

MINUTES

The Tennessee State Board of Cosmetology held a meeting March 5, 2012 at 9:00 am in Nashville, Tennessee.

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

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney Hosam William, Paralegal 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 from the February 6, 2012 board meeting submitted for change and/or approval.

MOTION made by Janet Wormsley and seconded by June Huckleby approval of the February 6, 2012 board meeting minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Vanita Arora requested to appear before the Board today requesting reciprocity of her aesthetician and cosmetology license from Canada. She has submitted several certificates as to completion of training as esthetics instructor, makeup artistry, diamond peel microdermabrasion and hair styling but no documentation provided as to hours of instruction. She has also submitted letters of work history from Elegance Beauty Parlour and also a letter of reference. No license only certificates of completion of courses. Ms. Arora explain to Board Members she completed the courses she had submitted certificates and worked in the professions after completion of the courses.

MOTION made by June Huckleby and seconded by Muriel Smith for applicant to sit for the state board cosmetology examination. Motion carries unanimously.

MOTION made by Diana Buchanan and seconded by Janet Wormsley for applicant to sit for the state board aesthetician examination. Motion carries unanimously.

Thi Phan request to appear before the Board today concerning her application for reciprocity of manicurist license from the State of Michigan which requires 400 hours of instruction in the manicurist curriculum. Ms. Phan's proof of work history for 5 years from her income tax returns list her occupation in 2006 and 2007 manicurist, 2008 and 2009 homemaker and 2010 manicurist. Ms Phan's husband spoke for her explaining that she does not speak or understand English very good. He stated Ms. Phan worked in 2008 and 2009 as a manicurist and also was a owned a salon and they have no idea why the person who filed the tax documentation would put homemaker. No information in the tax documentation provide proof of ownership of a salon or business.

MOTION made by June Huckleby and seconded by Muriel Smith to place the application on hold until the applicant can provide proof of the business (salon) ownership for 2008 and 2009 or provide proof of applicant's occupation as a manicurist for 2008 and 2009. Four (4): Yea / One (1): Nay.

Yolande Chryll Moreno requested to appear before the Board today concerning her application for reciprocity of aesthetician license from the State of Washington. The Board reviewed her application at the February meeting at which time the Board voted applicant would be required to complete an additional 150 hours of instruction in the esthetics curriculum and pass the state board aesthetician examination. Certification of licensing form the State of Washington Board of Cosmetology verified completion of 600 hours of instruction in the curriculum and her original date of licensing as 01/01/11. Ms. Moreno submitted certificate stating she completed 600 hours in the esthetics curriculum and an additional certificate for completion for 600 hours in the medical esthetics. Ms. Moreno's husband was with her and he spoke for her questioning the Board as to why she would be required to take additional hours in the curriculum or sit for the examination when she holds a license and has completed twelve hundred (1200) total hours in the curriculum. The Board advised that the State of Washington would only certify six hundred (600) hours in the curriculum. Tennessee requires 750 hours of instruction in the aesthetician curriculum.

MOTION made by Diana Buchanan and seconded by Muriel Smith requiring applicant to sit for the state board aesthetician examination. Motion carried unanimously.

Kelly Tran is here today at the request of the Board concerning her application for reciprocity of esthetics license from Texas. Ms. Tran is currently license in Tennessee as a manicurist since 07/12/2002. Applicant submitted documentation stating she completed 750 hours of instruction in the esthetics curriculum in 2009. Ms. Tran submitted a transcript from Executive Beauty Academy in Virginia, diploma and letter from former school owner. Ms. Tran took the esthetics examination in Texas and obtained license 10/26/11 and is now requesting reciprocity of her aesthetician license to Tennessee. Executive Beauty Academy was sold and the current owners submitted a letter stating the old ownes has passed away and they had no access to those files however they received documents from Ms. Kelly as to education she completed at the school. Virginia only requires completion of 600 hours of instruction in the esthetics curriculum. Ms Tran questioned Board Members as to why she would be required to sit for the aesthetician examination in Tennessee since she holds an aesthetician license from Texas and was required to take the examination in Texas. Board Members explained the curriculum she completed was six hundred (600) hours in Virginia and Tennessee requires seven hundred fifty (750) hours of instruction in the esthetics curriculum.

MOTION made by June Huckeby and seconded by Janet Wormsley requiring applicant to sit for the state board aesthetician examination. Motion carried unanimously.

Arouny N. Keohavong is here today concerning her application for the manicurist reinstatement examination. Ms. Keohavong's Tennessee license expired in 6/30/97. Ms. Keohavong was in a shop performing services 09/09/10. Ms. Keohavong has previously requested to take the reinstatement examination and you have the copy of the minutes with motion stating applicant is required to wait 1 year (from December 2010) and she can appear before the board requesting approval. Ms. Keohavong's sister was with her and stated Ms. Keohavong does not speak or understand English very well. Ms. Keohavong's sister stated she has a valid license in the State of Indiana and when Ms. Keohavong was working in a shop in Tennessee she did not understand that she needed to apply to have the license in Indiana transferred to Tennessee. Ms. Keohavong stated her sister was given incorrect information from people in the salon.

No MOTION made the Board stated Ms. Keohavong should apply for reciprocity of Indiana manicurist license to Tennessee.

