



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 April 1, 2013 at 10:00 am in Nashville, Tennessee.

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

Other present were: 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 February 4, 2013 and the March 4, 2013 board meetings were submitted for changes and/or approval.

MOTION made by Judy McAllister seconded by Pearl Walker-Ali to approve the February Minutes. Motion carried unanimously.

MOTION made by Judy McAllister and seconded by Nina Coppinger to approve the March Minutes with a typographical change.

### APPEAR BEFORE THE BOARD-

#### **Ciara Gordon and Robin Wilson, Continuing Education Seminar**

Robin Wilson previously appeared before the board to present information for the board's approval of a continuing education seminar. Seminar information dates, and resumes of instructors are provided. Board members posed various questions about the presenter's experience, the location and the costs of the seminar.

Ms. Wilson and Ms. Gordon advised the seminar will be held at Tennessee Tech at 100 Whitebridge Road, in Nashville, Tennessee on June 8-9, 2013. There are several fees depending on the time instructors sign up as well as a minimum requirement of students.

Motion by Pearl Walker-Ali and seconded by Judy McAllister to approve the application for a continuing education seminar. Motion carried unanimously.

MOTION made by Nina Coppinger and seconded by Muriel Smith to have Board Chairman Linda Colley to attend the seminar meeting. Motion carried unanimously.

### **Oscar Hodge, Rasco Radiant School of Cosmetology – Covington, Tennessee**

An application has been received from Rasco Radiant Academy of Cosmetology, to be located at 1830 Highway 51, Covington, Tennessee for a new school of cosmetology. The school has provided the application payment, floor plan, and surety bond. The application was previously presented, but the floor plan did not specify square footag and no enrollment agreements were provided. Updated documentation and a new floor plan is attached to the information provided. This school will need to be inspected by the board member and inspector after the approval of the board. The board member for this area will be Pearl Walker. The inspector for the area visited the school and reported back with pictures and questions about space.

Motion by Nina Coppinger and seconded by Muriel Smith to table your application until both the inspector and assigned Board member can visit the school location for an inspection. Motion carried unanimously.

Motion made by June Huckeby and seconded by Rufus Hereford to review this at the next Board meeting once all inspections have been completed. Motion carried unanimously.

### **Tu Trinh Dong – Reciprocity Applicant**

Tu Trinh Dong is requesting the board's reconsideration of her reciprocal cosmetology application from California and Alabama. She has been licensed since 1996 and has 350 hours of education from California. Tax return information is provided which shows a complete five year work history. This information relative to work history was not previously provided.

Motion by Nina Coppinger and seconded by Pearl Walker-Ali to approve the reciprocity application. Motion carried unanimously.

### **Hien Ton – Reciprocity Applicant**

Hien Ton is requesting the board's reconsideration of his reciprocal manicurist application from Alabama and California. He has been licensed since 1995 and has 350 hours of education from

TAM's in California. He was previously licensed in Tennessee in 1994 from Ohio and took the Tennessee examination at that time for his approval from Ohio. Military discharge paperwork is also provided. Mr. Ton brought tax documentation for 2008, 2009, 2010 and 2011 which shows work history in the industry.

Motion by Nina Coppinger and seconded by June Huckleby to allow Rachel Powers the authority to approve the reciprocity application once Mr. Ton has provided the sufficient proof of work history for 2012. Motion carried unanimously.

## **SCHOOL APPLICATIONS-**

### **Aveda Institute**

Aveda Institute has provided an instructor training outline and is requesting the board permit the school allow it to add this instructor curriculum to the school offered curriculums.

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

## **APPLICATIONS FOR EXAMINATION-**

Applications for examination for Erica Black, Jamarious Harris, Leslie Jones, Annaya Tate-Porterfield, Jamie Skeen, Jonathan Tears and Denzel Wallace who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of examination from school attended is submitted.

Motion made by Nina Coppinger and seconded by Muriel Smith to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

## **INSTRUCTOR SEMINAR EXTENSION REQUEST-**

Request to extend continuing education from 2011 to 2013 for Patricia T. Tomlin- Lewis because of illness during the 2011. A doctor's letter and letter from her are both provided. Her continuing education due date was 2011.

