MINUTES

The Tennessee State Board of Cosmetology held a meeting February 6, 2012 at 9:00 am in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huckeby, Muriel Smith, and Pearl Walker. Virgilene Lotze, Janet Wormsley and Diana Buchanan were absent.

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

Meeting was called to order by Board Chairman Linda Colley.

Linda Colley, Board Chairman called for roll call.

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

MINUTES-

Minutes for the November 7, 2011 board meeting submitted for change and or approval.

MOTION made by June Huckeby and seconded by Muriel Smith approval of the November 7, 2011 minutes. Motion carried unanimously.

Minutes for the December 5, 2011 board meeting submitted for change and or approval.

MOTION made by Muriel Smith and seconded by Nina Coppinger approval of the December 5, 2011 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Carmen Valencia Segura requested to appear before the board today concerning her application for reciprocity of cosmetology license from Florida. Ms. Segura was initially license in Columbia. Certification from the Florida State Board of Cosmetology states she received license in that state by endorsement. Mr. Segura advised me she went to cosmetology school in Florida but the certification does not confirm she attended school in the state of Florida. Ms. Segura's son helped her explain to the Board when she moved to Florida from Columbia a cosmetology school owner told her she would need to go back to cosmetology school which she did and completed twelve hundred (1200) hours. When she submitted her examination application to the Florida State Board, she

submitted the information showing she completed over fifteen hundred (1500) hours in the curriculum in her country along with the hours she completed in Florida. The Florida State Board advised her she did not need to complete additional hours and was granted license by endorsement from Columbia. Ms. Segura struggles with the English language is the reason her son helped her explain her situation to the Board. Ms. Segura placed an application for reciprocity of cosmetology license and has completed twenty-seven hundred (2700) hours in the cosmetology curriculum between Columbia and Florida.

MOTION made by Nina Coppinger and seconded by Pearl Walker to approve the application for reciprocity. Motion carried unanimously.

Bill Nichols and Elizabeth Pierce are here today to present the agenda and dates for approval of the University of Tennessee Barber/Cosmetology instructor seminar. Board Members were presented with the agenda and Elizabeth Pierce explained in detail the process used to develop the agenda for the 2012 seminar.

MOTION made by June Huckeby and seconded by Pearl Walker approval of the 2012 Barber/Cosmetology Seminar for Knoxville. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Illinois for Jim Sahlan. Certification of licensing from the Illinois State Board of Cosmetology states Mr. Jordan obtained license in the State of Illinois by endorsement from Jordan. Second document is a breakdown of course material from The French Academy for Beauty Arts Techniques applied completed in Jordan for 2000 hours.

MOTION made by Nina Coppinger and seconded by Muriel Smith to approve applicant to take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Michigan for Elizabeth Walker. Certification from the Michigan State Board verifies she completed 400 hours in the esthetics curriculum and original date of licensing 07/20/10. Letter submitted for work history is not a five (5) year work history as an aesthetician.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete three hundred fifty (350) hours of instruction in the aesthetician

curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of manicurist license from Massachusetts for Sally Vong. Certification from State of New Hampshire verifies her training from Cali for Nails in Massachusetts for 400 hours and she obtained license in New Hampshire by reciprocity from Massachusetts. Applicant obtained license in Texas by certification from New Hampshire. No proof of 5 year work history.

MOTION made by Muriel Smith and seconded by June Huckeby applicant will be required to pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from Arkansas for Jerree Winn. She obtained her hours of instruction as a cosmetologist in California. She stated to obtain instructor license she was license in Missouri and petitioned the Missouri State Board to receive instructor license and at that time she owned cosmetology schools in Missouri and Arkansas. She has no hours of instruction in the instructor curriculum.

MOTION made by June Huckeby and seconded by Nina Coppinger to request applicant submit proof of a five (5) year work history as a cosmetology instructor for Board review. Motion carried unanimously.

Application for reciprocity of aesthetician license from the State of Washington for Yolande Moreno. Certification from State of Washington verifies she completed 600 hours in the esthetics curriculum and was initially licensed 01/11/11.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete one hundred fifty (150) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Nhu Phan. Certification from the Florida State Board verifies she is licensed as a Facial Specialist which requires two hundred sixty (260) hours, no state board examination and initial date of license as 07/08/11. Applicant has submitted a transcript from Hollywood Beauty Academy in Florida stating she completed seven hundred fifty (750) hours in the esthetics curriculum. Florida will only provide certification of required hours in a curriculum. Information she provided is from the school.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to pass the state board aesthetician examination to qualify for aesthetician license. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Audrey Cochran. California requires 400 hours of instruction as the certification states and initial date of licensing 04/17/06. She has submitted copies of two (2) establishment license from California.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete two hundred (200) hours in the manicurist examination and pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Heather Randall. Certification verifies 1200 hours in the curriculum and initial date of licensing 06/20/10.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete an three hundred (300) hours of instruction in the cosmetology curriculum and pass the state board cosmetology examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Alexandra Kagiavas. Certification verifies 1250 hours in the curriculum and initial date of licensing 08/03/10.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete two hundred fifty (250) hours of instruction in the cosmetology curriculum and pass the state board examination to qualify for license. Motion carried unanimously.