Holly Melissa Helton requested to appear before the Board concerning removal of her instructor status from her cosmetology license. Applicant's last seminar attendance was 07/04/08 and her instructor status was removed due to not meeting the requirements for sixteen (16) continuing educational hours in (2010) every two (2) years. Ms. Helton stated during the year she was to attend the seminar her mother was ill and she was taking care of her mother was the reason she did not attend the seminar.

MOTION made by Muriel Smith and seconded by June Hucceby to request medical documentation as to her mother's illness for review by the Board. Motion carried unanimously.

Eric, Representatives from Rooster's Salon is appearing before the Board today to discuss with Board Members cosmetologist performing facial shaving in Rooster's Salons. Eric stated the facial shaving by cosmetologist in Rooster's Salon would be done with a safety disposal razor. Board Members explained that facial shaving is not offer in the cosmetology curriculum and is not under the scope of practice for cosmetologist in Tennessee. Facial Shaving falls under the scope of practice for master barbers in Tennessee.

No Motion necessary – The scope of practice as a cosmetologist does not include facial shaving.

ADMINISTRATIVE REPORT-

Attorney Terrace Bond advised Board Members this would be his last meeting as attorney for the board. He will be leaving employment with the State of Tennessee on March 14, 2012 to enter private practice. He stated he has enjoyed working with the Board and will miss everyone. Board Members expressed to Mr. Bond their appreciation for the dedication and commitment as legal adviser for the Board.

EXAMINATION APPLICATIONS-

Four application for examination approval Shovona Frasier, Neila Carr, April Rhea and Latachia Cason have felonies and all the required information has been submitted from the applicant and the school attended. Ms. Cason's letter from the school she attended was received in the board office later Friday afternoon.

MOTION made by Muriel Smith and seconded by Janet Wormsley approval of applications for examinations with signed agreed orders. Motion carried unanimously.

Application for examination from Jessica Danielle Williams who has a felony. Applicant completed her hours in 06/11 and the school has submitted the letter of examination recommendation but we have not received the required information from applicant. The school she attended and I have attempted to reach her. The school states they think she moved out of state. I'm requesting the board vote approval of the application after the required information from applicant is received and agreed order signed.

MOTION made by Diana Buchanan and seconded by June Huckleby approval of the application for examination with signed agreed order after required information is received from applicant. Motion carried unanimously.

Application for examination from Loan Thi kim Nguyen. The Board voted at the 06/05/2000 board meeting that due to applicant caught cheating on examination she would not be able to take the manicurist examination in Tennessee again. Applicant obtained manicurist license in Alabama by reciprocity from Florida 12/4/2008 where she obtained license by endorsement from unknown. Applicant applied for reciprocity of license to Tennessee and the board voted at the October 4, 2010 meeting she would be required to complete 360 hours in the curriculum and pass the state board examination in Tennessee. Applicant enrolled in Knoxville Institute of Hair Design and completed the 360 hours and has now placed the application for examination.

MOTION made by Diana Buchanan and seconded by Muriel Smith approval of application for examination. Motion carried unanimously.

Application for cosmetology instructor examination from Arnel Lee Murr who holds a cosmetology license in Tennessee. We have certification from the Oklahoma State Board of Cosmetology which states he completed 500 hours in the instructor course in 1980 but did not take the examination to obtain instructor license

MOTION made by Muriel Smith and seconded by Diana Buchanan approval of the application for the instructor examination. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology instructor license from Florida for Maria Valenti. Certification from the Florida State Board verifies cosmetology license. In the State of Florida hours of instruction in the instructor curriculum and a state board instructor examination are not required. Florida does not have an instructor status for license. Applicant has submitted tax documentation for proof of occupation as a cosmetology instructor from 2005-2010. She has also submitted several certificates for review.

MOTION made by June Huckleby and seconded by Muriel Smith requiring applicant to sit for the cosmetology instructor examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Illinois for Susan Reinwald. Certification from the Illinois State Board states the applicant was grandfathered in as a nail technician in 1994. No hours of instruction or examination only experience. Proof of 5 year work history submitted is not satisfactory for proof of occupation as a manicurist.

MOTION made by Diana Buchanan and seconded by Janet Wormsley requiring applicant to complete the required six hundred (600) hours of instruction in the manicurist curriculum and sit for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Jacqueline Reil. Certification from the California State Board verifies 600 hours of instruction in the esthetic curriculums and the work history is for 2008-2011 not five years.

MOTION made by June Huckleby and seconded by Janet Wormsley requiring applicant to complete an additional one hundred fifty (150) hours of instruction in the esthetics curriculum and sit for the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Hue Trinh. Certification from the Georgia State Board verifies 525 hours of instruction in the manicurist curriculum and original date of licensing of 12/07/09.

MOTION made by June Huckleby and seconded by Muriel Smith requiring applicant to complete seventy-five (75) hours of instruction in the manicurist curriculum and sit for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Michigan for Jamie Palmer. Certification from the Michigan State Board verifies 400 hours of instruction. She has submitted 2 letters for proof of occupation but not on letter head from the tax service provider.

MOTION made by Muriel Smith and seconded by Janet Wormsley approval of the application for reciprocity with work history submitted. Motion carried unanimously.

MISCELLANEOUS-

Agenda for the Instructor Seminar for the University of Memphis submitted for review and approval.