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

Request from Andrea Hudson to accept continuing education hours earned in Mississippi. Information on the classes attended is provided. Her continuing education due date is July 2013.

Motion made by Muriel Smith and seconded by Nina Coppinger to request more information on the seminar prior to approval or denial. Motion carried unanimously.

## **APPLICATIONS FOR RECIPROCITY-**

The following applicants were recommended to take the Tennessee examination:

Courtney Boecking, Donna Carnahan, Wei Hsuan Chang, Jennifer Gille, Comfort Kwakuyi, Tan Ngo, Mai Mnguyen, Alyshea Parde, Cynthia Quinones-Cruz, Cuc Tran, Tien Ngoc Quynh Tran, Shanda Kalan, Hong-Yen Thi Nguyen.

The following applicant was requested to provide additional information in order for the board to accept the application:

Cecile Velez.

Motion by Muriel Smith and seconded by Pearl Walker-Ali to approve the reciprocity committee's recommendations to take the Tennessee examination and/or provide additional information. Motion carried unanimously.

## **MISCELLANEOUS REQUESTS-**

Request by Glenda J. Solomon for the Board to waive the requirement to retest to reinstate her cosmetology license. Her license was put on inactive status prior to her learning she had to be 65 to reinstate without testing. Her licensure was put in retirement in January 2013. A letter is provided and her licensure information is provided.

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

Request by Nicole Byars to extend the amount of time to allow her to complete the instructor curriculum beyond six (6) months. A letter is provided and the dates her hours were obtained at Genesis Career College in Nashville.

MOTION made by Muriel Smith and seconded by June Huckleby to approve the request and allow her three weeks to complete her instructor hours. Motion carried unanimously.

Request from Gould's Academy for approval of the continuing education class from Milady's Career Institute to be counted towards instructor continuing education. Information on the program is provided.

MOTION made by Nina Coppinger and seconded by Muriel Smith to deny the request due to lack of information on the seminar. Motion carried unanimously.

## **FIELD TRIP REQUESTS-**

Field trip request from Empire Beauty School for permission to take students on April 8th to International Hair Studio (7990 US 64 #106 Memphis, TN 38133/901-382-5800) and the Memphis Civil Rights Museum. The time allotted for the experience is from 10:00 a.m. to 3:00 p.m. Angela Kirkwood is the educator who will accompany the students on this field trip.

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

Field trip request from Fayetteville College of Cosmetology Arts and Sciences for permission to take a small group of senior level students and aestheticians to visit Dragon Fly Farm to study essentials oils and see how they are used and made. The field trip will take place on Tuesday 4/23/2013.

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

Field trip request from Genesis Career College for permission to take students on a field trip on Monday, March 25th, 2013. We would like to go to the supply house to gather supplies and allow the students to get their discount cards, see what is available to them as professionals.

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

Field trip request from Georgia Career Institute for permission for Katherine Blaylock the nail Instructor from GCI of the McMinnville campus to take a field trip to Broadway Hair and Nails, Cosmo Prof and State Beauty supply house in Cookeville, Tennessee. The trip will be on March 11th, 2013. We will leave the school at 9:00 am and return at 3:00pm.

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

Field trip request from New Concepts School of Cosmetology for approval to take students to attend the Fashion Focus Hair Show on March 24-25, 2013 in Nashville at the Nashville Convention.

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

Field trip request from New Concepts School of Cosmetology for approval to take students on March 18, 2013 from 9 a.m. to 1 p.m., to a Depileve advanced waxing techniques class at Cosmo Pro Beauty in Nashville, Tennessee.

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

Field trip request from New Concepts School of Cosmetology for approval to take students to Euro Med Spa in Chattanooga, Tennessee on March 14th at 5:00pm or March 16th at 11:00 a.m. for free seminars on GPS Lipo Body Sculpting.

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

Field trip request from Paul Mitchell the School of Knoxville for permission to take future professionals on a salon visit May 7th, 2013. They will be accompanied by several licensed learning leaders and Alison Church the education leader at the school.