Application for reciprocity of aesthetician license from South Carolina for Brittany Mincey. Certification from the South Carolina State Board verifies completion of 450 hours in the esthetics curriculum and initial date of licensing as 01/24/11.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete three hundred (300) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of manicurist license from Alabama for Dinh Ba. Certification from the Alabama State Board states applicant apprenticed with Nancy's Nails and was initially licensed 06/08/05. The Board office has been unsuccessful in contacting the applicant to request proof of a 5 year work history.

MOTION made by June Huckey and seconded by Muriel Smith to place application on hold until the board office receives requested information concerning five (5) year work history from applicant. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION

Applications for examination that have felonies from Bonnie Johnson, Stacey Porter, Jenna Brashears, Cassandra Morgan, Tony Jefferson, Samantha Moreno, Kacy Stewart, Wesley Campbell, Kathleen Prince, Kristie Taylor, Jennifer Heflin, Kenneth Arnold, Stephanie Sanderfer and Janet Davenport. All the required information has been submitted disclosure from the applicant and letter of examination recommendation from the school attended.

MOTION made by Nina Coppinger seconded by Muriel Smith to approve applications for examination with signed agreed order from each applicant. Motion carried unanimously.

ADDITIONAL APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Mallory Droke was presented to the Board at the November board meeting. Applicant licensed in Florida with 1200 hours in the curriculum and original date of licensing 10/08/07 and could not submit a 5 year work history. Applicant also licensed in Texas and was required to take an examination. According to the email she submitted for presentation to the Board she does not understand why she has to complete an additional 300 hours. I attempted to explain the process and she requested I present her letter of "appeal to reciprocity" for review to the Board.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to pass the state board cosmetology examination to qualify for license. Motion carried unanimously.

Application for reciprocity of aesthetician license from Sarah Dinnie was presented to the Board at the December meeting and the Board voted to accept her hours of instruction from British Columbia and approved the applicant to set for the state board esthetics

examination. Applicant obtained cosmetology license in Tennessee in 9/19/95 by reciprocity from British Columbia. She is requesting the Board reconsider her application for reciprocity of aesthetician license and not require her to take the examination.

MOTION made by Nina Coppinger and seconded by June Huckeby previous motion stands requiring applicant to pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Qenida Duran. Certification from the Florida State Board verifies applicant completed 1200 hours initial date of licensing as 02/23/1988. Applicant also received license in North Carolina by reciprocity. Applicant has submitted Federal Tax returns for Salon Strawberry in Florida but the only form that list her as owner is 2006 that list her name as shareholder.

MOTION made by June Huckeby and seconded by Muriel Smith to request applicant submit sufficient proof of five (5) year work history as a cosmetologist. Federal Tax documentation does not provide sufficient proof of employment as cosmetologist or salon owner. Motion carried unanimously.

Request for approval of cosmetology instructor license from Christie P. Marcial-Spearman. Applicant received reciprocity of cosmetology license from Florida in 2008. Applicant has submitted a request to receive cosmetology instructor license in Tennessee. Applicant was an instructor in Florida 2003-2008. She has submitted her resume listing her experience and letter of reference from former employer. Florida does not require an instructor's license to teach.

MOTION made by June Huckeby and seconded by Nina Coppinger applicant will be required to complete three hundred (300) hours of instruction in the cosmetology instructor curriculum and pass the state board cosmetology instructor examination to qualify for license. Motion carried unanimously.

Application for reciprocity of aesthetician license from Texas for Kelly Tran. Applicant has held a manicurist license in Tennessee since 07/12/02. Applicant stated she completed 750 hours of instruction in the esthetics curriculum at Executive Beauty Academy 2009. Applicant received aesthetician license in Texas by examination. We have a letter from the new owners of the beauty school she attended which states they do not have access to the student files from the former school owner but they have received documents from Ms. Tran that prove she is qualified to receive her license since she completed the Esthetic Technician course at the academy in 2009. She has submitted her certificate and breakdown of hours of instruction in the esthetics curriculum. Virginia requires completion of 600 hours in the esthetics curriculum.

MOTION made by June Huckeby and seconded by Muriel Smith to request applicant to appear before the Board. Motion carried unanimously.

MISCELLANEOUS-

Letter from Paul Mitchell the School Memphis explaining the revision of the enrollment agreement to prevent the acceptance of expired hours. This letter is in response to the issue with Erica Shotwell a student who completed the cosmetology curriculum at the school. When her application for examination was submitted it was determined Paul Mitchell had accepted hours she completed in the high school cosmetology curriculum that were expired. Ms. Shotwell appeared before the Board at the December meeting at which time the Board approved her hours due to the error by Paul Mitchell the School Memphis.