Muriel Smith advised Board Members she did not meet with the Memphis Seminar provider Maryanne MacDonald as the Board requested and she was not aware if Pearl Walker had met with Ms. MacDonald. Ms. Walker is absent from the meeting today. The Board advised the Director to contact Ms. MacDonald and advise her of the requirement to meet with the two area Board Members to prepare agenda for the seminar. The agenda appears to be the same as last years and the Board voted approval of the agenda after the Director contacts Ms. MacDonald for clarification.

MOTION made by June Huckleby and seconded by Diana Buchanan approval of the agenda after the Director contacts the seminar provider for clarification. Motion carried unanimously.

Request from Kathy Robin King Miller-Motte Technical College for approval of the Pivot Point training attended January 3rd-6th 2012 for required continuing education hours. This seminar was not presented to the Board for approval prior to attendance.

MOTION made by June Huckleby and seconded by Muriel Smith to decline the request for approval of the seminar. Motion carried unanimously.

Request from Natalya Rawls for approval of the Milady's Career Institute Classes April 29-30, 2012 in Dallas Texas.

MOTION made by June Huckleby and seconded by Muriel Smith to decline request for seminar approval. Motion carried unanimously.

Request from Fancy Fins Mermaid Boutique to insure they are not violating any laws or rules with what they are doing in the Boutique: The basic concept is to have an area in "Ripley's Cargo Hold Gift Shop" that girls can dress up like a mermaid, get their picture taken, face painted and hair made up. Functions performed-

~Face paint around the eyes. We will not put eyeliner under the eyes but only draw on the sides of the child face.

~Color shadow and glitter will be applied around the eyelids and cheeks.

~Put the girl's hair in simple hair styles that will not involve heat, chemicals, washing, or cutting of the hairs.

~Do simple twists, ponytails, buns and braids.

~Combs and alcohol free gel and detangler will be used. Will not use any products with chemicals such as hair spray.

~Will have a sink with hot water accessibility and hand sanitizers at every station.

~Will have a case of barbicide disinfectant underneath the sink to sanitize combs daily.

MOTION made by June Hucceby and seconded by Muriel Smith that Fancy Fins is not required to be license as a shop or individuals hold license. The Board requested the Director send a letter recommending they attempt to follow all the established cosmetology laws and rules relating to disinfection and sanitation.
Four (4) Yeas/ One (1) Nay

Notification from Love Beauty School of plans to begin offering an esthetics program at the school and they will be ready for site visit by Board Member on 02/27/12 and the email was email was sent 02/24/12. The school is aware this will be presented to the Board at today's meeting.

MOTION made by Muriel Smith and seconded by Janet Wormsley to have the Board Member and Board Inspector for the area inspect the school. Motion carried unanimously.

Request for extension from Joan Holt. Ms. Holt has not completed 16 hours of continuing education since 2009 (2010 and 2011) license expire 01/2013. She has sent a physician statement concerning her treatment 2007 and 2008.

MOTION made by Muriel Smith and seconded by Janet Wormsley approval of the request for extension and applicant is required to attend the 2012 instructor seminar. Motion carried unanimously.

Lavandalous Christmon who exceeded the required 6 months for completion of the instructor hours has sent a letter of appeal.

MOTION made by Muriel Smith and seconded by June Hucceby the previous motion stands. The Board suggested a physician statement submitted for review. Motion carried unanimously.

Request from Danielle Scott to the Board requesting to retain hours she completed in the cosmetology curriculum that are now expired. Ms. Scott is currently enrolled in the cosmetology curriculum and has completed one thousand (1000) hours.

MOTION made by June Hucceby and seconded by Diana Buchanan requiring applicant to complete five hundred (500) hour in the cosmetology curriculum to qualify for examination. Motion carried unanimously.

Franklin Academy submitted an application for change of location at the February 2012 meeting. The school has been inspected by the Board Member and Board Inspector and found to be in compliance with all requirements and change of location was approved.

Universal Salon was inspected by the Board Member for approval to begin offering the esthetics curriculum.

Request for extension from the seminar Shirley Dorsey. Her license expiration date 02/28/12 and last seminar attendance was 2009. She states in her request she was dealing with her sick mother and misunderstood as to when she was suppose to attend.

MOTION made by June Huckleby and seconded by Muriel Smith to decline the request for extension. Motion carried unanimously.

Letter submitted from Dr. Robert Spalding, DPM (Area Podiatry Center) concerning changes that need to be made in the laws and rules concerning manicuring to protect the health welfare and safety of the public. He explains in details the issues and concerns and hopes the Board will be open to address the concerns. Board Member states the letters address some concerns that will be taken into consideration during rulemaking.

Field trip request from Austin's Beauty College for Students to attend the Fashion Focus Hair Show from Cosmo Prof on March 25th and 26th.

MOTION was made by Diana Buchanan and seconded by June Huckleby approval of the field trip request. Motion carried unanimously.

Consent Orders-

MOTION made by Muriel Smith and seconded by June Huckleby approval of consent orders. Motion carried unanimously.

Legal Report-

MOTION made by Muriel Smith and seconded by Janet Wormsley approval of legal report. Motion carried unanimously.