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

Field trip request from Paul Mitchell the School of Murfreesboro for permission for approval to take a group of students to Campus Crossings Apartments on April 17, 2013 to perform hair and make-up services for a fashion show for Dana Jenelle. All State Guidelines for Sanitation will be followed, a licensed instructor will be present and the students will not be receiving any hours for their volunteer work.

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

Field trip request from Volunteer Beauty, Inc. for permission for approval to take the students to Fashion Focus at Nashville Convention Center on March 24-25, 2013.

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

Field trip request from Volunteer Beauty Academy students for permission to visit Day Spa Escape from 9:00 a.m. to 11:00 a.m. on March 26, 2013.

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

Field trip request from Paul Mitchell the School of Murfreesboro for approval to take a group of students to Middle Tennessee State University on 4/12/2013 to perform hair and make-up services for a benefit fashion show for St. Jude's Children Hospital. All State Guidelines for Sanitation will be followed, a licensed instructor will be present, and the students will not be receiving any hours for their volunteer work.

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

## **LEGAL REPORT- STAFF ATTORNEY**



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TO: Tennessee State Board of Cosmetology  
FROM: Robert E. Herndon, Assistant General Counsel  
DATE: April 1, 2013  
SUBJECT: Legal Report

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**NEW CASES**

1. Case No.: L13-COS-RBS-2013003011

**First License Obtained:** 03/21/1994  
**License Expiration:** 09/01/2013  
**Complaint history:** L96-COS-RBS-7265, Dismissed 03/1996;  
L99-COS-RBS-1999013771, Dismissed 10//18/99; L09-COS-RBS-  
2009008501, Closed w/no action 12/06/09; L10-COS-RBS-201002401,  
Closed w/no action 03/04/10; L10-COS-RBS-2010015001, Closed  
w/no action 12/06/10; L11-COS-RBS-2011025891, L.O.W. 12/07/11;  
and L13-COS-RBS-2012023111, Closed for lack of evidence for  
discipline 02/06/13. (**SUMMARY:** 7 COMPLAINTS, 1 RESULTING IN  
**DISCIPLINE**)

The complaint alleges the Respondent, a licensed cosmetology school, knowingly received enrollment fees from the Complainant despite being aware that the Complainant's high school educational credentials were unacceptable, and then later refused to approve the Complainant to take the applicable examination after the Complainant had completed the Respondent's course work in violation of Tenn. Code Ann. § 62-4-127(b)(2). The Complainant has since been satisfied by the Respondent's remedial action and requests that the complaint be dismissed.

Recommendation: Issue a Letter of Caution for failure to respond to the complaint; this potentially qualifies as unprofessional conduct under Tenn. Code Ann. § 62-4-127(b)(2) because all Respondent licensees are expected to cooperate with the Board in investigating complaints.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013002981**

<b><u>First License Obtained:</u></b>	<b>N/A</b>
<b><u>License Expiration:</u></b>	<b>N/A</b>
<b><u>Complaint history:</u></b>	<b>None</b>

The complaint alleges that the Respondent, an unlicensed individual, is or was offering cosmetology services from the Respondent's residence without first obtaining the necessary license(s) in violation of Tenn. Code Ann. § 62-4-108 (License required to practice of teach). A letter sent from the Respondent to address the issue maintains that the Respondent is a former student, suspending studies due to lack of funds, and has an LED machine to aid in her son's acne but does not practice any other form of cosmetology services. The Respondent agrees to discontinue the use of the machine if required.

Recommendation: Close the case due to insufficient grounds for discipline.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**



**3. Case No.: L13-COS-RBS-2013003051**

**First License Obtained:** 10/07/2009  
**License Expiration:** 10/31/2013  
**Complaint history:** None

The complaint alleges that the Respondent, a licensed cosmetologist, has provided hair styling services outside a licensed cosmetology shop in violation of Tenn. Code Ann. § 62-4-125(d)(2) (Health and safety rules and regulations). In this instance, the Respondent is alleged to have visited an "independent living facility" for residents who are 55 years old or older and is not a nursing home facility. On these visits the Respondent is alleged to have provided hair styling services on at least two residents in their apartments. It is unknown the exact condition of the residents, other than one is known to have some level of confinement and needing assistance in mobility at times. Also unknown is whether the Respondent received payment for these services; the Respondent describes these persons as friends that were made during the Respondent's brief residence at the facility. Although the facility is not a nursing home, Tenn. Code Ann. § 62-4-125(d)(2)(B) provides an exception to a licensee providing services only in a licensed shop if the client is actually ill and serviced in the client's residence.