NO MOTION REQUIRED-

Field trip request from Paul Mitchell the School Nashville for an instructor and 10 students from the school to visit Second Harvest to present them with donations from the school's fund raiser "Share the Warmth".

MOTION made by June Huckeby and seconded by Muriel Smith to decline this request for field trip approval. Motion carried unanimously.

Request from Paul Mitchell the School that Tennessee introduce into its laws and regulations that the state agency or governing body authorized to regulate this type of institution, be authorized to grant approval and recognize the institution as one offering post-secondary educational programs.

NO ACTION TAKEN-

Request from Elizabeth Anderton, Ph. D approval of continuing education hours. She states the workshop is not intended to be taught in its entirety and each section is a stand alone course for which participants will receive appropriate certificates.

MOTION made by Muriel Smith and seconded by Pearl Walker to deny this request for approval of this continuing education hours program. Motion carried unanimously.

Request from Katherine Blaylock to be able to demonstrate color, cutting, product knowledge and anything pertaining to cosmetology in a salon setting with students. She states she is a licensed cosmetology instructor and wants to do this once a month. She wanted to know if students could get hours for the classes and the classes would be free.

MOTION made by June Huckeby and second by Muriel Smith to deny this request for student to receive training in a salon. Motion carried unanimously.

Information submitted from "Pint-Sized Pampering" a mobile entertainment service focusing on "spa-like" entertainment for young girls up to 14 years of age. They travel to the homes of the customers and provide services to girls that make them feel as though the spa has come to them. They are not licensed cosmetologist and do not present themselves as such. They do not take part in nail filing, clipping, buffing, etc. They do not use salon grade products on the children and make sure the parents and guest of parties are made fully aware of that.

MOTION made by Pearl Walker and seconded by Nina Coppinger for the business to proceed but recommend they recognize and attempt to follow established sanitation practices.

You have a request from a dermatologist office that focuses on hair loss and diseases of the scalp. Sometimes as part of the medical treatment a patient will require hair services that will be performed by a licensed barber or cosmetologist and they are wanting to know if the office will need to hold a shop license.

MOTION made by Muriel Smith and seconded by Pearl Walker to request a representative from the dermatologist office appear before the Board to answer questions that will provide the Board a better understanding of what type of hair services will be done in the dermatologist office.

Notification from PSI of the Exposure Incident (Blood Spill) Procedures that are now in the candidate information bulletin.

Board Expenditures for Fiscal Year 2010-2011.

Application for change of location for Franklin Academy located in Cleveland, Tennessee. The school is ready for inspection now.

MOTION made by Nina Coppiner and seconded by Muriel Smith to have a Board Member and Board Inspector visit the facility for required inspection for change of location. Motion carried unanimously.

Universal Salon Academy has set a date to begin esthetics classes which is February 20, 2012. The esthetics facility will need to be inspected because when the school received initial inspection for approval to open, the esthetics department was not set up.

MOTION made by Nina Coppinger and seconded by Pearl Walker to have a Board Member visit the facility for inspection of the esthetics department of approval to begin offering classes. Motion carried unanimously.

Request to place instructor status in inactive from Sarah Southern. Applicant upgraded to instructor in 02/22/10. License expiration date is 02/28/12. Applicant has never obtained continuing education hours.

MOTION made by Nina Coppinger and seconded by Pearl Walker to approve applicants request to place instructor license in an inactive status.. Motion carried unanimously.

Request from Amy Cloud who retired her cosmetology/aesthetician license in 2007 to reinstate her license to an inactive status not retired. She has been licensed since 1987 and did not understand when the license was retired if she choose to activate the license prior to age 65 she would be required to retest. She has sent a statement for the Board to review. She submitted the fee and request for retirement of license 12/03/2007.

MOTION made by Nina Coppiner and seconded by Muriel Smith applicant will be required to pass the reinstatement examination to have license reinstated. Motion carried unanimously.

Request from Kim Jamerson for approval to set for the cosmetology examination. The Board office has no documentation of her completion of the 1500 hours in the curriculum. She submitted a copy of the certificate she received from Fayette County Vocational Center. Applicant was licensed as a manicure/ shampoo technician. That license expired and she was required to retest which she took the manicurist reinstatement examination and reinstated her manicurist license. In my conversation with her the 300 hours used to take the manicurist/ shampoo technician examination was part of the 1500.

MOTION made by Muriel Smith and seconded by June Huckeby to approve applicant to set for the state board cosmetology examination. Motion carried unanimously.

Propose dates for the Memphis Instructor Seminar June 10th -11th, 2012.

Clarification:

(1) Applicants to qualify for the shampoo technician examination must have completed the 300 hours in the shampoo technician curriculum. We are still having some instructors submitting applications for students to take the shampoo technician examination after acquiring 300 hours in the cosmetology curriculum.