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

COSMETOLOGY BOARD
MARCH 2012
CONSENT ORDERS ~~\$2500.00~~ 3000.00

Foxy Nails
560 S. Jefferson Avenue #11
Cookeville, TN 38501

Violation issued May 6, 2011
Pd \$500.00 on 02-22-2012

Frida's Beauty Salon
5822 A Lee Hwy
Chattanooga, TN 37421

Violation issued September 15, 2011
Pd \$500.00 on 02-29-2012

Great Clips
316 Hutton Place
Suite 164
Ashland City, TN 37015

Violation issued April 13, 2011
Pd \$500.00 on 02-24-2012

Premier Salons
31790 Galleria Blvd.
Franklin, TN 37064

Violation issued April 27, 2011
Pd \$500.00 on 01-11-2012

Punchy
160 Nesbitt Lane
Apt. 1467
Madison, TN 37115

Violation issued March 16, 2011
Pd \$500.00 on 02-09-2012

Top Nails
260 16th Avenue
Suite 108
Dayton, TN 37321

Violation issued June 3, 2011
Pd \$500.00 on 02-08-2012



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
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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: March 5, 2012
SUBJECT: March Legal Report

VERBAL ADDENDUM TO THE LEGAL REPORT –

201102333-1 [RE-PRESENT]

A May 16, 2011 Notice of Violation alleges that a licensed manicurist and owner of a licensed manicure shop was observed practicing manicuring on a client in such shop while her manicure license was expired. The license was renewed prior to the initial presentation of the Notice in December 2011. Upon review, the Board authorized a formal hearing against the licensee with authority to settle by Consent Order and payment of a \$500.00 civil penalty. The licensee has requested that the Board issue a Letter of Warning and rescind its offer of settlement in light of the licensee's long history of compliance. This is the licensee's first violation – she has held a manicurist license since 1996.

Recommendation: Close with a letter of warning.

- 1. 201200152-1
201200163-1
First License Obtained: 06/01/2011
License Expiration: 05/31/2013
History: No Prior Complaints**

April 15, 2011 and May 19, 2011 Notices of Violation allege that two (2) individuals were observed providing services to clients in an unlicensed cosmetology shop. The shop became licensed on June 1, 2011.

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

2. **201200009-1**
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint alleges that the Respondent, a formerly licensed cosmetologist, is providing cosmetology services in her home. According to the consumer, the individual is being paid by such clients. The Respondent admits that she provides hairstyling services in her home; however, she states that she never charges for such services. The Respondent provided several letters from persons that have received services from her – in each letter, each person states that the Respondent has never charged them for service and has performed such services as a personal favor.

Recommendation: Close with no action.

3. **201200354-1**
First License Obtained: 01/22/1999
License Expiration: 06/30/2012
History: No Prior Complaints

A November 18, 2011 Notice of Violation alleges that a licensed manicure shop was open for business and that persons therein were providing services to clients while the shop license was expired and had been expired since June 30, 2010. Board office records show that the shop held a valid shop license at the time; however, such license was not displayed in the shop.

The inspector reports that two (2) individuals in the shop who did not hold manicurist licenses were practicing on clients in the shop. In addition, no ultraviolet sanitizer was found in the shop, used files and buffers were not sanitized after use and were present on work stations in the shop and several areas in the shop, including the floors, walls and bathrooms were “nasty”, according to the inspector.

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

4. **201200160-1**
First License Obtained: 03/19/82
License Expiration: 09/30/2012

A Notice of Violation issued May 18, 2011 alleges that the new owner of a cosmetology shop operated the shop for more than the legal grace period without obtaining a license to operate the shop. The new owner has now obtained a license to operate the shop.

Recommendation: Close with a letter of warning.

5. **201200161-1**
First License Obtained: 01/20/1987
License Expiration: 09/30/2011
History: 200603924-1 Closed 02/05/07 w/\$500.00 CP Satisfied
200801565-1 Closed 07/16/10 w/\$500.00 CP Satisfied

A Notice of Violation issued May 18, 2011 does not allege a violation of the Tennessee Cosmetology Act of 1986 or any rule duly enacted thereunder.

Recommendation: Close with no action.

6. **201200164-1**
First License Obtained: N/A
License Expiration: N/A
History: No prior Complaints

A May 26, 2011 Notice of Violation alleges that a licensed cosmetologist was found practicing on a client in an unlicensed shop that she owns. As of the date of this summary, the owner of the shop has not file an application to license the shop.

Recommendation: Issue a CEASE and DESIST advisory notice – have the inspector follow-up relative to continued operation of the shop.

7. **201200273-1**
First License Obtained: 12/12/1994
License Expiration: 08/31/2012
History: No Prior Complaints

A Notice of Violation issued November 1, 2011 alleges that the inspector has been routinely denied access to a shop to perform inspections. According to the Notice, for the past eight (8) years, the inspector has not been able to access shop work stations (there are suites for each cosmetologist providing services in the shop – although there is only one shop license), the shop license or the cosmetologists' individual licenses due to the work stations in the shop being locked. No manager was present during the attempted inspection.

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

8. **201200274-1**
 First License Obtained: 07/30/2002
 License Expiration: 05/31/2008
 History: No prior Complaints

A November 4, 2011 Notice of Violation alleges that a cosmetologist whose license has been expired since September 30, 2011 was observed providing services to a client in a cosmetology shop while the shop license was expired and had been expired since May 31, 2008. As of this date, applications for renewal of the owner's or the shop's license have not been filed.

Recommendation: Issue a CEASE and DESIST advisory notice.