Recommendation: Close the case with a Letter of Warning against practicing outside of a licensed cosmetology shop.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**4. Case No.: L13-COS-RBS-2013003061**

**First License Obtained:** 08/07/2003  
**License Expiration:** 01/31/2015  
**Complaint history:** None

The complaint alleges that the Respondent, a licensed cosmetology shop, is operating in a residential area that is not zoned for such a business. The complaint file contains a valid business license at the address indicated and an inspection report with a score of 100 for the facility.

Recommendation: Dismiss the case for lack of disciplinary grounds.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**5. Case No.: L13-COS-RBS-2013004051**

**First License Obtained:** 07/08/2008  
**License Expiration:** 09/01/2013  
**Complaint history:** L12-COS-RBS-2012021441 Closed w/no further action 12/04/12.

The complaint alleges that the Respondent, a licensed cosmetology school, engaged in unprofessional conduct in violation of Tenn. Code Ann. § 62-4-127(b)(2) by failing to adhere to its policy of paying for its graduates' examination and license fees in the case of the Complainant. This arrangement is not a licensing issue in the Board's law and rules. Since the complaint was filed, all self-imposed obligations have been met on the Respondent's part and there has been no further communication from either party.

Recommendation: Dismiss the case for lack of disciplinary grounds.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**6. Case No.: L13-COS-RBS-2013001861**

**First License Obtained:** 03/14/2006  
**License Expiration:** 02/28/2014  
**Complaint history:** L09-COS-RBS-2009003201, Closed 04/12/10 w/\$1,000 CP

A December 26, 2012 Notice of Violation alleges that the area inspector observed three (3) individuals practicing on clients manicure without valid board-issued licenses in a licensed manicure shop in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach]. The inspector also observed unclean floors and work stations all in violation of administrative rule Tenn. Comp. R. and Reg. 0440—2—.06(2) [Facilities].

Recommendation: Authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$1,500.00.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**7. Case No.: L13-COS-RBS-2013001821**

**First License Obtained:** 03/22/1979  
**License Expiration:** 10/31/2014  
**Complaint history:** None

A December 19, 2013 Notice of Violation reports that the area inspector observed an individual servicing a client's haircut in a licensed cosmetology shop. Further, the inspector found a washer/dryer inside the restroom of the shop in violation of administrative rule Tenn. Comp. R. and Reg. 0440—2—.09(1)(a) [Laundry work].

Recommendation: Close with a Letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**8. Case No.: L13-COS-RBS-2013003781**

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

A January 18, 2013 Notice of Violation alleges that the shop was open for business and the owner of the shop (also a licensed manicurist) was performing an acrylic nail service on a client without a valid board-issued shop license in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. Board office records indicate that no application to license the shop has been received as of this date of this report.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 with a CEASE and DESIST notice against operating the shop until a valid shop license is issued by the Board.

Analysis: The Board feels that the civil penalty offered should be increased to \$500.00 since no application has been received, indicating an intention to correct the matter.