(2) It is not in the scope of practice for a cosmetologist to perform facial shaving.

Cosmetology Board Members voted to deny the "Petition for Stay of Declaratory Order" in the matter of Beautiful Eyebrows and Abdul Siddiqi petitioners. The vote was unanimous from the five (5) Board Members in attendance: June Huckeby, Muriel Smith, Nina Coppinger, Linda Colley and Pearl Walker.

Consent Orders-

MOTION made by June Huckeby and seconded by Muriel Smith to accept consent orders. Motion was unanimous.

Legal Report-

Motion made by Nina Coppiner and seconded by June Huckeby to accept the legal report. Motion was unanimous.

COSMETOLOGY BOARD
FEBRUARY 2012
CONSENT ORDERS $20000.00

All Star Nails 2842 Appalacian Hwy Suite E Jacksboro, TN 37757	Violation issued May 20, 2011 Pd $500.00 on 1-13-2012
All Star Nails 2101 Fort Henry Drive Suite #31 Kingsport, TN 37664	Violation issued July 19, 2011 Pd $500.00 on 12-22-2011
Ann's Nails 9439 Hwy 72 Germantown, TN 38138	Consumer Complaint Pd $1000.00 on 12-07-2011
Ashland Nails 303 N. Main Street Ashland City, TN 37015	Violation issued August 24, 2011 Pd $1000.00 on 1-31-2012
Best Nails 3262 Coleman Road Memphis, TN 38128	Violation issued July 29, 2011 Pd $500.00 on 12-16-2011
Eleganzza Salon & Spa 2455 Whitten Road Suite #108 Memphis, TN 38133	Violation issued August 1, 2011 Pd $500.00 on 12-15-2011
Eva Nails 2441-D Old Fort Pkwy Hwy 96 Murfreesboro, TN 37128	Violation issued April 1, 2011 Pd $500.00 on 12-12-2011

Great Clips for Hair #4405
P.O. Box 682
Greenbrier, TN 37073

Violation issued August 31, 2011
Pd $500.00 on 12-22-2011

Laura's Beauty Shop
555Gordon Road
Parrottsville, TN 37843

Violation issued June 2, 2011
Pd $500.00 on 12-15-2011

Lee's Salon
2162-A Fort Campbell Blvd.
Clarksville, TN 37042

Violation issued May 20, 2011
Pd $500.00 on 12-27-2011

Le's Nail
711 E. Main Street
Suite #103
Hendersonville, TN 37075

Violation issued July 26, 2011
Pd $500.00 on 12-22-2011

Main Street Hair Designs
1044 Main Street
Suite 1
Mosheim, TN 37818

Violation issued March 24, 2011
Pd $500.00 on 1-12-2012

Music City Nails
6800 Charlotte Pike
Suite 101
Nashville, TN 37209

Violation issued September 30, 2011
Pd $500.00 on 1-12-2012

Nail Spa
1130 Hwy 51 By Pass
Suite 12
Dyersburg, TN 38024

Violation issued March 16, 2011
Pd $500.00 on 12-22-2011

Nails by Jordon
463 S. Davy Crockett Pkwy #8
Morristown, TN 37813

Violation issued August 9, 2011
Pd $500.00 on 2-2-2012

Nails by Stephanie
201 Shivel Drive
Hendersonville, TN 37075

Violation issued January 12, 2011
Pd $500.00 on 12-22-2011

Nails 88
921-D Tiny Town Road
Clarksville, TN 37042

Violation issued May 25, 2011
Pd $500.00 on 12-8-2011

Rose's Nail
7002-1 East Shelby Drive
Memphis, TN 38125

Violation issued June 23, 2011
Pd $500.00 on 12-8-2011

Spa Nail Salon
2616 Abbott Martin Road
Nashville, TN 37215

Violation issued December 30, 2010
Pd $3500.00 on 1-3-2012

Spa Nails
4135 Riverdale
Memphis, TN 38115

Violation issued March 10, 2011
Pd $500.00 on 12-29-2011

Sweeting's Cosmetology Braiding Institute
2923 Murfreesboro Road
Antioch, TN 37013

Violation issued August 29, 2011
Pd $1000.00 on 12-7-2011

The Hair Gallery
3281-A Ft. Campbell Blvd.
Clarksville, TN 37042

Violation issued May 20, 2011
Pd $500.00 on 1-19-2012

TN Nails
335-L West Main Street
Gallatin, TN 37066

Violation issued March 15 & June 2, 2011
Pd $3000.00 on 12-22-2011

Michealle Vanderpool
2916 West End Avenue
Nashville, TN 37203

Violation issued September 1, 2011

Pd $500.00 on 12-8-2011

Ziba International
4121 Hillsboro Pike #206
Nashville, TN 37215

Violation issued September 2, 2011
Pd $1000.0 on 12-22-2011

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750

TO: **Tennessee State Board of Cosmetology**

FROM: **Terrance L. Bond, Assistant General Counsel**

DATE: **February 6, 2012**

SUBJECT: **February Legal Report**

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1. 201101938-1
First License Obtained: 12/3/2001
License Expiration: 11/30/13
History: No Prior Complaints

An anonymous consumer complaint filed April 13, 2011 alleges that the owner of a licensed manicure shop permits unlicensed individuals to provide license-required services to clients at the shop on an ongoing basis. The last inspection for the shop, which was completed on June 8, 2011, resulted in an inspection score of 98. No additional complaints of unlicensed activity have been received since the original complaint was filed.