9. **201200286-1**
 201200401-1
 First License Obtained: 10/22/2008
 License Expiration: 10/31/2012
 History: 200901435-1 Closed 01/28/2010 w/\$1,500.00 CP Satisfied

A September 27, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop. According to the individual, she held a manicure license in the state of Georgia but has not yet applied for licensure in Tennessee.

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

10. **201200324-1**
 First License Obtained: 08/26/2009
 License Expiration: 08/31/2011
 History: No Prior Complaints

A November 8, 2011 Notice of Violation alleges that a licensed cosmetologist was observed providing service to a client in a cosmetology shop where the shop license had been expired since August 31, 2011. As of the date of this summary, the shop license remains expired.

Recommendation: Issue a CEASE and DESIST advisory notice.

11. **201200325-1**
 First License Obtained: 03/20/1996

License Expiration: 06/30/2013

History: 200901988-1 Closed 01//08/2010 w/\$2000.00 CP Satisfied

201001750-1 Closed 02/17/2011 w/\$2,500.00 CP Satisfied

201003458-1 Closed 05/25/2011 w/\$1000.00 CP Satisfied

A November 16, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order revoking the shop license.

12. 201200326-1

First License Obtained: 01/15/2009

License Expiration: 12/31/2012

History: No Prior Complaints

A November 17, 2011 Notice of Violation alleges that two (2) licensed cosmetologists in a licensed shop failed to wear identification tags while practicing on clients in the shop. The inspector reports that the owner of the shop received warnings on three (3) previous occasions regarding identification tags.

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

13. 201200353-1

First License Obtained: 06/19/1981

License Expiration: 03/31/2010

History: No Prior Complaints

A November 18, 2011 Notice of Violation alleges that the new owner of a formerly-licensed cosmetology shop operated the shop for longer than the legal grace period without obtaining a license to operate the shop. As of the date of this summary, the new owner has not filed a shop license application.

Recommendation: Issue a CEASE and DESIST advisory notice.

14. 201200355-1

First License Obtained: 08/06/2007

License Expiration: 07/31/2013
History: No Prior Complaints

A December 1, 2011 Notice of Violation alleges that no manager was present while clients were being served in a licensed cosmetology shop. In addition, one (1) cosmetologist was present in the shop while her license was expired and three (3) individuals in the shop failed to display licenses at their work stations in the shop.

Recommendation: Close with a letter of warning.

15. **201200359-1**
First License Obtained: 05/14/2008
License Expiration: 08/13/2013
History: 201100666-1 Closed 06/03/2011 w/\$4000.00 CP Satisfied
201102598- Formal Charges Authorized 01/04/12

A November 17, 2011 Notice of Violation alleges that a wax machine and other evidence that waxing services were being performed were found at a licensed manicure shop. The inspector also found that a licensed manicurist did not display her license at her work station in the shop. The inspector noted also that several manicuring items in the shop were not sanitized and stored after use.

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

16. **201200360-1**
First License Obtained: 12/01/2010
License Expiration: 10/31/2012
History: 201102358-1 Formal Charges Authorized-01/12/12

A September 30, 2011 Notice of Violation alleges that two (2) unlicensed individuals were observed practicing manicuring on clients in a licensed manicure shop. In addition, the inspector noted that the shop's most recent inspection sheet (which yielded a grade of 75) was not displayed and was found in the back of the shop's appointment book and that several sanitized items were not stored as required.

Recommendation: Combine cases and authorize a formal hearing with authority to settle by Consent Order and payment of not less than a \$2,000.00 civil penalty.

17. **201200361-1**
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A November 23, 2011 Notice of Violation alleges that a licensed manicurist opened a manicure shop without first obtaining an inspection of and approval to open the shop. An application for inspection and licensure of the shop has now been filed.

Recommendation: Close with a letter of warning.

18. **201200362-1**
 First License Obtained: 09/30/2004
 License Expiration: 11/30/2013
 History: No prior Complaints

An October 20, 2011 Notice of Violation alleges that a cosmetology shop owner relocated such shop and began operating same at the new location without first obtaining an inspection of and approval to open the new location. According to the inspector, a client arrived while he was advising the owner of the shop that the shop could not legally operate until the shop was inspected and approved to open. The inspector departed the shop but later returned after he observed the owner providing service to the same client that arrived during the inspection.

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

19. **201200367-1**
 First License Obtained: 11/22/2011
 License Expiration: 11/30/2013
 History: No Prior Complaints

An October 25, 2011 Notice of Violation alleges a licensed cosmetologist was observed providing service to a client in an unlicensed cosmetology shop. The owner of the shop has now obtained a shop license.

Recommendation: Close with a letter of warning.

20. **201200368-1**
 First License Obtained: 07/22/2008
 License Expiration: 07/31/2012
 History: No Prior Complaints

A November 18, 2011 Notice of Violation alleges that an individual who was approved for licensure by reciprocity was found "working" in a licensed manicure shop without displaying her

approval paperwork and a copy of her license payment. The inspector also found a bottle of nail liquid containing MMA in the shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty – Issue a CEASE and DESIST advisory notice relative to manicuring products containing MMA.