**Decision: Approved as amended.**

**9. Case No.: L13-COS-RBS-2013001871**

**First License Obtained:** 03/14/2008  
**License Expiration:** 03/21/2014  
**Complaint history:** L12-COS-RBS-2012002511, closed  
05/18/12 w/\$500.00 CP

A December 27, 2012 Notice of Violation alleges that the area inspector observed a manicurist performing service to a client without wearing an identification tag in a licensed manicure shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE]. The inspector also observed uncovered trash container, an open towels container and used tools which were improperly stored all in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [Sanitation and Disinfection]. Additionally, the inspector found a license that was not conspicuously displayed in the shop in violation of Tenn. Code Ann. § 62-4-113(a) [Display of license].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**10. Case No.: L13-COS-RBS-2013001811**

**First License Obtained:** 12/06/2001  
**License Expiration:** 04/30/2014  
**Complaint history:** None

A December 18, 2012 Notice of Violation alleges that the area inspector observed an unlicensed individual servicing a client's manicure in a licensed manicure shop in violation of Tenn. Code Ann § 62-4-108 [License to practice or teach]. The inspector also observed dirty buffers and files at the work stations in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [Sanitation and Disinfection].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**11. Case No.: L13-COS-RBS-2013001761**

**First License Obtained:** 09/27/2001  
**License Expiration:** 01/03/2013  
**Complaint history:** None

A December 12, 2012 Notice of Violation alleges that the area inspector observed the owner of the shop (also a cosmetologist) working on a client while her cosmetology and shop licenses were both expired in violation of Tenn. Code Ann. §§ 62-4-108 and 62-4-118(a) respectively. Board office records indicate that both licenses in question have been now renewed.

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**12. Case No.: L13-COS-RBS-2013001911**

**First License Obtained:** 10/13/2003  
**License Expiration:** 01/31/2015  
**Complaint history:** L05-COS-RBS-2005038801, closed  
02/07/06 w/\$500.00 CP  
L07-COS-RBS-2007053051, closed  
05/07/07 w/\$1,000 CP

A January 3, 2013 Notice of Violation alleges that the owner of the shop relocated the shop without first receiving approval for a change of location and passing the required follow-up inspection in violation of Tenn. Code Ann. § 62-4-118(d) [Operation of a shop]. According to the inspector, two (2) individuals were practicing on clients without a valid license in a licensed natural hair stylist shop. The Notice does not provide sufficient evidence regarding the individuals in question to conclusively prove unlicensed activity. Board office records indicate that an application for change of location was received on 01/10/13 and was approved on 02/05/13.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$1,000.00 (for TCA 62-4-118(d)) with a CEASE & DESIST order against permitting unlicensed individuals to practice.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**13. Case No.: L13-COS-RBS-2013001891**

**First License Obtained:** 01/30/2003  
**License Expiration:** 12/21/2012  
**Complaint history:** None

A December 27, 2012 Notice of Violation alleges that the owner of the shop relocated such shop without first submitting an application for change of location and passing the required inspection in violation of Tenn. Code Ann. § 62-4-118(d) [Operation of a shop]. The inspector states that shop owner (a licensed cosmetologist) was working on a client during the inspector and further found an expired cosmetology license in the shop. Board office records indicate that no application for change of location has been received as of this date of this report.

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**14. Case No.: L13-COS-RBS-2013001831**

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

A December 20, 2012 Notice of Violation alleges that the area inspector observed an individual braiding hair in an unlicensed shop in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. The inspector also observed six (6) work stations set up with no license displayed in violation of Tenn. Code Ann. § 62-4-113(a) (1).

Recommendation: Issue a CEASE and DESIST advisory notice with a request to the area inspector to follow up within 30 days.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**15. Case No.: L13-COS-RBS-2013003791**

**First License Obtained:** 09/30/2008  
**License Expiration:** 09/30/2014  
**Complaint history:** L12-COS-RBS-2012003581, closed w/no action 04/02/2012

A January 22, 2013 Notice of Violation reports that the shop was open for business while its cosmetology shop license was expired and had been expired since September 30, 2012 in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. The inspector states that two (2) licensed barbers were cutting clients' hair in the shop. According to the departmental licensing records, the shop has a dual licensure and the shop license in question has been now renewed.

Recommendation: Close with a Letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**16. Case No.: L13-COS-RBS-2013003801**

**First License Obtained:** 02/02/2006  
**License Expiration:** 0/31/2008  
**Complaint history:** L11-COS-RBS-2011000711 and L12-COS-RBS-202001771, closed 03/12/12 with a CEASE and DESIST notice.