Recommendation: Close and flag.

2. 201102372-1
First License Obtained: 12/03/1999
License Expiration: 09/30/2013
History: No Prior Complaints

An April 15, 2011 Notice of Violation alleges that the new owner of a licensed cosmetology shop permitted three (3) licensed cosmetologists to provide service to clients in the shop while the shop license held by the previous owner was expired and had been expired since April 30,

2010. According to board office records, the new owner applied for a change of ownership in September 2010, but was advised at filing that the application could not be processed until the existing shop license was renewed. The prospective owner re-submitted an application on April 19, 2011, which was approved on May 18, 2011. No new Notices of Violation have been received since such time.

Recommendation: Close with no action.

3. 201102982-1
First License Obtained: 06/04/2009
License Expiration: 05/31/2013
History: No Prior Complaint

A July 6, 2011 complaint filed by a former employee of a licensed cosmetology shop alleges that the shop owners permit massage therapy services to be performed in the same room where cosmetology services are provided. In addition, the employee alleges that the shop employs a makeup professional (who is not a licensed cosmetologist) and allows such individual to perform makeup services on clients in the shop.

The owner of the shop responds that, when the shop first opened, it was unclear regarding segregation of cosmetology services from unrelated services, but that it now understands its obligations. The owner also denies permitting the makeup professional to perform services on clients, stating that her services are limited to consultations with clients over appropriate makeup selections and other administrative/sales-related tasks. According to the owner, the complaint may result from several reprimands the employee received from the owner for alleged violations of company policy.

The shop was last inspected on October 19, 2011 and received a score of 99.

Recommendation: Close with no action.

4. 201102986-1
First License Obtained: 06/30/2010
License Expiration: 06/30/2012
History: No Prior Complaints

An August 8, 2011 consumer complaint alleges that the consumer was provided cosmetology services by an unlicensed cosmetologist operating in a shop. However, administrative office records show that, at the time the consumer received services, both the shop and the service provider held valid licenses.

Recommendation: Close with no action.

5. 201102988-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

An August 12, 2011 consumer complaint alleges that individuals in a manicure shop that does not hold a license according to administrative office records failed to properly sterilize instruments or have visible means of instrument sanitation during a manicure service she received at the shop. The shop owner admits that the consumer was provided service, but states that the shop does have proper sanitation equipment and that the consumer did not complain about her service on the day she was present, although he admits that she left the shop before completing her services.

Recommendation: Issue a CEASE and DESIST advisory notice.

6. 201103006-1
First License Obtained: 10/05/2009
License Expiration: 09/30/2013
History: No Prior Complaints

An October 12, 2011 consumer complaint alleges that the consumer sustained extensive hair damage resulting from twelve (12) shampoo, conditioning and rinse services she received from a licensed cosmetology shop from June 24, 2010 to February 3, 2011. The consumer provided a copy of a document purported to be a "hair and scalp analysis" from a trichology institute indicating that there was "internal" and "surface" damage to the Complainant's hair shaft and hair loss "throughout scalp areas". The analysis does not attribute the damage/loss to any particular cause, stating only that "there is always a possibility that you may have internal follicle disorders." The consumer has filed a civil lawsuit seeking damages from the shop, which is scheduled to be heard on February 6, 2012. The shop, through counsel, denies responsibility for any alleged damage to the Complainant's hair/scalp.

Recommendation: Close and flag.

7. 201103051-1
First License Obtained: 02/29/2008
License Expiration: 02/28/2012
History: No Prior Complaints

An April 13, 2011 Notice of Violation alleges that a licensed cosmetologist was observed providing service to a client in a licensed shop while her license was expired and had been

expired since December 31, 2010. Administrative office records indicate that the license remains expired as of the date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice to the shop owners/licensee re: the expired license. Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty.

8. 201103055-1
201101940-1
First License Obtained: 11/03/2009
License Expiration: 10/31/2013
History: No Prior Complaints

A June 14, 2011 Notice of Violation alleges that an unlicensed individual was observed providing manicuring services in a licensed skin care shop.

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

9. 201103056-1
First License Obtained: 11/06/2009
License Expiration: 10/31/2013
History: No Prior Complaints

A September 16, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop relocated the shop and began operating same at the new location without first obtaining an inspection of the new location. The new location has now received the necessary inspection and has been approved to operate

Recommendation: Close with a letter of warning.