21. 201200369-1
201200392-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A June 17, 2011 inspector report alleges that a licensed manicurist may be operating an unlicensed manicure shop. While driving, the inspector noted a sign with the manicure shop name and telephone number. The inspector dialed the number and spoke with the owner of the shop, who approached her and asked her "what she needed- done". After the inspector introduced herself and provided the owner her business card, the owner stated that she was preparing to open and would be filing her shop application immediately. The inspector viewed the inside of the shop area and observed that used service materials were present. As of this summary, no shop license has been issued to the owner.

Recommendation: Issue a CEASE and DESIST advisory notice.

22. 201200370-1
First License Obtained: 08/23/2005
License Expiration: 08/23/2005
History: No Prior Complaints

A December 17, 2011 Notice of Violation alleges that a licensed cosmetology shop holds an expired shop license. The shop license remains delinquent as of the date of this summary.

Recommendation: Issue a CEASE and DESIST advisory notice.

23. 201200371-1
First License Obtained: 05/01/1972
License Expiration: 03/31/2013
History: No Prior Complaints

A November 22, 2011 Notice of Violation alleges that a candidate for reciprocity was observed practicing cosmetology on a client in a licensed cosmetology shop. The candidate is now licensed to practice cosmetology in Tennessee.

Recommendation: Close with a letter of warning.

24. **201200372-1**
 First License Obtained: 02/03/2011
 License Expiration: 01/31/2012
 History: No Prior Complaints

A December 1, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

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

25. **201200374-1**
 First License Obtained: 05/30/2008
 License Expiration: 05/31/2012
 History: No Prior Disciplinary Action

A December 13, 2011 Notice of Violation alleges that the new owner of a licensed cosmetology shop operated the shop for longer than the legal grace period without obtaining a license for the location. According to the inspector, she previously visited the shop on October 26, 2011 and advised shop personnel that the new owner could not operate the shop for more than thirty (30) days after purchase without obtaining a shop license. The new shop owner has now been issued a license.

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

26. **201200377-1**
 First License Obtained: 07/27/2005
 License Expiration: 05/31/2013
 History: 201100780-1 Formal Charges Authorized 01/17/12 (old owner)

A December 2, 2011 Notice of Violation alleges that the new owner of a licensed cosmetology shop operated the shop for longer than the legal grace period without obtaining a license for the location. According to the inspector, he previously visited the shop on October 27, 2011 and advised the shop manager that stylists in the shop were required to wear name tags and that the new owner needed to file an application for change of ownership within thirty (30) days of purchase. On the December 2nd visit, five (5) licensed cosmetologists failed to wear identification tags while providing services to clients in the shop. On January 11, 2012, the area inspector reported that the shop is closed for business.

Recommendation: Close and flag.

27. **201200375-1**
 First License Obtained: 07/27/2005
 License Expiration: 05/31/2013
 History: No Prior Complaints

A December 14, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

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

28. **201200378-1**
 First License Obtained: 10/28/2010
 License Expiration: 09/30/2012
 History: No Prior Complaints

A December 15, 2011 Notice of Violation alleges that an unlicensed individual was observed applying lotion to a female client's leg in a licensed manicure shop.

Recommendation: Close with a letter of warning.

29. **201200379-1**
 First License Obtained: 08/05/2008
 License Expiration: 07/31/2010
 History: No Prior Complaints

The cosmetology shop that was the subject of a December 20, 2011 Notice of Violation is now closed for business.

Recommendation: Close and flag.

30. **201200209-1**
 201200380-1
 First License Obtained: 11/16/2006
 License Expiration: 11/30/2010
 History: No Prior Complaints

Notices of Violation issued October 20 and December 22, 2011 allege that, in both instances, a licensed cosmetologist was practicing on a client in a cosmetology shop where the license had been expired since November 30, 2010. As of the date of this summary, no shop renewal payment has been received.

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

31. 2012003381-1
First License Obtained: 10/15/2008
License Expiration: 10/31/2012
History: 200902405-1 Closed 05/13/11 w/\$1,500.00 CP Satisfied
201102547-1 Formal Charges Authorized 01/18/12

A Notice of Violation issued December 2, 2011 alleges that a wax machine was found in a licensed manicure shop.

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

32. 201200300-1
First License Obtained: 12/02/2010
License Expiration: 11/30/2012
History: No Prior Complaints

An October 14, 2011 Notice of Violation alleges than an unlicensed individual was practicing manicuring on a client in a licensed manicure shop.

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

33. 201200301-1
First License Obtained: 08/21/2002
License Expiration: 11/30/2013
History: 200502114-1 Closed 11/07/05 w/\$500 CP Satisfied
200604388-1 Closed 04/02/07 w/500 CP Satisfied

An October 18, 2011 Notice of Violation alleges that an unlicensed individual was practicing manicuring on a client in a licensed manicure shop.

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

34. 201200317-1

First License Obtained: 12/23/2010
License Expiration: 12/31/2012
History: No Prior Complaints

An October 21, 2011 Notice of Violation alleges that the inspector found that a pedicure tub in a licensed manicure shop was not properly sanitized after use. The inspector previously warned shop personnel concerning proper care of the pedicure tub chair during his last shop inspection on August 26, 2011.

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

35. 201200323-1
First License Obtained: 11/26/2007
License Expiration: 05/31/2012
History: No prior Complaints

A November 1, 2011 Notice of Violation alleges that no manager was present while two (2) manicurists in a licensed manicure shop were providing services to clients.

Recommendation: Close with a letter of warning.

