAllister to deny the request. Motion carried unanimously.

Request to place instructor license in inactive status for Amy McAllister because she is no longer working in the Cosmetology industry. She was unable to fulfill her continuing education requirement in 2013.

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

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

Request to extend continuing education from 2012 to 2014 for David Ephriam Gilbert due to incarceration. He was previously presented to the Board in June 2013 where additional information regarding the date of his incarceration was requested. Mr. Gilbert provided a letter explaining his situation.

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

Request to extend continuing education from 2013 to 2014 for Gail Wilson because she was laid off and has experienced financial difficulty.

Motion made by Nina Coppinger and seconded by June Huceby to deny the request. Motion carried unanimously.

Request to extend continuing education from 2013 to 2014 for Miranda Fay Rhodig because she was laid off and had other life events preventing her from doing her continuing education.

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

Request to extend continuing education from 2011 to 2013 for Rodney Adams. He was unable to attend the 2011 seminar as explained in his letter. He attended the seminar offered on August 11 and 12 of 2013 and is requesting we approve those 16 hours of continuing education.

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

Request to extend continuing education from 2013 to 2014 for Phyllis Williams. She signed up for the Knoxville seminar but went to the wrong location. The organizers were able to assist her with that expense but she has both health and financial hardships making the seminars outside of her area too difficult to complete.

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

## **MISCELLANEOUS REQUESTS-**

Request by Janie Wood Forgette 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. She took and passed her exams in February 2013 missing the requirement by a month and a half and under the rule she would need to retest. The Board office has received her application and payment.

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

Request by Tiffany N. Long 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 She took and passed her exams in April 2012. Due to financial difficulty Ms. Long was unable to pay for the license and missed it by one year.

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

Request by Wonyell Tanksley to waive the seven (7) year Law (Tenn. Code Ann. § 62-4-123), which requires a student complete the required courses and number of hours within that time period. She originally enrolled in 2007 and is currently at Chattanooga State but will not be able to complete the hours she started in 2007 until after January 2014. An email summarizing her situation is provided.

Motion made by Rufus Hereford and seconded by Muriel Smith to deny the request. Motion carried unanimously.

## **FIELD TRIP REQUESTS-**

Field trip request from Aveda Institute of Nashville to take students to the local venue called Avenue-Downtown Nashville for annual Breast Cancer Research Foundation fundraising event. The date of the event is Sunday October 27, 2013. The time allotted for the experience will be from 2pm-10pm. Students will be doing hair and make-up for the models in this event.

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

Buchanan Beauty College received invitation for senior students to attend redken color class. Our Shelbyville and Coffee County campuses will be take a field trip to Wayne's D'evan salon on Monday August 26, 2013.

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

Field trip request from Empire Beauty School for the Tech class to go on 08/06/2013 to 802 South Cooper. The educational facilitator is Billy at Basil Bailey Salon. The time allotted for the experience is from 9:00 to 1:00.

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

Field trip request from Empire Beauty Schools for Student Salon class to go on 09/17/2013 to Feed Children from 9:00 to 1:30. The educational facilitator that will be Carol Martin. The class curriculum during that week will be Management skills.

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

Field trip request from Empire Beauty Schools for the Student Salon and Tech classes of The Hair Design School-Memphis Highland to go on 09/17/2013 to 2124 E. Holmes Rd. from 9:30 to 1:30.

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

Field trip request from Empire Beauty Schools for the Student salon classes of the hair Design School-Memphis Highland to go on September 3, 2013 to 805 Trinity Road from Noon to 3:00 p.m.

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

Field trip request from Empire Beauty Schools for the Student Salon classes of The Hair Design School-Memphis Highland go on September 30, 2013 - October 14, 2013 to 804 S. Highland to Central and Highland Street between 10:15 a.m. and 12:15 p.m. Students will market and network for salon services in the community.

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

Field trip request from Empire Beauty Schools for Tech class to go on October 15, 2013 to 1119 Springdale Lynn's Salon 38108 from 8:00am to 2:00pm.

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

Field trip request from Empire Beauty Schools, Brentwood location requests permission to attend the First Annual Fashion & Hair Show event sponsored by the Nashville Predators. The event will take place on October 15th, 2013 from 11:00am to 1:00pm at the Bridgestone Arena.

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

Field trip request from GCI of Murfreesboro to take the freshman class to Ultra to do some networking with other cosmetologist and to learn about different products and how to retail them our trip is for October 14th, 2013.

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

Field trip request from GCI of Murfreesboro to take students to a church event to do nails at no charge for the church members.

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

Field trip request from GCI of Murfreesboro for Sunday October 20th and Monday October 21st to attend the Birmingham Hair and Nail Show for day and night students.

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

Field trip request from GCI of McMinnville for Katherine Blaylock, Instructor at GCI to take students to different clothing stores in our area to show them the difference in casual dress and professional dress in the profession and visit the salons in the area to show them how professionals dress.

MOTION made by Nina Coppinger and seconded by Rufus Herefors to deny the request. Motion carried unanimously.

Field trip request from The Hair Design School to take students on field trip on September the 3rd.

MOTION made by Nina Coppinger and seconded by Judy McAllister to deny the request until more information can be provided. Motion carried unanimously.

Field trip request from Paul Mitchell the School Nashville to give 16 hours for current students traveling to Atlanta, GA for Bronner Brothers Annual International Hair Show on August 17 & 18, 2013.

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

Field trip request from Paul Mitchell the School Nashville for one of the student run teams to assist with the Simplicity Group Photo Group. The event will be held on September 16, 2013 from 8:00am to 5:00pm.

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

Field trip request from Paul Mitchell the School Nashville and Murfreesboro on October 15, 2013 for 8 hours for our Future Professionals to attend a fashion show at Bridgestone Arena.

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

Field trip request from Paul Mitchell the School, Murfreesboro school has been asked to assist with hair/make-up services for a benefit fashion show, "Get Pink on Purpose", on Friday evening October 25th.

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

Field trip request from New Concepts School of Cosmetology for: Color Run -October 5, 2013, 2; Apple Festival -October 19 & 20, 2013 and Birmingham Hair show-October 19 & 20, 2013. These are community based events. The students would be handing out a list about the services offered and the cost, a card with their name on it, so they can market themselves out in the field. 3. Birmingham Hair show-October 19 & 20, 2013.

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

Field trip request from Remington College Nashville Campus COS III senior class requests permission to visit Uncle Classic Men's Barber shop on 10/28/2013 from 12-3pm. The purpose for this visit is a mock interview, resume review and stylist shadowing.

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

Field trip request from Tennessee Career Institute to take esthetics class on a field trip to Fort Lauderdale, FL to attend the IECSC skincare conference Sept. 22nd & 23rd. The students will benefit from the show by networking with other estheticians, they will be introduced to several skin care lines, and attend classes. Judine Bur keenis the instructor at TCI in Columbia and will be attending.

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

Field trip request from Sandra Academy of Salon Services, Inc. three trips: to attend Premiere Birmingham Hair Show. Students will view different career opportunities, obtain product knowledge, business networking. Location is Birmingham Jefferson Convention in Birmingham, AL on Sunday 9-6 and Monday 9-4. Attend Appalachian Training Center for Healing Arts, students will learn business skills, recognize different products, different massage manipulations, different facial technique. Location is Appalachian Training Center in Dandridge, TN from 10:00 am to 6:00pm. Attend Dermal Institute, students will receive: Product knowledge, Galvanic treatment, business knowledge, business networking, different skin types. Location is Dermal Institute of Atlanta from 10:00am to 3:00pm.

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

Field trip request from Universal Salon Academy to attend the Hair Show in Birmingham, AL on October 20th & 21st, 2013. The show is a 2 day event 9 hours each day, with seminars and classes being offered.

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

Field trip request from Vatterott Career College to attend The 3rd Annual Beauty & Barber Conference in Memphis on October 7th, 2013. The conference is tailored to students and professionals alike. Students will go to various seminars in haircutting, haircoloring, barbering, weaving, business, nails and make-up. Professionals will be in Memphis from all over the country imparting industry wisdom. Conference starts at 9am on October 7th, 2013 and last to 3pm. Location is downtown, at The Memphis Cook Convention Center.

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

Field trip request from Virginia College of Business and Health for late October to attend a hair club that does surgical and nonsurgical hair replacement. The objective is for the students to gain more information about career options in a private environment as a licensed stylist. Second request is to bring students to the November Board meeting.

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

Field trip request from Volunteer Beauty Academy to go to a CHI Hair Show in Bartlett, TN at the Bartlett Event Center 5785 Stage Rd in Bartlett, TN on Sunday October 13th from 1:00 pm to 5:00pm.