10. 201103058-1
First License Obtained: 08/25/2010
License Expiration: 12/31/2012
History: No Prior Complaints

A September 21, 2011 Notice of Violation alleges that in a licensed manicure shop that was later upgraded to a full-service cosmetology shop: 1) no managing cosmetologist was present; 2) two (2) manicurists providing service to clients in the shop failed to wear identification tags; 3) several individual licenses were displayed in a single location at the front of the shop and not at the respective holders' work stations; 4) files and buffers which were previously used in service were not sanitized and stored; 5) no cold water was provided at the shop shampoo sink.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a civil penalty of not less than $1,000.00.

11. 201103059-1
First License Obtained: 12/06/2010
License Expiration: 11/30/2012
History: No Prior Complaints

A September 22, 2011 Notice of Violation alleges that a licensed manicurist was observed providing service to a client in a licensed manicure shop while her license was expired and had been expired since June 30, 2011. Such license was renewed on September 22, 2011. In addition, the inspector observed an individual in the shop attempting to conceal the presence of a wax machine in the shop. The inspector also found four (4) pedicure tub drains displayed substantial buildup and unsanitary matter.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of not less than $1,000.00.

12. 201103060-1
First License Obtained: 08/25/1999
License Expiration: 08/31/2011
History: No Prior Complaints

A September 22, 2011 Notice of Violation alleges that one (1) licensed cosmetologist was observed providing services to a client in a licensed cosmetology shop while the shop license was expired and had been expired since August 31, 2011. In addition, the most recent shop inspection sheet was not displayed. As of this summary, the shop license remains expired.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty and instructions to CEASE and DESIST operating until the shop license is renewed.

13. 201103062-1
First License Obtained: 04/21/2011
License Expiration: 04/30/2013
History: No Prior Complaints

A September 22, 2011 Notice of Violation alleges that one (1) licensed manicurist was observed practicing manicuring on a client while her license was expired and had been expired since August 30, 2010. As of September 29, 2011, the license was renewed. The inspector also observed that the floors in the shop were unclean.

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

14. 201103063-1
First License Obtained: 06/21/1993
License Expiration: 12/31/2011
History: No Prior Complaints

A September 23, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed providing cosmetology service to a client in a licensed cosmetology shop. In addition, no manager was present in the shop and the most recent shop inspection sheet was not displayed. According to administrative office records, an application for change of ownership for the shop was received on November 29, 2011; such application was approved on January 12, 2012.

Recommendation: Close and flag.

15. 201103064-1
First License Obtained: 12/11/2008
License Expiration: 11/30/2012
History: No Prior Complaints

A September 15, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed practicing cosmetology on a client in a licensed shop.

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

16. 201103065-1
First License Obtained: 10/16/2008
License Expiration: 10/31/2012
History: No Prior Complaints

A September 15, 2011 Notice of Violation alleges that several unsanitary conditions were noted in a licensed manicure shop, including – 1) extensive dust present on floors; 2) nail clippings and spilled nail polish were present on the floor; 3) manicure tables were not cleaned after use; 4) implements were not stored as required and 4) pedicure chairs and tubs were left in an unsanitary condition.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of not less than a $1,500.00 civil penalty.

17. 201103066-1
First License Obtained: 10/16/2008
License Expiration: 10/31/2012
History: No Prior Complaints

A September 15, 2011 Notice of Violation alleges that a licensed master barber was observed practicing barbering on a client in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.

18. 201103234-1
First License Obtained: 09/21/2011 : 11/08/2000
License Expiration: 09/30/2013 : 08/31/2013
History: 200604137-1, closed 12/04/06 w/ $1000.00 CP

A May 25, 2011 Notice of Violation alleges that a licensed aesthetician was observed providing eyebrow waxing services in a licensed manicure shop – according to the inspector, the shop owner had previously been warned concerning waxing services in a manicure shop. The inspector also reports that several items in the shop were not sanitized after use and stored.

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

19. 201103185-1
First License Obtained: 02/23/2000
License Expiration: 02/28/2012
History: No Prior Complaints

A consumer complaint filed on October 18, 2011 alleges that a licensed cosmetologist provided her an extremely poor-quality service when she visited the salon that employed the stylist in August 2011. The stylist denies ever having provided service to the Complainant.

Recommendation: Close with no action.

20. 201103230-1
First License Obtained: 06/29/1994
License Expiration: 11/30/2013
History: No Prior Complaints

An October 6, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business, although no services were being provided, while the shop license was expired and had been expired since June 30, 2011. On October 17, 2011, an application for change of ownership was submitted to the board office – such application was approved on December 8, 2011.

Recommendation: Close and flag.