A January 25, 2013 Notice of Violation alleges that the area inspector observed the owner of shop performing a shampoo on a client while the shop license was expired and had been expired since 01/31/2008.

The Board had previously authorized a CEASE and DESIST notice at its March 5, 2012 meeting against the Respondent for operating the shop without a valid license.

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**17. Case No.: L13-COS-RBS-2013003821**

**First License Obtained:** 03/07/2012  
**License Expiration:** 02/28/2014  
**Complaint history:** None

A January 25, 2013 Notice of Violation alleges that the area inspector observed the shop owner's (also the manager) expired license posted at the work station in a licensed cosmetology shop in violation of Tenn. Code Ann. § 62-4-108 [Licensed required to practice or teach]. The inspector states that the owner/manager was not present in the shop; however, one (1) licensed stylist was present in the shop. The inspector observed a master barber license posted in the shop and stated that the shop does not hold a barber shop license. No services were being provided at the time of the inspection. Board office records indicate that the shop owner's license was renewed on 01/31/13.

Recommendation: Close with a Letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

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

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

A January 29, 2013 Notice of Violation alleges that the area inspector observed a licensed manicurist in a licensed manicure shop providing a pedicure on a client while her license was expired in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach]. The inspector states that no one in the shop was wearing a name tag in violation of Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE]. Additionally, the inspector observed washer and dryer were visible to the public in violation of Tenn. Comp. R. & Reg. 0440—02—.09(1)(a) [Laundry Work].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**



**19. Case No.: L13-COS-RBS-2013001931**

**First License Obtained:** 08/05/2005  
**License Expiration:** 03/02/2013  
**Complaint history:** None

A January 4, 2013 Notice of Violation alleges that the area inspector observed a stylist practicing with an expired license in a licensed cosmetology shop in violation of Tenn. Code Ann § 62-4-108 [License required to practice or teach]. The inspector also observed unclean shampoo area and bowl sanitizer in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]; and stated that the shop floors needed to be cleaned. Additionally, the area inspector observed a stylist practicing on a client without wearing an identification tag in violation of Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE]; and further found tools which were improperly stored in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. The inspector also stated that the shop owner's license was also expired in violation of Tenn. Code Ann § 62-4-108 [License required to practice or teach].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**20. Case No.: L13-COS-RBS-2013004021**

**First License Obtained:** 08/27/2009  
**License Expiration:** 10/31/2014  
**Complaint history:** None

A February 15, 2013 Notice of Violation alleges that the area inspector observed an unlicensed individual working on a client in a licensed manicure shop in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**21. Case No.: L13-COS-RBS-2013003991**

**First License Obtained:** 12/02/2010  
**License Expiration:** 09/30/2012  
**Complaint history:** None

A February 13, 2013 Notice of Violation reports that the area inspector observed the shop owner, a licensed cosmetologist, doing a highlights on a customer while her shop license was expired as of 09/30/12 in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop].

Recommendation: Issue a CEASE and DESIST advisory notice and instruct an inspector to follow up within 30 days.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**22. Case No.: L13-COS-RBS-2013003981**

**First License Obtained:** 04/16/2007  
**License Expiration:** 08/31/2013  
**Complaint history:** None

A February 5, 2013 Notice of Violation alleges that the area inspector observed an unlicensed individual performing a pedicure on a client in a licensed manicure shop in violation of Tenn. Code Ann. § 62-4-108 [Licensed required to practice or teach].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**23. Case No.: L13-COS-RBS-2013003961**

**First License Obtained:** 04/14/2004  
**License Expiration:** 03/31/2014  
**Complaint history:** None

A February 8, 2013 Notice of Violation alleges that the area inspector observed unclean floors and a foot bath, and tools which were improperly stored all in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. The inspector states that identification name tags were not being worn in violation of Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**24. Case No.: L13-COS-RBS-2013003901**

**First License Obtained:** 02/25/1987  
**License Expiration:** 05/31/2013  
**Complaint history:** None

A January 31, 2013 Notice of Violation reports that the shop was open for business during a time when the shop owner's license was expired as of 10/31/11 in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach]; however, there is no indication that any services were being provided at the time. The inspector also reports that the owner was not in the shop during the inspection. Board office records indicate that the license in question has been now renewed.