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



## **APPLICATIONS FOR RECIPROCITY-**

Application for renewal of manicurist license for Zetan Son. In 2011 Mr. Son was presented to the Board as a reciprocity applicant. The decision was to request he complete additional hours and take examination. He was at that time incorrectly issued a license and is now trying to renew. After review of all the information it is determined that he does meet the requirements. He has been working since 2011, has had no complaints and has paid for his 2013 renewal.

Recommendation – approval and mail his current license.

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

Application for reciprocity of manicurist license from Texas, for Xuan Ngoc Dang. Certification from Texas verifies licensure and initial date of May, 2013. Transcript confirms 600 hours.

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

MOTION made by Muriel Smith and seconded by Rufus Hereford to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas, for Tuyet Thi Dinh. Certification from Texas verifies licensure and initial date of May, 2013. Transcript confirms 600 hours.

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

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

Application for reciprocity of cosmetology license from Texas for Pamela Annette Hayes. Certification from Texas verifies licensure and initial license issued May 2002. Transcript from Exposito confirms 1,500 hours received.

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

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

Application for reciprocity of manicurist license from Texas, for Loan Kim Huynh. Certification from Texas licensure and initial date of May, 2013. Transcript confirms 600 hours.

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

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

Application for reciprocity of cosmetology license from Texas for Deann Michelle Kinser. Certification from Texas shows initial license was issued May 2008.

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

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

The Board members all agree to give Roxana Gumucio, Executive Director, permission to approve Texas Reciprocal applications unless there is an exception which would require board approval.

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

Application for reciprocity of aesthetician license for Tam Le from Texas. Certification verifies the applicant was licensed by examination and initial date of licensing is in April 2013. Transcript confirms 750 hours received at Beauty School of Dallas.

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

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

Application for reciprocity of cosmetology license from Texas for Cuc Thi Nguyen. Certification verifies the applicant was licensed by examination with initial date of licensing in February 2012. Her transcript confirms 1,500 hours received. Ms. Nguyen has had a Tennessee manicurist license since 1994

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

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

Application for reciprocity of manicurist license from Texas, for Huong Nguyen. Certification from Texas verifies licensure and initial date of May, 2013. Transcript confirms 600 hours.

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

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

Application for reciprocity of aesthetician license from Texas for Kim Lan Nguyen. Certification from Texas verifies licensure and initial date of May, 2013. Transcript from Pacific Beauty Academy confirms 750 hours.

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

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

Application for reciprocity of manicurist license from Texas for Nguyet Thi Pham. Certification from Texas verifies licensure and initial date of April, 2013. Texas also confirms hours received at BN Career Institute with over 600 hours.

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

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

Application for reciprocity of manicurist license from Texas for Trang T. Pham. Certification from Texas verifies licensure and initial date of April, 2012. Transcript confirms 600 hours.

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

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

Application for reciprocity of manicurist license from Texas for Huong Thi Tran. Certification from Texas verifies licensure and initial date of July, 2012. Transcript confirms 600 hours.

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

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

Application for reciprocity of aesthetician license from Texas for Linh T. Tran. Certification verifies licensing by examination and initial date is March 2013. Transcript from Beauty School of Dallas shows 750 hours received.

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

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

Application for reciprocity of manicurist license from Texas for Tuan Cong Tran. Certification from Texas verifies licensure and initial date of July, 2012. Texas online site confirms 600 hours.

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

MOTION made by Judy McAllister and seconded by June Huckeby to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Texas for Vinh Q. Tran. Certification from Texas verifies licensure by examination and initial date of March, 2013. Transcript from Beauty School of Dallas shows 750 hours received. Tennessee notarized application states 600 hours completed.

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

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

Application for reciprocity of manicurist license from Texas for Linda Tai Truong. Certification from Texas verifies initial licensure by reciprocity in 2007. Certification from New York verifies licensure by examination in 2005 with 250 hours. No work history or tax forms are provided.

Recommendation - is that applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Michigan for Afsaneh Mahmud Abdi. Certification verifies active license issued in April 2013. In November 2010 Board voted that

Ms. Abdi complete additional hours and take state board examination. She has attended Genesis Career College and completed her 1,500 hours. Applicant has tested and passed both exams in Michigan, however she still has not passed the Tennessee exams as required in 2010.

Recommendation - is that applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license from Texas for Thuy Lieu Bayiha was submitted to the Board at the August 2013 Board meeting. Ms. Bayiha was required to provide a transcript from her school for further consideration. She has provides certification from Texas of her 750 hours in aesthetics.

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

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

Application for reciprocity of manicurist license from Massachusetts for Tuong Hoai Ha was submitted to the Board at the August 2013 Board meeting. Applicant was required to provide proof of current active licensure to be considered for reciprocity. Certification from Georgia is active until 2015. Tax returns are provided for years 2008 - 2012 and name change document is provided.

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

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

Application for reciprocity of manicurist license from Texas for Anh Tuan Le was submitted to the Board at the August 2013 Board meeting. Applicant was required to contact Texas and rectify the issue with her social security number. Texas Enforcement Division was able to confirm by email and on the telephone that discrepancy with social security number was on their part and they corrected the number to match Tennessee's information.

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

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

Application for reciprocity of manicurist license from California for Tung M. Le. Certification verifies initial date of licensing in 2012 by examination. Required hours for manicurist license in California are 400.

Recommendation - is that applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Florida for Kim Kim Luu. Certification verifies applicant completed 500 hours and has a full specialist license since 2012 in Florida. A letter is provided from Apex Nails stating employment between 2007 and 2013; however Ms. Luu was not licensed during those years. She was presented to the Board in August 2013 and the recommendation was that she take the Tennessee examination. She has provided additional tax records showing work history in the industry but the address is not Florida or the years are for periods when she was not licensed to practice.

Recommendation - is that applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Puerto Rico for Thut Thanh Moran was submitted to the Board at the August 2013 Board meeting. Applicant was required to contact licensing office in Puerto Rico and request they send Board all appropriate documentation directly in sealed envelope. Additional certification was mailed in one envelope for several applicants directly to the Board.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Washington for An Thi Thu Nguyen. Certification verifies active license issued in May 2012. Ms. Nguyen was presented to the Board in June 2013 and was required to provide transcript of hours. HOA's Beauty Academy verifies 600 hours received in 2012. HOA's Beauty School is revoked per disciplinary action information provided by the Washington board office where applicant received educational hours.

Recommendation - is that applicant take the Tennessee examination.

MOTION made by Muriel Smith and seconded by Rufus Hereford to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Puerto Rico for Jenny Nguyen was submitted to the Board at the August 2013 Board meeting. Applicant was required to contact licensing office in Puerto Rico and request they send Board all appropriate documentation directly in sealed envelope. Additional certification was mailed in one envelope for several applicants directly to the Board.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Texas for Vy T. Nguyen. Certification verifies 600 hours and initial date of licensure in 2013. Ms. Nguyen was presented to the Board at the August 2013 Board meeting. Decision was that applicant take the Tennessee examination. She has provided the office a transcript from Pacific Beauty Academy showing 600 hours completed and would like to be reconsidered.

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

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

Application for reciprocity of instructor license from Belgium for Kathleen Ongena. Ms. Ongena has an active Tennessee cosmetologist license since 2011 when she took and passed both examinations. Transcript from 1997 is provided showing 860 hours toward instructor curriculum from Belgium. She is requesting permission to take the Tennessee examination for instructor license.

Recommendation - is that applicant take the Tennessee instructor examination.

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

Application for reciprocity of manicurist license from Pennsylvania for Cuong Phu Pham. Mr. Pham was previously presented to the Board in April 2013 and required to take the Tennessee examination. He has provided an active certification from Pennsylvania where he took the exam,

his certification from Alabama and transcript of 200 hours. He has also provided five years tax information and two letters from employers.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Puerto Rico for Trang N. Tran was submitted to the Board at the August 2013 Board meeting. Applicant was required to contact licensing office in Puerto Rico and request they send Board all appropriate documentation directly in sealed envelope. Additional certification was mailed in one envelope for several applicants directly to the Board.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of Cosmetologist license from Florida for Sonia R. Baez. Certification from Florida was issued in 1995 by reciprocity from New York. No certification is available from New York because original license was obtained in the early 1980's. Proof of name change and tax records from 2008 – 2012 are provided. Tax forms do not show occupation.

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

MOTION made by Rufus Hereford and seconded by Muriel Smith to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Pennsylvania for Brea Bidwell. Certification verifies licensure by examination and original date of licensure in February 2012.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from New York for Leslie Bonjour. Certification from New York verifies licensure by examination in 2007 and 1,000 hours but is



expired. Ms. Bonjour is also licensed in Texas and Kentucky. Letter from Regis Corporation confirms employment as hair stylist since 2008 as well as supporting tax records.