21. 201103233-1
First License Obtained: 03/25/1999
License Expiration: 05/31/2013
History: No Prior Complaints

An October 7, 2011 Notice of Violation alleges that an unlicensed individual was found practicing manicuring in a licensed manicure shop. In addition, no licensed manager was present in the shop.

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

22. 201103236-1
First License Obtained: 06/22/2011
License Expiration: 05/31/2013
History: No Prior Complaints

A September 29, 2011 Notice of Violation alleges that a licensed natural hairstylist was observed performing a relaxer service on a client in a licensed natural hairstyling shop.

Recommendation: Close with a letter of instruction re: scope of services permitted under natural hairstyling license.

23. 201103237-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A September 15, 2011 Notice of Violation alleges that, during an initial inspection of a full-service cosmetology shop, the inspector observed an unlicensed individual providing aesthetics services to a client in the shop. The shop application is still in process as of this summary.

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

24. 201103238-1
First License Obtained: 02/26/2008
License Expiration: 02/28/2012
History: No Prior Complaints

A November 17, 2011 Notice of Violation alleges that an individual was observed wearing a smock and sitting at a work station in a licensed cosmetology shop. The individual states that she will be applying for reciprocity in the Tennessee and is licensed in the state of Florida; however, as of this summary, no application for reciprocity has been received.

Recommendation: Close with a letter of warning.

25. 201103002-1
First License Obtained: 06/05/2009
License Expiration: 06/30/2013
History: No Prior Complaints

A consumer complaint filed September 21, 2011 alleges that a licensed cosmetologist is performing hair services in clients' homes and provides poor quality services. The licensee denies the allegations, stating that she does not live in the state of Tennessee any longer and has transferred her license to Missouri. According to the licensee, the complaint was filed by the wife of her ex-husband, with whom she is currently involved in a custody dispute, and is an unwarranted attempt to damage her reputation.

Recommendation: Close with no action.

26. 201103004-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint forwarded to the board office from the Division of Consumer Affairs on October 3, 2011 alleges that an unlicensed individual performed services on a client at her home. According to the client, the services were very poor quality and the individual refused to complete the services after she requested same and indicated that she was dissatisfied with her hair style. The individual, who recently completed cosmetology school in Missouri and states that she is providing services in order save money for examination fees, admits that she performed the services on the consumer and also admits that she declined to finish the services after the consumer threatened her.

Recommendation: Close with a CEASE and DESIST letter.

27. 201101937-1
First License Obtained: N/A
License Expiration: N/A
History: 201100754-1 Closed-06/17/11 w/ Cease & Desist letter

An inspector report submitted February 7, 2011 alleges that an unlicensed individual was observed operating an unlicensed natural hairstyling shop. The shop was previously sent a CEASE and DESIST advisory notice on a later filed case, and no additional information has been received indicating that the shop continues to operate.

Recommendation: Close and flag.

28. 201103178-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint filed August 15, 2011 alleges that a shop providing is aesthetics services without a board-issued license. According to the Complainant, the shop, which is located in Franklin, TN, has a "medical director", who is a licensed chiropractor in the Memphis area. A review of the shop's website shows that it provides both aesthetic and related, non-cosmetology services (i.e., massage, advanced aesthetics, laser services, etc.) as well as "physician" services. The owner of the shop denies that the shop uses lasers and states that there is no geographical proximity requirement for a medical director.

Recommendation: Issue a CEASE and DESIST advisory notice and forward the complaint to the Dept. of Health for review.

29. 201103235-1
First License Obtained: 11/18/2004
License Expiration: 11/30/2008
History: No Prior Complaints

A September 30, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at inspection time; however it does appear that the license for the shop in question has been expired since 2008.

Recommendation: Close with a CEASE and DESIST advisory notice.

30. 201200082-1
First License Obtained: N/A
License Expiration: N//A
History: No Prior Complaints

A March 26, 2011 Notice of Violation alleges that an unlicensed individual was observed providing cosmetology services to a client in an unlicensed cosmetology shop.

Recommendation: Close with a CEASE and DESIST letter.

31. 20120083-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

An unsigned April 28, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at inspection time.

Recommendation: Close and flag.

32. 201101943-1 (RE-PRESENT)
201103053-1
First License Obtained: 07/20/2010
License Expiration: 06/30/2012
History: No Prior Complaints

A September 30, 2011 Notice of Violation alleges that two (2) unlicensed individuals were observed practicing manicuring in a licensed manicure shop. Also, a June 2, 2011 consumer complaint alleges that a prospective employee of the shop observed that individuals in the shop failed to follow required implement/equipment sanitation procedures in the shop. Upon review of the September 30th Notice, the board recommended a formal hearing with authority to settle by Consent Order of $500.00. The shop owners have already completed settlement on the September 30th Notice – no sanitary violations were alleged during the September 30th inspection.

Recommendation: Combine cases and close as settled.