Recommendation: Close with a Letter of Caution.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**25. Case No.: L13-COS-RBS-2013003891**

**First License Obtained:** 05/06/2011  
**License Expiration:** 04/30/2013  
**Complaint history:** None

A January 31, 2013 Notice of Violation reports that the shop owner's license was expired as of 08/31/11 in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach]. The inspector also reports that the owner was not in the shop during the inspection. No services were being provided at time of the inspection. Board office records indicate that the license remains delinquent as of this date of this report.

Recommendation: Close with a Letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**26. Case No.: L13-COS-RBS-2013005231**

**First License Obtained:** 01/12/2012  
**License Expiration:** 12/31/2013  
**Complaint history:** None

A March 5, 2013 Notice of Violation alleges that the area inspector observed no inspection sheet posted in a licensed cosmetology shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.05(2) [Inspections]. The inspector states that the shop owner's license was expired in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach]; and found hair brushes which were improperly stored in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. No services were being provided at the time of the inspection.

Recommendation: Close with a letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**27. Case No.: L13-COS-RBS-2013003871**

**First License Obtained:** 05/09/2005  
**License Expiration:** 04/30/2013  
**Complaint history:** None

A January 30, 2013 Notice of Violation reports that no shop manager was present in a licensed cosmetology shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.03(2) [Responsibility for Compliance]. No services were being provided at the time of the inspection.

Recommendation: Close with a letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**28. Case No.: L13-COS-RBS-2013003861**

**First License Obtained:** 05/20/2010  
**License Expiration:** 03/19/2012  
**Complaint history:** None

A February 13, 2013 Notice of Violation alleges that the area inspector observed a licensed cosmetologist/aesthetician coloring a client's hair without having her licensed displayed in the shop in violation of Tenn. Code Ann. § 62-4-113(a)(1). [Display of license]. The licensee in question denied performing any services during the inspection and stated that she was not working on that day.

Recommendation: Close with a Letter of Warning.

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**29. Case No.: L13-COS-RBS-2013005191**

**First License Obtained:** 12/02/2004

**License Expiration:** 07/31/2012  
**Complaint history:** None

A February 22, 2013 Notice of Violation alleges that the area inspector observed a licensee coloring a client's hair without having her license displayed in violation of Tenn. Code Ann. § 62-4-113(a)(1) and while the shop license was expired and had been expired since 07/31/12 in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. The inspector also observed an expired license posted in the shop in violation of Tenn. Code Ann. §62-4-108 [License required to practice or teach].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

**30. Case No.: L13-COS-RBS-201300881**

**First License Obtained:** 12/23/1995  
**License Expiration:** 07/31/2013  
**Complaint history:** L05-COS-RBS-2005021701, Close  
12/07/05 w/\$1,300 CP; L08-COS-RBS-2008007861, closed 05/12/08  
w/\$1,000 CP; L09-COS-RBS-2009005951, Dismissed; L11-COS-RBS-  
2011025861, closed 01/31/12 w/\$500.00 CP. (**SUMMARY: 4 COMPLAINTS,  
3 RESULTING IN DISCIPLINE**)

A January 31, 2013 Notice of Violation alleges that a new shop owner is operating such shop more than thirty (30) days grace period without submitting a change of ownership application and passing the required inspection in violation of Tenn. Code Ann. § 62-4-118(f) [Operation of a shop]. The inspector also observed an unlicensed individual providing a manicure to a client in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach].

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

Analysis: The Board agrees with this assessment.

**Decision: Approved.**

END OF DOCUMENT

MOTION made by Pearl Walker-Ali and seconded by Judy McAllister approval with the change on number 8 on the legal report. Motion carried unanimously.

**COSMETOLOGY CONSENT ORDERS- April 2013- Totaling \$3,750.00**

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

**OTHER BUSINESS-**

Med Spa Study Group / SR 94 Committee Opinion was presented and the board requested the letter be sent for review and brought up for discussion at next meeting.