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

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

Application for reciprocity of aesthetician license from Oregon for Erin Buchholz. Certification verifies initial date of licensure by examination in 2008. No work history was provided and Oregon's requirement is 250 hours.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by June Huckeby to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Stacy Michelle Butler. Certification from Florida for 1,200 hours verifies initial date of licensure by examination in 2005. Work history provided is for 2004 through 2009.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license from California for Whitley Morgan Chapman. Certification verifies initial date of licensure in 2009 by examination. No work history or tax records are provided.

Recommendation – is that applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by June Huckeby to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Gabrielle Corder. Certification verifies 1,000 hours and initial date of licensure in 2012 by examination.

Recommendation – is that applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Arizona for Anginett Doyle (Nelson). Certification expired in 2012 however it verifies initial date of licensure from 1992 by examination. Ms. Doyle is unable to provide documentation to confirm name change. She explained that she does not have the funds to be reinstated in Arizona and would have to take their exam to bring license to active status.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Virginia for Salwa Sharaf Fadl. Certification from Virginia expired in 1987. Copy of the register and State certificate from 1981 shows she passed the examination. Ms. Fadl provided a letter explaining her years of working in the industry in Egypt and Kuwait where a license is not required. Also provided is a notarized letter from a salon in Egypt confirming her employment. In 2012 she moved to Tennessee and would like to start working again.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Florida for Euzilene Ferraz. Certification verifies 1,200 hours and initial date of licensure by examination in 2013.

Recommendation – is that the applicant take the Tennessee examination.

MOTION made by June Huckeby and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Danielle Harding. Certification verifies 600 hours and initial date of licensure by examination in 2011. License expired September 30, 2013 but was submitted to the Board before it expired.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license from Indiana for Rachel Langford. Certification verifies initial date of licensure by examination in 2004 and is active. Indiana requires 700 hours.

Recommendation – is that the applicant be approved for reciprocal license.

MOTION made by Muriel Smith and seconded by June Huckeby to deny recommendation. Applicant is to provide work history for previous consecutive five years or take Tennessee examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Tung Minh Le. Certification verifies 600 hours and initial date of licensure by examination in 2012.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license from California for Jenny Nguyen. Certification verifies initial date of licensure by examination in 2012 in California. Certification from Alabama is also active with initial licensure in June 2013.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from California for Jenny Nguyen. Certification verifies initial date of licensure by examination in 2006 in California. Certification from Alabama is also active with initial licensure in May 2013. Tax records are provided for 2008 – 2012 and show work history as manicurist. Address information on some of the tax forms include Virginia and Tennessee, States in which she is not currently licensed.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license from Florida for Nga Thi Nguyen. Certification from Florida verifies 500 hours, initial date of licensure by examination in 2008 and is currently expired. Certification from North Carolina shows licensure by examination issued in 2009 and expiring October 2013. No work history provided.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from California for Phuong Thao Thi Nguyen. Certification verifies initial date of licensure by examination in 2012.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Pennsylvania for Hung Vinh Ninh-Tran. Certification verifies initial date of licensure by examination in 2010. Notarized letters states Mr. Ninh-Tran worked in the industry since 2008 and tax records are provided. Pennsylvania requires 200 hours for manicurist license and five year work history cannot be acceptable given he was not licensed until 2010.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetics license from New Jersey for Sejal Patel. Certification verifies initial date of licensure by examination in 2011. Notarized letters states Ms. Patel worked in the industry since 2011.

Recommendation – is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from New York for Lee Alexandria Perel. Certification verifies initial date of licensure by examination in 2011. Transcript confirms 1,000 hours were received.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Florida for Lisa Pertee. Certification verifies initial date of licensure by examination in 2009 and 1,200 hours.

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

MOTION made by Nina Coppinger and seconded by Judy McAllister to deny recommendation. Applicant must take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of manicurist license from New York for Angela J. Pirowski. Certification states Ms. Pirowski was licensed by Grandparenting Clause in 2008 and is currently active. New York does not have records prior to 2008. Manicurist hours received are from 1990 and listed as 165, but could not be confirmed. Ms. Pirowski is currently licensed in Tennessee as an aesthetician. She passed both exams in June 2013.

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

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

Application for reciprocity of manicurist license from Kansas for Derek Truong. Certification verifies initial date of licensure by examination in 2005 and expired in 2011. Certification from Florida by reciprocity verifies initial date of licensure in 2006 and is active. Transcript confirming 350 hours is provided. 1099 tax forms between 2008 and 2012 are also provided but those forms do not reflect work industry information.

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

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

Application for reciprocity of cosmetologist license from Florida for Lisa Wamble. Certification verifies initial date of licensure by examination in 2011 and 1,200 hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Florida for Ha Tran White. Certification verifies initial date of licensure by examination in 2010 and 500 hours. Tax documents are provided from 2008 – 2012, work in industry is not clear and license was not valid during some of those years.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Florida for Priscilla Williams. Certification verifies initial date of licensure by examination in 2009 and 1,200 hours. Tax documents provided for 2008 show she was a student and 2009 and 2010 she worked in the industry.

Recommendation - is that the applicant take the Tennessee examination.

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

**LEGAL REPORT- Robert E. Herndon, Assistant General Counsel**

**PREVIOUS CASES WITH NEW INFORMATION**

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

**First License Obtained: 12/01/1994**

**License Expiration: 11/30/2014**

This matter was presented to the Board at its June 2013 meeting as follows: *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.* Board 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: The Respondent has sent in photographs of the nature of the trash cans and the location of the laundry equipment. From these pictures, it seems that the trash containers and laundry equipment locations are in compliance. Although these photos show an inspection sheet posted, it is impossible to know if the inspection sheet was properly located at the time of the inspection.

Recommendation: Maintain authorization for a formal hearing and reduce the offered civil penalty to \$250.00.

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013011921**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This matter was presented to the Board at its August 5<sup>th</sup>, 2013 meeting as follows: *A Notice of Violation issued on May 9<sup>th</sup>, 2013 alleges that the Respondent, an unlicensed business, is providing services to the public without first obtaining all the required shop and individual licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).* Based on this presentation, the Board approved a CEASE AND DESIST order and authorized a formal hearing with a settlement offer of \$500.00. UPDATE: The Consent Order was returned unclaimed, and an inspector was sent to investigate the status of the Respondent. It was discovered that the Respondent is no longer operating and the property is currently for sale.

Recommendation: Close the case with the option to reconsider the matter should new, relevant information arise.

**Decision: Approved.**

**3. Case No.: L13-COS-RBS-2013012901**

**First License Obtained: 04/27/2010**

**License Expiration: 03/31/2013**

**Complaint history: None**

This matter was presented to the Board at its August 5<sup>th</sup>, 2013 meeting as follows: *A Notice of Violation issued on May 9<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to ensure all employees were wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]; failed to keep all tools and implements properly sanitized and stored, nor were the clean towels separated from the dirty towels in violation of TENN. COMP. R. & REG. 0440—02—.13(2) and (7) [SANITATION AND DISINFECTION]; and failed to ensure that all trash containers were properly closed in violation of TENN. COMP. R. & REG. 0440—02—.14(1) [TRASH CONTAINERS]. There is no complaint history for this Respondent.* Based on this presentation, the Board authorized a formal hearing with a settlement offer via Consent Order of \$1,000.00. UPDATE: A review of the file indicates that "warning" was indicated on the Notice of Violation rather than "citation."

Recommendation: Rescind the Consent Order and issue a Letter of Warning based on the indication from the Notice of Violation and the lack of disciplinary history.

**Decision: Approved.**

**4. Case No.: L13-COS-RBS-2013009081**

**First License Obtained: 12/02/2010**

**License Expiration: 10/31/2014**

**Complaint history: None**



This matter was presented to the Board at its August 2013 meeting as follows: *A Notice of Violation issued on April 24<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that each licensed employee was wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE] and failed to keep all tools and implements properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.* Based on this information, the Board authorized a formal hearing with a settlement offer via Consent Order of \$500.00. UPDATE: The Respondent has submitted a written explanation that the nametag violation was due to an employee returning from lunch that moment and had not put it back on yet; services were not provided prior to reattaching it, and that the violation for a dirty brush was because the employee had just finished a client and was walking them to the cashier.

Recommendation: Rescind the Consent Order and issue a Letter of Warning based on the Respondent's reasonable explanation and the lack of disciplinary history.