33. 201102571-1 (RE-PRESENT)
First License Obtained: 08/10/1992
License Expiration: 09/30/2011
History: No Prior Complaints

An April 28, 2011 Notice of Violation alleges that a cosmetologist was observed practicing on a client in a cosmetology shop while both her personal license and the shop license were expired and had been expired since November 30, 2010 and September 30, 2011, respectively. According to the inspector, the owner states that she intends to close her shops and discontinue practicing cosmetology.

Recommendation: Close and flag.

34. 201102633-1 (RE-PRESENT)
First License Obtained: 05/22/1995
License Expiration: 05/31/2013
History: No Prior Complaints

An August 25, 2011 Notice of Violation alleges that a non-service animal was found in a licensed cosmetology shop. In addition, the owner's cosmetologist license was not displayed in the shop (although it was valid) and the shop license was expired and had been expired since May 31, 2011. The owner was providing shampoo service to a client at inspection time. As of the date of this summary, the shop now holds a valid license. The board originally reviewed the Notice of Violation at the November 2011 meeting and authorized a formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty. The shop owner, who operates a residential shop, states that the violation was unintentional and that she will not permit the animal to be present in the future.

Recommendation: Close with a letter of warning.

35. 201200075-1
First Licensed Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A March 17, 2011 Notice of Violation alleges that an unlicensed individual was observed performing eyelash extensions on a client in an unlicensed shop.

Recommendation: Issue a CEASE and DESIST advisory notice.

36. 201200020-1
First License Obtained: 08/02/1983
License Expiration: 07/31/2013
History: No Prior Complaints

The Complainant has requested that the complaint be withdrawn, stating that he provided incorrect information.

Recommendation: Close with no action.

37. 201102985-1
First License Obtained: 10/08/2007
License Expiration: 09/01/2012
History: 201000148-1, Closed w/ $500 CP 11/29/2010

A consumer complaint filed August 1, 2011 alleges that a licensed school of cosmetology failed to provide a proper accounting of the charges it was demanding from the consumer relative to her daughter's cosmetology education. According to the school, there are no discrepancies with the student's account balance, her account has been satisfied and her educational hours have been released.

Recommendation: Close with no action.

38. 201200104-1
First License Obtained: 10/08/2007
License Expiration: 09/01/2012
History: 201000148-1, Closed w/ $500 CP 11/29/2010

A consumer complaint originally filed on September 23, 2009 and re-filed September 13, 2011 alleges that the consumer, who was a student at a licensed school of cosmetology, is being defrauded by the school relative to her outstanding account balance with the school. According to the consumer, she does not feel that the school's accounting of her financial aid was correct and she also feels that her graduation date was altered in order increase the amount she would owe the school. The school denies any wrongdoing relative to the consumer's account, stating that all monies received on the student's behalf were appropriately applied and/or refunded to the student's account. According to the school, the student has a justly-determined outstanding balance with the school. Upon initial review of the consumer's complaint, the board recommended that the complaint be closed with no action.

Recommendation: Close with no action.

39. 201102984-1
First License Obtained: 03/21/1994
License Expiration: 09/01/2012
History: Violation Issued 10/10/95, $100 CP 11/29/95

A consumer complaint filed on July 20, 2011 alleges that a licensed school of cosmetology dismissed a student from school without cause. According to the student, when she tried to conference with her instructors and the school owner concerning her dismissal, they refused to discuss the situation with her. The owner of the school states that the student was allowed to enroll in the school as part of a free instructor training program the school offers. According to the owner, the student's instructors noted that she was not actively involved in the teaching process, that she regularly fraternized with students and that the students felt that could not learn from her due to a speech impediment.

Recommendation: Close with no action.

40. 201102999-1
First License Obtained: 03/21/1994
License Expiration: 09/01/2012
History: Violation Issued 10/10/95, $100 CP 11/29/95

A consumer complaint filed September 20, 2011 alleges that a licensed school of cosmetology wrongfully expelled the consumer's daughter, who was a student at the school. According to the consumer, the school treated her daughter in a discriminatory fashion and expelled her due to an off-premises occurrence. The school denies expelling the student for discriminatory reasons or for an off-campus incident. The school states that the student was expelled after she began making threats to persons in the school on the school's clinic floor after school personnel attempted to counsel her concerning the off-campus incident. According to the school, she was counseled about the incident because she was wearing her school uniform when the incident occurred. The school provided documentation of the student's behavior, including a police report filed after the student made threatening statements to persons at the school.

Recommendation: Close with no action.

41. 201103179-1
First License Obtained: 02/29/2000
License Expiration: 09/01/2012
History: 20110078-1, Formal Charges Authorized 11/02/2011.

A consumer complaint filed August 18, 2011 alleges that an instructor at a licensed cosmetology school grades the consumer (who is a student at the school) unfairly. The instructor denies this, stating that she grades all students fairly and that the complaining student consistently challenges her authority in the classroom.

Recommendation: Close with no action.