36. 201103182-1
First License Obtained: 12/07/2010
License Expiration: 12/31/2012
History: No Prior Complaints

The Board office received a Notice of Alleged Violation from the Texas Department of Licensing and Regulation (TDLR) in the name of the Respondent, who is licensed as an aesthetician in this state by reciprocity from Texas. According to the Notice, the Respondent received classroom hours of instruction in the Texas Cosmetology Facialist curriculum without attending such classes at a licensed cosmetology school as required by Texas law. The Respondent denies the allegations, stating that she lived with a relative during the time she attended classes in Texas. The TDLR states that it based its allegations against the Respondent on the fact that a search of her name in a database it frequently uses to determine whether an individual ever held residency in the state did not produce any results when the Respondent's name was entered. According to the TDLR, it does not intend to proceed in its case against the Respondent due to insufficient evidence.

Recommendation: Close and flag.

37. **201200290-1**
First License Obtained: 12/05/1997
License Expiration: 11/30/2013
History: 201001739-1 Closed 11/29/10 w/ \$1000 CP Satisfied

A September 29, 2011 Notice of Violation alleges that a wax machine was found in a licensed manicure shop. The inspector states that the shop owner was previously warned relative to waxing services in the shop.

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

38. **201200296-1**
First License Obtained: 12/01/1994
License Expiration: 05/20/2011
History: 200600761-1 Closed 06/06/06 w/\$1000 CP Satisfied

A September 30, 2011 Notice of Violation alleges that the owner and/or manager of a licensed manicure shop failed to correct several sanitary violations that were noted by the inspector during an inspection performed on June 7, 2011 (grade 92). Among the alleged violations were: unswept floors, with nail dust and nail tips present throughout; drill bits at all work stations in the shop were left in an unsanitary condition after use; and, a thick layer of nail dust was present in tool drawers where sanitized tools would be kept.

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

39. **201200110-1**
201200297-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

An October 6, 2011 Notice of Violation alleges that unlicensed individuals were observed performing full hairstyling services, including the flat-ironing, cutting and extending of hair, on clients at an unlicensed location.

Recommendation: Issue a CEASE and DESIST advisory notice.

40. **201200172-1**

201200236-1

201200244-1

First License Obtained: 04/05/2007

License Expiration: 03/31/2013

History: 200902403-1 Closed 05/18/11 w/\$4000.00 CP Satisfied

Notices of Violation issued June 2, 2011, November 10, 2011 and January 6, 2012 allege that (June 2): two (2) unlicensed individuals were practicing manicuring on clients in a licensed manicure shop and a licensed manicurist was present in the shop while his license was expired and had been expired since August 30, 2010. (November 11): One (1) individual did not have a license displayed and could not provide proof of her identity. (January 6): One (1) individual did not have a license displayed and could not provide proof of his identity. Also, the shop was open for business, with individuals performing services therein, while the shop license was expired and had been expired since March 31, 2011. The same licensed manicurist whose license was expired during the June 2011 inspection was again present while his license was expired. Both the manicurist license and the shop license have now been renewed.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of shop license revocation.

41. 201200298-1

First License Obtained: 10/04/2007

License Expiration: 09/30/2013

History: No Prior Complaints

An October 12, 2011 Notice of Violation alleges that two (2) licensed cosmetologists were providing services to clients in a shop where the license expired September 30, 2011. The shop license was renewed the following day.

Recommendation: Close with a letter of warning.

42. 201200299-1

First License Obtained: 07/09/1997

License Expiration: 06/30/2012

History: No Prior Complaints

An October 12, 2011 Notice of Violation alleges that a licensed cosmetologist was providing service to a client in a cosmetology shop where the shop license had expired on June 30, 2010. The inspector states that the shop owner was advised of the shop license status and provided renewal instructions during the last shop inspection on December 15, 2010. The shop license is now renewed.

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

43. 2012003901-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

An inspector's report received May 25, 2011 alleges that an individual was observed operating an unlicensed cosmetology shop. No clients were present during the inspector's visit. The inspector provided the owner of the shop a shop application and advised her that it was unlawful to operate such shop without a license.

Recommendation: Issue a CEASE and DESIST advisory notice.

44. 201200398-1
First License Obtained: 04/16/2007
License Expiration: 08/31/2013
History: No Prior Complaints

A December 8, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop. The Notice also alleges that the most recent shop inspection sheet and shop license were not displayed.

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

45. 201200400- 1
First License Obtained: 06/21/1993
License Expiration: 12/21/2013
History: No Prior disciplinary Action

A December 8, 2011 Notice of Violation alleges that a licensed cosmetologist whose license was expired was observed providing services to a client in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.

46. 201200386-1
First License Obtained: 06/28/1996
License Expiration: 03/31/2013
History: No Prior Complaints

An inspector's report received on May 10, 2011 alleges that minor sanitary violations were noted at a licensed manicure shop. The inspector issued the shop owner a warning.

Recommendation: Close and flag.

47. 201200456-1
First License Obtained: 06/30/2010
License Expiration: 06/30/2012
History: 201102367-1 Formal Charges Authorized 01/04/12

A January 27, 2012 Notice of Violation alleges that an unlicensed individual was observed providing skin care services to a client in a licensed skin care shop.