**Decision: Approved.**

### **NEW CASES**

**1. Case No.: L13-COS-RBS-2013011881**

**First License Obtained: 08/13/2012**

**License Expiration: 06/30/2014**

**Complaint history: None**

A Notice of Violation issued on April 30<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, has utilized at least one unlicensed individual to provide cosmetology services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach), failed to maintain a clean facility by exhibiting excessive hair on the floor in violation of TENN. COMP. R. & REG. 0440—02—.06(3) [FACILITIES], failed to properly label all products in violation of TENN. COMP. R. & REG. 0440—02—.07(1) [EQUIPMENT], failed to obtain and utilize a wet sterilizer and to keep all tools and implements properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the four (4) observed violations, for a total civil penalty of \$1,000.00.

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013011821**

**First License Obtained: 03/19/2012**

**License Expiration: 03/31/2014**

**Complaint history: None**

A Notice of Violation issued on May 22<sup>nd</sup>, 2013, indicating a warning rather than a citation, alleges that the Respondent, a licensed cosmetology shop, failed to maintain a shop sign visible from the street in violation of TENN. CODE ANN. § 62-4-126 (Identification of school or shop), failed to maintain adequate ventilation in violation of TENN. COMP. R. & REG. 0440—02—.06(1) [FACILITIES] and failed to properly maintain adequate restroom facilities in violation of TENN. COMP. R. & REG. 0440—02—.07(1)(j) [EQUIPMENT]. There is no complaint history for this Respondent.

Recommendation: Issue a Letter of Warning based on the indication on the Notice of Violation.

**Decision: Approved.**

**3. Case No.: L13-COS-RBS-2013011861**

**First License Obtained: 04/10/2006**

**License Expiration: 03/31/2014**

**Complaint history: None**

A Notice of Violation issued on May 30<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to display a valid individual license at every work station in violation of TENN. CODE ANN. § 62-4-113(a)(1) (Display of license), failed to ensure that clean and dirty towels were in properly covered containers and failed to provide wet sanitizers at all stations in violation of TENN. COMP. R. & REG. 0440—02—.07 [EQUIPMENT], and failed to ensure that all tools and implements were properly

sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the three (3) observed violations, for a total civil penalty of \$750.00.

**Decision: Approved.**

**4. Case No.: L13-COS-RBS-2013012871**

**First License Obtained: 02/22/2001**

**License Expiration: 01/31/2015**

**Complaint history: None**

A Notice of Violation issued on May 3<sup>rd</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to display a current inspection report in violation of TENN. CODE ANN. § 62-4-118(a) (Operation of a shop) and failed to ensure that a licensed manager was on duty during operating hours in violation of TENN. CODE ANN. § 62-4-118(b)(1) (Operation of a shop).

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**5. Case No.: L13-COS-RBS-2013013101**

**First License Obtained: 07/30/2004**

**License Expiration: 09/30/2013**

**Complaint history: None**

A Notice of Violation issued on May 21<sup>st</sup>, 2013, indicating a warning rather than a citation and unaccompanied by an inspection report, alleges that the Respondent, a licensed shop, failed to display all individual licenses in violation of TENN. CODE ANN. § 62-4-113(a)(1) (Display of license), failed to keep trash containers covered in violation

of TENN. COMP. R. & REG. 0440—02—.07 [EQUIPMENT] and failed to maintain a clean wet sterilizer in violation of TENN. COMP. R. & REG. 0440—02—.07 [EQUIPMENT].

Recommendation: Approve a Letter of Warning based on the issued Notice of Violation indicating a warning.

**Decision: Approved.**

**6. Case No.: L13-COS-RBS-2013013081**

**First License Obtained: 05/11/2011**

**License Expiration: 04/30/2015**

**Complaint history: None**

A Notice of Violation issued on May 15<sup>th</sup>, 2013, indicating a warning rather than a citation and unaccompanied by an inspection report, alleges that the Respondent, a licensed manicure and skin care shop, was employing an individual whose license had expired in violation of failed to display all individual licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach), failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE], failed to properly clean buffers located at the work stations in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION] and failed to use an EPA-registered cleaning agent for the foot baths in violation of TENN. COMP. R. & REG. 0440—02—.13(6) [SANITATION AND DISINFECTION].

Recommendation: Approve a Letter of Warning based on the issued Notice of Violation indicating a warning.

**Decision: Approved.**

**7. Case No.: L13-COS-RBS-2013013781**

**First License Obtained: 12/13/2012**

**License Expiration: 11/30/2014**

**Complaint history: None**

A Notice of Violation issued on June 6<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, was employing at least two individuals who were providing waxing and manicure services without a valid license issued by the Board in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**8. Case No.: L13-COS-RBS-2013011811**

**First License Obtained: 04/27/2010**

**License Expiration: 03/31/2014**

**Complaint history: 2010019551, closed 02/10/12 w/ \$2,000 CP; 2013000131, closed 03/12/13 w/L.O.W**

This consumer complaint alleges that the Complainant received substandard manicure services, provided by an unlicensed person, at the Respondent manicure shop. A reply letter by the Respondent's owner denies that this person was ever serviced at the Respondent shop, and an inspection conducted shortly after the complaint was filed did not reveal any unlicensed persons providing services or any unsanitary conditions, and did not result in the Respondent receiving a Notice of Violation.

Recommendation: Close the case due to lack of probable cause for discipline with the option to reconsider the matter should new, relevant information arise.

**Decision: Approved.**

**9. Case No.: L13-COS-RBS-2013013771**

**First License Obtained: 03/21/1994**

**License Expiration: 09/01/2014**

**Complaint history: One (1) violation 11/07/95; \$100.00 CP; 2013004101; closed 07/15/13 w/L.O.W**

The complaint alleges that the Respondent, a licensed cosmetology school, acted in an unprofessional way towards a current enrollee. From the submitted documentation, it appears that the Complainant former student was dismissed after three suspensions, in accordance with the Respondent school's rules. A review of the records in the complaint file indicate that the Respondent's activities in this matter did not violate any of the Board's law and rules relative to meeting all minimum licensing requirements.

Recommendation: Close the case due to lack of probable cause for discipline with the option to reconsider the matter should new, relevant information arise.

**Decision: Approved.**

**10. Case No.: L13-COS-RBS-2013012921**

**First License Obtained: 02/23/2009**

**License Expiration: 05/31/2015**

**Complaint history: 2010019591, closed 11/29/10 w/\$1,000 CP**

A Notice of Violation issued on May 10<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, was employing at least two individuals who were providing professional services with expired licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**11. Case No.: L13-COS-RBS-2013012311**

**First License Obtained: 10/28/1993**

**License Expiration: 04/30/2015**

**Complaint history: L94-COS-RBS-1327, closed 05/08/2006 w/no action; 2005020821, closed 11/08/05 w/Letter of Instruction;**

**2006000571 closed 04/04/06 w/\$1,000  
CP; 2010017531, closed 10/29/10  
w/\$1,000; 2012011581, closed  
06/08/12 w/L.O.W**

A Notice of Violation issued on June 20<sup>th</sup>, 2013 alleges that the Respondent, a licensed manicure shop, was employing an unlicensed individual who was providing manicure services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); failed post its inspection report or have a manager present during working hours in violation of TENN. CODE ANN. § 62-4-118 (Operation of a shop); and was equipped to provide waxing services for which the Respondent is not licensed to provide in violation of TENN. CODE ANN. § 62-4-119(2) (Responsibilities of owner and manager of shop). Additionally, the following sanitary violations were observed: There was nail dust on the floor and manicure table tops in violation of TENN. COMP R. & REG. 0440—02—.06(2) & (3) [FACILITIES]; clean towels were not stored in closed containers in violation TENN. COMP R. & REG. of 0440—02—.07(3)(e) [EQUIPMENT]; and several tools and implements were not properly cleaned and stored in disinfected containers in violation of TENN. COMP R. & REG. of 0440—02—.13(2) [SANITATION AND DISINFECTION].

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the six (6) observed violations, for a total civil penalty of \$1,500.00.

**Decision: Approved.**

**12. Case No.: L13-COS-RBS-2013011891**

**First License Obtained: 11/22/2005**

**License Expiration: 06/30/2014**

**Complaint history: None**

A Notice of Violation issued on May 29<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, failed to display all individual licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach) and failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE]. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**13. Case No.: L13-COS-RBS-2013012791**

**First License Obtained: 05/05/2008**

**License Expiration: 04/30/2014**

**Complaint history: 2011024811, cl. 01/09/12, \$1,000 CP**

A Notice of Violation issued on April 26<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, was employing an unlicensed individual who was providing manicure services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach), and also failed to properly maintain its wet sterilizer and failed to properly label all products in violation of TENN. COMP R. & REG. of 0440—02—.07 [EQUIPMENT].