**MOTION TO ADJOURN-**

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



**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 reciprocity committee meeting April 1, 2013 at 8:30 a.m. in Nashville, Tennessee.

The following members were present: Nina Coppinger, Judy McAllister and Pearl Walker.

Other present were: Rob Herndon, Attorney for the Board, Rachel L. Powers, Program and Policy Director for Regulatory Boards, Hosam William, Paralegal and Betty Demonbreun, Administrative Assistant.

Meeting was called to order by Nina Coppinger, the Committee Chairman.

Nina Coppinger, Committee Chairman welcomed everyone to the meeting and acknowledged visitors in attendance.

Minutes for the February 4, 2013 and the March 4, 2013 board meetings were submitted for changes and/or approval.

MOTION made by Judy McAllister seconded by Nina Coppinger to approve the February 2013 Reciprocity Committee meeting minutes. Motion carried unanimously.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to approve the March 2013 Reciprocity Committee meeting minutes. Motion carried unanimously.

### **APPLICATIONS FOR RECIPROCITY**

Application for reciprocity of cosmetologist license from Alabama for Courtney Boecking. Certification from Alabama verifies 1200 hours, completion of a written and practical exam and initial date of licensing in 2012.

Recommendation - is that the applicant take the Tennessee examination.



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

Application for reciprocity of aesthetician license from California for Donna Carnahan. Certification verifies 600 hours of instruction in the aesthetics curriculum and initial date of licensing in 2009.

Recommendation - is that the applicant take the Tennessee aesthetics examination.

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

Application for reciprocity of cosmetologist license from Taiwan for Wei Hsuan Chang. Applicant provided a letter which details her work history and testing from 1999 to the present. Her application states she has 1200 hours from a vocational school in Taiwan. Work history certificates are provided which verify work in the industry from May 2005 to November 2007, July 2008 to December 2009, May 2010 to May 2011. The work history is somewhat incomplete and there is no certification of hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license for Jennifer Gille from Michigan. Certification verifies 400 hours and initial date of licensing in 2012. A transcript is provided which verifies 600 hours in the curriculum.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of natural hair stylist license from Ghana for Comfort Kwakuyi. The applicants information was previously presented to the board and the board requested a transcript or additional information. This information is attached. A diploma and breakdown of the curriculum received in Ghana. A work history letter is provided as well.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetologist license from Wisconsin for Tan Ngo. Certification verifies the applicant was endorsed from Vietnam by reciprocity and initial date of licensing in 2013. Diploma copies and other information is included with the application.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license for Mai Nguyen from North Carolina. Certification verifies the applicant was licensed by examination with 600 hours and initial date of licensing in 2008. A work history letter is provided and tax returns are provided.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license for Alyshea Parde from Arizona. Certification verifies the applicant was licensed by examination with 600 hours and initial date of licensing in 2012. Various certificates of additional training are provided.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Georgia for Cynthia Quinones-Cruz with 2761 hours in the curriculum. Certification verifies initial date of licensing in 2012. Diplomas, transcript, examination scores, apprentice license and current licensure are provided.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to deny the reciprocity recommendation and that the applicant take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Cuc Tran with 400 hours in the curriculum. Certification verifies initial date of licensing in 2011 and 400 hours. Tax returns and proof of training document are provided.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from California with hours for Tien Ngoc Quynh Tran. Certification verifies initial date of licensing in 2011 and 400 hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Florida for Cecile Velez. Certification verifies 240 hours of instruction in the curriculum and initial date of licensing was in 2004, but that licensure is null and void.

Recommendation - request more information from applicant, hours and active licensure.

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

Application for reciprocity of aesthetician license from California for Shanda Kalan. Certification and transcript verify 600 hours of instruction in the curriculum and initial date of licensing in 2009.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Georgia for Hong-Yen Thi Nguyen. Certification verifies 525 hours of instruction in the curriculum and initial date of licensing was in 2009. Tax returns are provided, but are dated prior to proof of active licensure.

Recommendation - is that the applicant take the Tennessee examination.

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

**ADJOURNMENT-**

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