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

48. 201200157-1
201200158-1
First License Obtained: 09/23/2009
License Expiration: 08/31/2011
History: Violation issued 05/30/09- \$3000.00 CP 05/26/11 Satisfied

Notices of Violation issued April 30 and August 25, 2011 allege that an unlicensed individual was observed, on both occasions, providing services to clients in a licensed skin care shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of not less than \$2,000.00.

49. 201200181-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Disciplinary Action

An August 26, 2011 Notice of Violation alleges that an unlicensed individual was observed providing services to a client in an unlicensed skin care shop.

Recommendation: Issue a CEASE and DESIST notice.

50. 201200457-1 (Applicant)
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A January 20, 2012 Notice of Violation alleges that a wax machine was found in a manicure shop during an initial licensure inspection. The inspector advised the owner concerning waxing services in manicure shops.

Recommendation: Close with a letter of warning.

51. 201200458-1
First License Obtained: 02/18/1997
License Expiration: 10/31/2013
History: 200604603-1 Closed 12/03/2009 w/\$2,500.00 CP Satisfied
200901439-1 Closed 01/06/2011-License Probation Order

A February 1, 2012 Notice of Violation alleges that a wax machine and all implements necessary to perform waxing services were found in a licensed manicure shop. The inspector provided a copy of the last inspection sheet for the shop, dated October 4, 2011, wherein the inspector gave written notice to the owner that no waxing services could be provided in the manicure shop.

Recommendation: Issue an ORDER directing the Respondent to pay a \$1,500.00 civil penalty.

52. 201200117-1
First License Obtained: 09/30/1994
License Expiration: 09/30/12
History: No Prior Complaints

A consumer complaint filed December 7, 2011 alleges that a licensed cosmetologist used an unsanitary brush and comb while styling her hair – according to the consumer, she observed the cosmetologist use the comb on the patron before her and observed that other patrons' hair was present in the brush. The owner of the shop was served with notice of the complaint and asked to respond, but failed to do so.

Recommendation: Close with a letter of warning and flag.

53. 201200115-1

First License Obtained: 09/28/2005
License Expiration: 09/30/2007
History: No Prior Complaints

A consumer complaint filed November 30, 2011 alleges that a licensed skin care shop whose license has been expired since 2007 has recently been advertising microdermabrasion services and is reportedly renting space in the shop to an aesthetician. The owner of the shop was served with notice of the complaint and asked to respond, but failed to do so.

Recommendation: Close with a letter of warning and flag.

54. 201200010-1
First License Obtained: 10/24/2003
License Expiration: 06/30/2012
History: 201102588-1 Formal Charges Authorized 02/14/2012

A consumer complaint filed on December 12, 2011 alleges that the consumer was injured while receiving a pedicure in a licensed manicure shop. According to the consumer, the individual performing the service cut her foot and then began yelling at her when she asked the individual what she placed on her foot. The owner of the shop was served with notice of the complaint and asked to respond, but failed to do so.

Recommendation: Close with a letter of warning and flag.

55. 201200174-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A June 6, 2011 Notice of Violation alleges that an unlicensed skin care shop was open for business and advertising services such as facials, eyelash extensions, threading and eyelash tinting.

Recommendation: Issue a CEASE and DESIST advisory notice.

56. 201200175-1
First License Obtained: 11/06/1996
License Expiration: 07/31/2013
History: 201002943-1 Closed 01/21/11 w/ \$1000 CP Satisfied
201102419-1 Closed 11/15/11 w/ \$1000 CP Satisfied

A July 15, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,000.00 civil penalty.

57. 201200176-1
First License Obtained: 04/23/2009
License Expiration: 12/31/2013
History: 201102465-1 Closed 11/30/11 w/\$500.00 CP Satisfied

An August 5, 2011 Notice of Violation alleges that an unlicensed individual was practicing manicuring on a client in a licensed manicure shop.

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

58. 201200177-1
First License Obtained: 02/02/2006
License Expiration: 01/31/2008
History: 201100071-1 Under review by legal (shop re-opened for business while lic was expired)

An August 5, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop where the shop license had been expired since 2008 was providing service to a client in the shop.

Recommendation: Combine cases -- Issue a CEASE and DESIST advisory notice.

59. 201200179-1
First License Obtained: 12/23/1995
License Expiration: 11/30/2013
History: 200705862-1 Closed 06/01/2007 w/ L.O.W

An August 24, 2011 Notice of Violation alleges that one (1) pedicure chair in a licensed manicure shop was in "very dirty" condition at inspection time.

Recommendation: Close with a letter of warning.

60. 201200198-1

First License Obtained: 05/21/1992
License Expiration: 05/31/2012
History: No Prior Complaints

A September 30, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop was observed providing service to a client while her license was expired. The license is now renewed.

Recommendation: Close with a letter of warning.

61. 201200230-1
First License Obtained: 08/25/2009
License Expiration: 08/31/2013
History: No Prior Complaints

An October 26, 2011 Notice of Violation alleges that, while performing an inspection of a licensed manicure shop in response to a complaint that the shop was providing waxing services, the inspector found a wax machine and all supplies necessary to perform waxing services in the shop.

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

62. 201200232-1
First License Obtained: 12/11/2008
License Expiration: 11/30/2012
History: 201103064-1 Closed 02/27/12 w/\$500.00 CP Satisfied

An October 30, 2011 Notice of Violation alleges that an unlicensed individual was found practicing cosmetology in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.