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**14. Case No.: L13-COS-RBS-2013012821**

**First License Obtained: 01/12/2009**

**License Expiration: 12/31/2012**

**Complaint history: None**

A Notice of Violation issued on April 23<sup>rd</sup>, 2013 alleges that the Respondent, an unlicensed shop, was providing services for which a license is required in violation of TENN. CODE ANN. § 62-4-118 (Operation of a shop). Specifically, the Respondent's shop license expired at the end of December of 2012 and was not renewed. An inspector observed barber activities, but there is no indication that any cosmetology services were being provided. There is no complaint history for this Respondent.



Recommendation: Approve a CEASE AND DESIST order against providing services for which a license is required until properly licensed.

**Decision: Approved.**

**15. Case No.: L13-COS-RBS-2013012801**

**First License Obtained: 07/24/2012**

**License Expiration: 06/30/2014**

**Complaint history: None**

A Notice of Violation issued on April 24<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, was employing an unlicensed individual who was providing manicure services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**16. Case No.: L13-COS-RBS-2013012841**

**First License Obtained: 07/18/2007**

**License Expiration: 07/31/2015**

**Complaint history: None**

A Notice of Violation issued on May 7<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE] and failed to properly clean brushes and store them in properly in violation of TENN. COMP. R. & REG. 0440—02—.13 [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**17. Case No.: L13-COS-RBS-2013016931**

**First License Obtained:** 02/26/2007

**License Expiration:** 02/28/2015

**Complaint history:** 2009005271, closed 05/22/09 w/\$1,500 CP

A Notice of Violation issued on August 15<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, was not properly maintaining tools and implements, but there is no inspection report to accompany the Notice of Violation, so there is no evidence in the complaint materials to indicate that the Respondent shop was properly informed of the specific violations and referred to the appropriate law and administrative rules.

Recommendation: Approve a Letter of Warning based on the issued Notice of Violation.

**Decision: Approved.**

**18. Case No.: L13-COS-RBS-2013016571**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This consumer complaint alleges that the Respondent, an unlicensed person, was providing manicure services for which a license is required in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The Respondent submits a letter in reply and includes written statements from family that all nail application activity is done as a hobby and without charge, and that no services are offered to the public as a business. The Complainant is a shop reporting that the Respondent is conducting an unlicensed business, for which there is no evidence. There is no complaint history for this Respondent.

Recommendation: Approve a CEASE AND DESIST order against providing services for which a license is required until properly licensed.

**Decision: Approved.**

**19. Case No.: L13-COS-RBS-2013016641**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This consumer complaint is a companion to the above complaint, and alleges an identical violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). The Complainant is a shop reporting that the Respondent, along with the above Respondent, is conducting an unlicensed business, for which there is no evidence. There is no complaint history for this Respondent.

Recommendation: Approve a CEASE AND DESIST order against providing services for which a license is required until properly licensed.

**Decision: Approved.**

**20. Case No.: L13-COS-RBS-2013014091**

**First License Obtained:** 07/24/2013

**License Expiration:** 06/30/2013

**Complaint history:** None

A Notice of Violation issued on June 5<sup>th</sup>, 2013 alleges that the Respondent, an unlicensed business, was operating a shop for which a license is required in violation of TENN. CODE ANN. § 62-4-118 (Operation of a shop). In the complaint documentation, the inspector states that the owner has advised that no further services would be offered to the public. There is no complaint history for this Respondent.

Recommendation: Approve a CEASE AND DESIST order against providing services for which a license is required until properly licensed.

**Decision: Approved.**

**21. Case No.: L13-COS-RBS-2013013421**

**First License Obtained:** 09/14/2012

**License Expiration:** 08/31/2014

**Complaint history:                      None**

This consumer complaint alleges that the Respondent, a licensed shop, was employing at least one unlicensed individual who was providing services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). An inspector was sent to confirm this allegation, and discovered that this was the case. The Respondent shop has confirmed understanding that all practitioners in the Respondent shop must be properly licensed. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**22. Case No.: L13-COS-RBS-2013016581**

**First License Obtained:                      N/A**

**License Expiration:                              N/A**

**Complaint history:                              None**

This consumer complaint alleges that the Respondent, an unlicensed individual, has attempted to obtain a license through the Board despite not meeting the minimum requirements. There is no evidence of the Respondent ever receiving a license or attempting to participate in the profession without a license. Additionally, there is no evidence in the complaint alleging any actual attempted practice. There is no complaint history for this Respondent.

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

**Decision: Approved.**

**23. Case No.: L13-COS-RBS-2013011561**

**First License Obtained:                      12/07/2012**

**License Expiration:                              10/31/2014**

**Complaint history:                              None**

This complaint alleges that the Respondent, a licensed shop, had been employing unlicensed individuals to provide professional services. The Complainant is a former employee that has come in conflict with the Respondent shop's ownership. There is no evidence from inspections or from the Board records that this Respondent has ever employed unlicensed persons. There is no complaint history for this Respondent.

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

**Decision: Approved.**

**24. Case No.: L13-COS-RBS-2013013061**

**First License Obtained: 10/29/2003**  
**License Expiration: 01/31/2014**  
**Complaint history: 2012003741, closed 09/21/12  
w/\$500.00 CP; 2012025301, closed  
01/14/13 w/\$500 CP**

A Notice of Violation issued on May 10<sup>th</sup>, 2013 alleges that the Respondent, a licensed shop, failed to display two individual licenses at work stations in violation of TENN. CODE ANN. § 62-4-113 (Display of license) and failed to ensure that an employee was wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE]. The Notice of Violation does not indicate that a citation was issued.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**25. Case No.: L13-COS-RBS-2013011411**

**First License Obtained: 12/20/2010**  
**License Expiration: 11/30/2014**  
**Complaint history: None**

This consumer complaint alleges that the Respondent shop was employing unlicensed persons at the time of her manicure service in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach), and/or the persons providing the services were

incompetent. There is no further evidence in the complaint file to support the allegation of unlicensed conduct, and there is no complaint history for this Respondent.

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

**Decision: Approved.**

**26. Case No.: L13-COS-RBS-2013016331**

**First License Obtained: 04/28/2000**

**License Expiration: 09/01/2014**

**Complaint history: 2003137671, closed 05/21/03 Dismissal; 2005018781 and 2005027821, closed 05/07/07 Dismissal; 2010002381, closed 12/06/10 w/ no action; 2010017621 w/ no action 10/20/10; 2010024651 closed 11/16/11 w/ L.O.W**

A Notice of Violation issued on July 18<sup>th</sup>, 2013 alleges that the Respondent, a licensed school, failed to ensure that all exposed surfaces and floors were kept clean in violation of TENN. COMP. R. & REG. 0440—02—.06 [FACILITIES], failed to ensure that all shampoo bowls were in working order in violation of TENN. COMP. R. & REG. 0440—02—.07(1)(a) [EQUIPMENT] and failed to ensure that soiled towels were properly contained in violation of TENN. COMP. R. & REG. 0440—02—.07(1)(c) [EQUIPMENT]. There is no formal disciplinary history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the three (3) observed violations, for a total civil penalty of \$750.00.

**Decision: Approved.**

**27. Case No.: L13-COS-RBS-2013011571**

**License Obtained: 12/01/2010**

**License Expiration: 10/31/2014**

**Complaint history:**

**2012003601 & 2011023581 closed  
6/18/12 w/\$2,000 CP; 2013011571,  
Pending**

This consumer complaint alleges that the Respondent, a licensed shop, provided incompetent services in the course of applying acrylic nails in potential violation of TENN. CODE ANN. § 62-4-127(b)(2) (Cause for suspension, revocation, or for denial of license); in this case for engaging in “unprofessional, immoral or dishonest conduct.” The Complainant provides a narrative and photographs of the result of these services. The Respondent has provided a written statement that a refund would be provided because of the Complainant’s injuries, but there is no evidence that this has occurred in the complaint file.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$1,000.00.

**Decision: Approved.**

**28. Case No.: L13-COS-RBS-2013013381**

**First License Obtained: 12/11/2009**

**License Expiration: 12/31/2013**

**Complaint history: 2011026361, closed w/ no action  
12/29/11**

This consumer complaint alleges that the Respondent, a licensed shop, was incompetent in the course of providing manicure services in potential violation of TENN. CODE ANN. § 62-4-127(b)(2) (Cause for suspension, revocation, or for denial of license); in this case for engaging in “unprofessional, immoral or dishonest conduct.” The Complainant provides a narrative and photographs of the result of these services. The Respondent has provided a written statement doubting its responsibility for this incident and does not indicate that a refund will be offered.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$500.00.

**Decision: Approved.**

**29. Case No.: L13-COS-RBS-2013015191**

**First License Obtained: 10/11/2011**

**License Expiration: 09/30/2013**

**Complaint history: 2012002801, closed 05/14/12 w/L.O.W**

A Notice of Violation issued on June 20<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop as well as a licensed barber shop, was allowing licensed cosmetologist to provide barbering services. At the time of the inspection, a barber was observed at the proper barber station, but razors were present at the five vacant cosmetology work stations. There was no unauthorized activity in progress at the time of the inspection.

Recommendation: Close the case with a Letter of Warning against providing professional services without the proper license.

**Decision: Approved.**

**30. Case No.: L13-COS-RBS-2013015231**

**First License Obtained: 10/10/2002**

**License Expiration: 12/31/2013**

**Complaint history: 2005026991, Dismissed 07/25/05**

A Notice of Violation issued on June 28<sup>th</sup>, 2013 and unaccompanied by an inspection report, alleges that the Respondent, a licensed shop, was allowing at least one unlicensed individual to provide professional services in potential violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning against providing professional services without the proper license.

**Decision: Approved.**



**31. Case No.: L13-COS-RBS-2013011431**

**First License Obtained: 03/11/2005**

**License Expiration: 03/31/2015**

**Complaint history: 2005033371, closed w/no action  
11/26/07; 2006011841, dismissed  
08/07/06; 2012002111, closed w/\$500  
CP**

This consumer complaint alleges that the Respondent, a licensed shop, was misleading in its pricing practices the course of natural hair styling services in potential violation of TENN. CODE ANN. § 62-4-127(b)(2) (Cause for suspension, revocation, or for denial of license); in this case for engaging in "unprofessional, immoral or dishonest conduct." The Complainant provides a narrative that the services provided on different occasions are priced somewhat higher at the time of service than when quoted at the time of appointment and that the Respondent's prices should be posted.

Recommendation: Close the case for lack of disciplinary grounds; business practices are not regulated as a minimum requirement for licensure.

**Decision: Approved**

**32. Case No.: L13-COS-RBS-2013013931**

**First License Obtained: 10/23/2006**

**License Expiration: 10/31/2014**

**Complaint history: None**

The complaint alleges that the Respondent obtained a cosmetologist license fraudulently by purchasing hours in violation of TENN. CODE ANN. § 62-4-127(b)(1) (Cause for suspension, revocation, or for denial of license). A subsequent investigation of the matter revealed that the Respondent had legitimately obtained a reciprocal Tennessee license through another jurisdiction. There is no complaint history for this Respondent.

Recommendation: Dismiss the case for lack of disciplinary grounds.

**Decision: Approved.**

**33. Case No.: L13-COS-RBS-2013012701**

**First License Obtained: 02/16/2011**

**License Expiration: 11/30/2013**

**Complaint history: None**

This consumer complaint alleges unsanitary practices in the Respondent's professional manicure services. The pictures provided by the Complainant are unclear. A letter submitted by the Respondent's owner states that because the owner was not present at the time of these services, there can be no dispute of the claims. However, the owner has taken remedial measures and required all remaining staff members to re-familiarize themselves with proper sanitation techniques. There is no inspection report that supports an unsanitary shop, and there is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning to abide by all required sanitary rules as prescribed by the Board.

**Decision: Approved.**

**34. Case No.: L13-COS-RBS-2013011551**

**First License Obtained: 08/21/1991**

**License Expiration: 05/31/2015**

**Complaint history: 2011023731, closed 02/17/12 w/\$500 CP**

This consumer complaint alleges that the Respondent, a retail outlet, employs an unlicensed person as manager of its cosmetics salon. In a written statement, the Respondent proves that its "acting manager" is fully licensed. Board records verify this assertion.

Recommendation: Dismiss the case for lack of disciplinary grounds.

**Decision: Approved.**

**35. Case No.: L13-COS-RBS-2013010331**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This consumer complaint alleges that the Respondent, a cosmetology student, has been employed at a salon and participating in providing professional services prior to obtaining a license in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). Other than the Complainant's allegation, there is no indication that the Respondent has been practicing as alleged. There is no complaint history for this Respondent.

Recommendation: Issue a CEASE and DESIST order and close the case with a Letter of Warning against providing any regulated services until properly licensed.

**Decision: Approved.**

**36. Case No.: L13-COS-RBS-2013011221**

**Case No.: L13-COS-RBS-2013011222**

**First License Obtained:** 06/01/2012

**License Expiration:** 07/31/2014

**Complaint history:** None

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

This consumer complaint is a companion case to number 35 above and alleges that the Respondent, a licensed shop, has been employing a cosmetology student to provide professional services prior to obtaining a license in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). Again, other than the Complainant's allegation, there is no indication that the Respondent has been practicing as alleged; a particular item is that the Complainant admits that, although being invited to visit the Respondent shop, the Complainant did not do so to verify this allegation. There is no complaint history for this Respondent.

Recommendation: Issue a CEASE and DESIST order against the Respondent shop and close the case with a Letter of Warning against providing any regulated services until properly licensed.

**Decision: Approved.**

**37. Case No.: L13-COS-RBS-2013011401**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This complaint alleges that the Respondent, an unlicensed person, has been providing mobile aesthetician services in violation of TENN. CODE ANN. § 62-4-125(d)(2) (Health and safety rules and regulations), which prohibits providing professional services outside of a school or shop. The Complainant provides no proof to support this allegation, and there is no response from the Respondent, nor does the Respondent have a complaint history.

Recommendation: Issue a CEASE and DESIST order against the Respondent shop and close the case with a Letter of Warning against providing any regulated services outside of the Board's requirements.

**Decision: Approved.**

**38. Case No.: L13-COS-RBS-2013016051**

**First License Obtained: 04/13/2011**

**License Expiration: 03/31/2015**

**Complaint history: None**

A Notice of Violation issued on July 19<sup>th</sup>, 2013 alleges that the Respondent, a licensed manicure shop, was employing an unlicensed person to provide manicure services in violation TENN. CODE ANN. § 62-4-108 (License required to practice or teach) and failed to ensure that all tools and implements were properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(3) [EQUIPMENT]. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**39. Case No.: L13-COS-RBS-2013014541**

**First License Obtained: 09/11/2008**

**License Expiration: 09/30/2014**

**Complaint history: None**

A Notice of Violation issued on July 11<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetologist without a shop license, failed to obtain a license prior to offering services to the public in violation TENN. CODE ANN. § 62-4-118(a) (Operation of a shop). There is no complaint history for this Respondent.

Recommendation: Approve a CEASE and DESIST advisory notice against operating a shop prior to becoming fully licensed.

**Decision: Approved.**

**40. Case No.: L13-COS-RBS-2013013761**

**First License Obtained: 12/19/2006**

**License Expiration: 09/01/2014**

**Complaint history: 2007066651, closed 08/07/07 w/L.O.W;  
2007070511, closed 08/07/07 w/L.O.W;  
2009020391, closed w/no action;  
2009025311, closed w/no action;  
2010029641, closed w/no action.**

The complaint alleges that the Respondent, a licensed school, has been utilizing unlicensed persons in the position of "instructor trainee." The Respondent states that this is due to advice from the Board that this practice is acceptable. The source of this advice is not verified. According to TENN. CODE ANN. § 62-4-102(a)(6), an "instructor trainee" is "any person who holds a valid cosmetologist's, manicurist's, aesthetician's or

natural hair stylist's license issued by the board who is engaged in a board-approved course in instructor training of at least three hundred (300) hours to be completed within a period of six (6) months, which course includes practice teaching in a school under the personal supervision of a licensed instructor." The Board does not have the discretion to deviate from this authority. This is no formal disciplinary history for this Respondent.

Recommendation: Close with a Letter of Instruction indicating the statutory definition of "instructor trainee."

**Decision:**

**41. Case No.: L13-COS-RBS-2013013071**

**First License Obtained: 09/11/2012**

**License Expiration: 08/31/2014**

**Complaint history: None**

A Notice of Violation issued on May 12<sup>th</sup>, 2013, alleges that Respondent, a licensed manicure shop, was employing at least two individuals who were providing manicure and pedicure services to clients and when the inspector came in, they walked out the back door of the Respondent's shop. The Respondent's shop was equipped tools and hot wax machine to provide waxing services for which the Respondent is not licensed to provide in violation of TENN. CODE ANN. § 62-4-119(2) (Responsibilities of owner and manager of a shop); and that tools, dirty buffers and files were not properly cleaned and stored in disinfected containers in violation of TENN. COMP R. & REG. of 0440—02—.13 [SANITATION AND DISINFECTION]. The Notice does not provide sufficient information regarding the two individuals in question. There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning.

**Analysis: This matter should follow the precedent set by other similar offenses.**

**Decision: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.**

**42. Case No.: L13-COS-RBS-2013013091**

**First License Obtained: 05/17/2007**

**License Expiration: 01/31/2015**

**Complaint history: None**

A Notice of Violation issued on May 15<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to display a valid individual license at a work station in violation of TENN. CODE ANN. § 62-4-113(a)(1) (Display of license); and that the licenses for two stylists were expired in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); failed to display the inspection sheet in violation of TENN. COMP. R. & REG. 0440—02—.05(2); failed to ensure that floors and exposed surfaces were clean in violation of TENN. COMP. R. & REG. 0440—02—.06(2), trash containers were opened in violation of TENN. COMP. R. & REG. 0440—02—.07(1)(c); tools and implements were not properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the six (6) observed violations, for a total civil penalty of \$1,500.00.

**Decision: Approved.**

**43. Case No.: L13-COS-RBS-2013013181**

**First License Obtained: 12/02/2010**

**License Expiration: 09/30/2014**

**Complaint history: 2013003991, closed 04/12/13 w/CEASE & DESIST Notice**

A Notice of Violation issued on May 31, 2013 alleges that Respondent, a licensed cosmetology shop, was providing cosmetology services while its license was expired as of September 30, 2012 in violation of TENN. CODE ANN. § 62-4-118(a). The Board has previously authorized a Cease and Desist notice regarding the same violation at its April 2013 meeting. Board office records indicate that the Respondent's shop license has been now renewed.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**44. Case No.: L13-COS-RBS-2013013791**

**First License Obtained: 02/22/2011**

**License Expiration: 02/28/2015**

**Complaint history: None**

A Notice of Violation issued on June 4, 2013 alleges that Respondent, a licensed cosmetology shop, was providing cosmetology services to a client while its license had been expired since February 28, 2013 in violation of TENN. CODE ANN. § 62-4-118(a). Board office records indicate that the Respondent's shop license has been now renewed.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**45. Case No.: L13-COS-RBS-2013013801**

**First License Obtained: 04/16/2007**

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

**Complaint history: 2012003981, closed 03/27/13 w/\$500 CP; 2012017631, closed 10/24/12 w/\$500 CP**

A Notice of Violation and accompany inspection report on June 4<sup>th</sup>, 2013 alleges that Respondent, a licensed manicure shop, was operating for business with no manager was present in the shop in violation of TENN. CODE ANN. § 62-4-118(b)(1); and that tools and implements were not properly cleaned and stored in violation of TENN. COMP. R. & REG. 0440—02—.13; and at least one licensee had no name tag on in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE].

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the three (3) observed violations, for a total civil penalty of \$750.00.



**Decision: Approved.**

**46. Case No.: L13-COS-RBS-2013013811**

**First License Obtained:**           **08/13/2012**

**License Expiration:**               **06/30/2014**

**Complaint history:**               **None**

A Notice of Violation issued on June 5<sup>th</sup> , 2013 alleges that Respondent, a licensed manicure shop, was operating for business with no manager was present in the shop in violation of TENN. CODE ANN. § 62-4-118(b)(1); equipped with a hot pot of wax to provide waxing services for which the Respondent is not licensed to provide in violation of TENN. CODE ANN. § 62-4-119(2) (Responsibilities of owner and manager of a shop). Additionally, there were dirty files in drawers and nail clips on towels, all in violation of in violation of TENN. COMP. R. & REG. 0440—02—.13 and 0440—02—.06 respectively; and failed to ensure that floors are clean in violation of TENN. COMP. R. & REG. 0440—02—.06(2),

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the three (3) observed violations, for a total civil penalty of \$750.00.

**Decision: Approved.**

**47. Case No.: L13-COS-RBS-2013013821**

**First License Obtained:**           **12/14/2009**

**License Expiration:**               **05/31/2014**

**Complaint history:**               **None**

A Notice of Violation issued on June 14<sup>th</sup> , 2013 alleges that Respondent, a licensed manicure shop, failed to display its shop license and inspection sheet in violation of TENN. CODE ANN. § 62-4-118(a) and TENN. COMP. R. & REG. 0440—02—.05(2); and failed to display at least three individual licenses at the work stations in violation of TENN. CODE ANN. § 62-4-113(a)(1) (Display of license); equipped with a hot of wax and tools to provide waxing services for which the Respondent is not licensed to provide in violation of TENN. CODE ANN. § 62-4-119(2) (Responsibilities of owner and manager of a

shop); and towels were improperly stored in violation of TENN. COMP. R. & REG. 0440—02—.13; and failed to use an EPA-registered cleaning in violation of TENN. COMP. R. & REG. 0440—02—.13 [SANITATION AND DISINFECTION]. Board office records indicate that the Respondent shop has been upgraded to manicurist/skin care shop in order to provide aesthetics services.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the five (5) observed violations, for a total civil penalty of \$1,250.00.

**Decision: Approved.**

**48. Case No.: L13-COS-RBS-2013013831**

**First License Obtained: 06/28/2012**

**License Expiration: 06/30/2014**

**Complaint history: None**

A Notice of Violation issued on June 6<sup>th</sup> , 2013 alleges that Respondent, a licensed manicurist/skin care shop, was employing unlicensed individual who was providing a manicure service in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**49. Case No.: L13-COS-RBS-2013013841**

**First License Obtained: 07/11/2011**

**License Expiration: 06/30/2015**

**Complaint history: None**

A Notice of Violation issued on June 6<sup>th</sup> , 2013 alleges that Respondent, a licensed manicurist/skin care shop, was employing at least one individual who was providing professional services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); trash containers were opened in violation of Tenn. Comp. R. & Reg.

0440—02—.07(1)(c); tools (buffers and files) were unclean at the work stations in violation of TENN. COMP R. & REG. of 0440—02—.13 [SANITATION AND DISINFECTION]; and failed to properly label all products in violation of TENN. COMP R. & REG. of 0440—02—.07 [EQUIPMENT].

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the four (4) observed violations, for a total civil penalty of \$1,000.00.

**Decision: Approved.**

**50. Case No.: L13-COS-RBS-2013013991**

**First License Obtained: 10/17/1996**

**License Expiration: 02/28/2015**

**Complaint history: None**

A Notice of Violation issued on June 7<sup>th</sup> , 2013 alleges that Respondent, a licensed cosmetology shop, was providing cosmetology services to clients while displaying an expired license dated February 28, 2011 in violation of TENN. CODE ANN. § 62-4-118(a). Board office records indicate that the Respondent's shop license has been now renewed.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**\_51. Case No.: L13-COS-RBS-2013014001**

**First License Obtained: 09/05/2003**

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

**Complaint history: Consent Order of \$1,000 satisfied on 04/01/2005; 2008021751, closed 02/23/10 w/\$2,000 CP**

A Notice of Violation issued on June 11<sup>th</sup> , 2013 alleges that Respondent, a licensed natural hair stylist shop, was operating for business while no manager was present in the shop in violation of TENN. CODE ANN. § 62-4-118(b)(1). Board office records indicate that the shop license had been expired since August 31, 2013.

Recommendation: Approve a CEASE and DESIST order and authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**52. Case No.: L13-COS-RBS-2013014011**

**First License Obtained: 03/28/2002**

**License Expiration: 09/30/2014**

**Complaint history: None**

This consumer complaint alleges that the Complainant received substandard hair services provided at the Respondent cosmetology shop, during the service the Complainant observed products for sale were covered in dust, and dirty towels. An inspection conducted shortly after the complaint was filed did reveal that tools and color bowls were not properly cleaned and stored, and wet sanitizer was not cleaned, all in violation of TENN. COMP R. & REG. of 0440—02—.13 [SANITATION AND DISINFECTION]; and name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE].

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00.

**Decision: Approved.**

**53. Case No.: L13-COS-RBS-2013014021**

**First License Obtained: 06/01/2011**

**License Expiration: 05/31/2013**

**Complaint history: None**

A Notice of Violation issued on June 13<sup>th</sup>, 2013 alleges that the area inspector observed the Respondent's shop license, which expired as of May 31, 2013, was displayed in a

different shop location. The inspector states that the shop had been opened under a new owner for over a month without an inspection in violation of TENN. CODE ANN. § 62-4-118(d). There is no indication that cosmetology or aesthetics services were being provided at the time of the inspection. There is no complaint history for this Respondent.

Recommendation: Authorize a CEASE and DESIST advisory notice and close the case.

**Decision: Approved.**

**54. Case No.: L13-COS-RBS-2013014161**

**First License Obtained: 02/02/2011**

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

**Complaint history: None**

This consumer complaint alleges that the Complainant received substandard manicure services, provided by an unlicensed individual, at the Respondent manicurist/ skin care shop. An inspection conducted shortly after the complaint was filed revealed that Respondent failed to ensure that at least two (2) employees were proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE]; was utilizing an unlicensed individual in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); and failed to properly clean and store cuticle nippers, drill bits, nail dusters on all five (5) manicure tables along with tools found in the aesthetician room that were not sanitized to perform waxing services, all in violation of TENN. COMP. R. & REG. 0440—02—.13 [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Approve the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the three (3) observed violations, for a total civil penalty of \$750.00.

**Decision: Approved.**

**RECIPROCITY CASES PRESENTED TO CLOSE**

**1. Case No.: L13-COS-RBS-2013010041**

**First License Obtained: 10/11/2011**

**License Expiration: 10/31/2013**

**Complaint history: None**

The above-referenced Respondent (a licensed cosmetologist) was investigated for reciprocity issue and license was found to be properly issued; it is presented with a recommendation to close the case.

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013010221**

**First License Obtained: 08/23/2011**

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

**Complaint history: None**

The above-referenced Respondent (a licensed cosmetologist) was investigated for a reciprocity issue. Upon review of the Board office records, a letter was sent to the Respondent requesting certification of licensure from the reciprocal state or proof of education and licensure records. Further investigation of this matter revealed that the Respondent's cosmetology license was approved based on the reciprocal state certification of licensure that, the Respondent received 1500 hours of instruction education, then a few months later, the Board office received a letter from the reciprocal state stating that the certification of licensure previously issued to Respondent was issued in error and that Respondent only obtained 400 hours as a licensed manicurist in their state. Further, Board legal counsel contacted the reciprocal state to provide proof of licensure and education, and a new certificate of licensure was received certified that the Respondent held a manicurist license which was expired on August 31, 2012 with only 400 hours of instruction in the manicurist curriculum. Board office records indicate that Respondent's cosmetology license has been expired since August 31, 2013.

**Recommendation: Close the complaint and flag the Respondent's license file; in the event of reapplication, the Respondent must be re-qualify and be approved by the Board in order to obtain a license.**

**Decision: Approved.**

**3. Case No.: L13-COS-RBS-2013010121**

**First License Obtained: 09/30/2011**

**License Expiration: 09/30/2015**

**Complaint history: None**

The above-referenced Respondent (a licensed manicurist) was investigated for a reciprocity issue. Upon review of the Board computer records, a request was made to the state of Texas where the Respondent allegedly obtained the certification of licensure and/or hours of education. Further, the state of Texas provided a certification of non-licensure indicating that the Respondent had no record of licensure. During the investigation and in the intervening time, it was discovered that certifications of licensure from the states of Texas and California were sent to the Board office. As such, Board counsel contacted the state of Texas in order to review the possibility of administrative mistakes, and provided the correct social security number along with the Texas license number for the Respondent – the state of the Texas responded that based on the social security number provided in the second request, they found a record for the Respondent where he was originally licensed on 03/02/2011 and expired on 03/02/2013. Accordingly, this case is recommended to be closed based on the fact that a valid certification of licensure was received during the initial application process and later verified by the state of Texas proving that the reciprocity license was properly awarded.

**Decision: Approved.**

**4. Case No.: L13-COS-RBS-2013010081**

**First License Obtained: 10/21/2011**

**License Expiration: 10/31/2015**

**Complaint history: None**

The above-referenced Respondent (a licensed aesthetician) was investigated for a reciprocity issue. Upon review of the Board office records, a letter was sent to the Respondent requesting certification of licensure from the reciprocal state and proof of

education. Further, a request was made to the state of Texas where the Respondent allegedly obtained the certification of licensure and/or received hours of education. The state of Texas provided a certification of non-licensure indicating that the Respondent had no record of licensure. During the investigation, the Respondent provided copies of the examination's result that she passed the facial' written and practical exams in Texas. The state of Texas was again contacted in order to review the possibility of administrative mistakes and later provided the correct licensure records for Respondent showing that Respondent was properly licensed in Texas. Accordingly, this matter is recommended to be closed as Respondent's aesthetician license was properly obtained.

**Decision: Approved.**

END OF DOCUMENT

**COSMETOLOGY CONSENT ORDERS- September 2013- Totaling \$7,750.00**

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

**OTHER BUSINESS-**

**2014 Board Meeting Schedule presented for approval**

<b>Month</b>	<b>Dates</b>
January	None
February	3-Feb
March	3-Mar
April	7-Apr
May	5-May
June	2-Jun
July	None
August	4-Aug
September	None
October	6-Oct
November	3-Nov
December	8-Dec



MOTION made by June Huckleby and seconded by Muriel Smith to approve the 2014 dates as presented. Motion carried unanimously.

### **PSI Online School Application Process:**

The three open house sessions went very well. On October 1<sup>st</sup> the online submission of completed hours from the schools directly to PSI started. There will be a webinar offered by PSI the last week of October and the date will be updated on the Boards website as well as an email notification sent to all signed up members. We are working out all the small details so that by January 2<sup>nd</sup> the process is smooth. Schools are calling with questions and that is exactly what we expected.

At the August Board meeting several questions were raised:

- The review of questions for the test is going to happen in the first quarter of 2014. PSI will be requesting a list of Subject Matter Experts (SME'S) to participate in the meeting. This will include Board members, the Director, PSI staff and others representing the industry that the office selects. These meetings usually last at least two days. Lynn Thomas already has this on her agenda and will be guiding us through the steps.
- The discussion about using NIC testing came up and our conclusion is that the Board moved away from it because we are not able to make it State specific and there is no flexibility. PSI does offer the NIC exam, if we decide to reconsider it.
- Currently exams in other languages are offered by PSI in other States we are continuing to have discussions about incorporating that into our options. Our exams are similar to what is offered in Texas so that's what we will be looking at.

### **2013 School Renewal:**

All schools have been renewed. Remote audit process went well. Only two schools have pending items which will be resolved this week.

### **Inspector training for 2013:**

This year's inspector training was September 30<sup>th</sup>. The two Boards have 10 Field Inspectors. They all commented having gotten a lot out of the training. We did it with hands on computers and plenty of assistance. All shops and schools are divided between the counties and inspectors receive excel spreadsheets of their area. There is one area without an inspector therefore three inspectors have been covering that territory. We should be able to finish 2013 with all shops inspected. To do so, those who have completed their shops will assist the more populated counties. In 2014 counties will be re-distributed. All inspectors will receive new professional looking badges.


### **Customer Focus Government:**

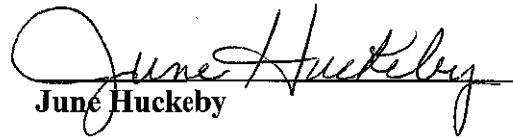
Customer-Focused Government (CFG) is one of Governor Bill Haslam's initiatives to assure Tennesseans receive the very best service for the lowest possible cost. All Board staff and field inspectors completed their training on October 1<sup>st</sup> taking advantage of the inspectors being in Nashville. Staff came out of it very positive, motivated and clear on how to better serve the

public. There is an online tracking system available to the public at <http://tn.gov/governor/cfg> with metrics. Promoting transparency and accountability is key to this initiative.

**Motion to adjourn**

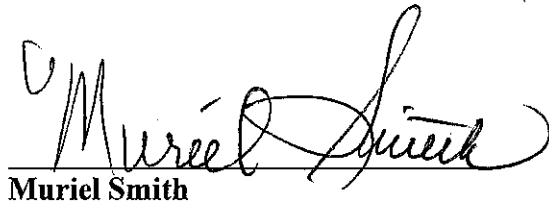
MOTION to adjourn made by June Huckleby and seconded by Judy McAllister. Motion carried unanimously.

  
Linda Colley, Chairman

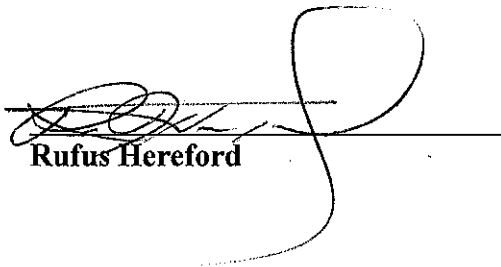
  
June Huckleby

  
Nina Coppinger

\_\_\_\_\_  
Pearl Walker-Ali

  
Muriel Smith

  
Judy McAllister

  
Rufus Hereford