

MINUTES

The Tennessee State Board of Cosmetology held a meeting on April 6, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, Linda Colley, Vice Chairman, June Huckeby, Nina Coppinger, Janet Wormsley, Pearl Eva Walker and Judy Golden, Muriel Smith and Lee Bowles were present.

Other present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Lisa Swayze, Regulatory Board Administrative Manager.

H. D. Adcock, Chairman welcomed everyone to the board meeting.

H. D. Adcock called for roll call.

MINUTES

MOTION was made by Ms. Linda Colley, Vice Chairman and seconded by Ms. Judy Golden to accept the February 2, 2009 board minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Heidi Pogodsky-Faederholdt – Ms. Pogodsky-Faederholdt is present to discuss her request for licensing as an aesthetician and manicurist. Ms. Pogodsky-Faederholdt has been licensed in the State of California as an aesthetician (license is expired) and she stated she was also licensed in Canada as an aesthetician but the board office has no supporting documents. She received reciprocity to obtain license in Florida as a full specialist (skin care & nails). A five year work history was requested and the office received IRS Tax information, but it does not list occupation therefore “proof of a five year work history in the field for which a license is applied cannot be verified”. We have no educational documentation from Canada. She took 600 hours in California and passed the state board examination to qualify for aesthetician license

MOTION was made by Ms. Linda Colley and seconded by Ms. Lee Bowles to request Ms. Pogodsky-Faederholdt to take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

MOTION was made by Ms. Linda Colley and seconded by Ms. Lee Bowles to request Ms. Pogodsky-Faederholdt to take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Beverly Hollihan is present for a presentation and request approval of two (2) continuing education classes for instructors at The Salon Professional Academy for the required sixteen (16) hours of continuing education. The Step-Up program will be in Nashville in April and the Train the Trainer will be in St. Louis in August.

Chairman H. D. Adcock and Ms. Judy Golden asked if we could contact the university to have this program in the instructor seminar.

MOTION was made by Ms. Judy Golden to contact the university to see if they could incorporate these programs into their instructor seminar programs. Rescind the motion.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Lee Bowles to approve the Train the Trainer for the sixteen (16) hour instructor seminar for The Salon Professional Academy instructors only. A vote was taken individually by the board members with Ms. June Huckleby, Ms. Muriel Smith, Ms. Judy Golden and Ms. Janet Wormsley voting no. Ms. Nina Coppinger, Ms. Pearl Eva Walker, Ms. Lee Bowles, Vice-Chairman Linda Colley and Chairman H. D. Adcock voted yes. Motion carried unanimously.

Four (4) instructors from The Salon Professional Academy will be attending this program in St. Louis.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Lee Bowles to decline the Step-Up program for the instructor seminar continuing education hours. Motion carried unanimously.

Ernestine Peete, Former Cosmetology Board Member – Present to speak to the board. Ms. Peete stated that she would like to discuss falsehoods that were made against her at the October 1, 2007 board meeting. Ms. Peete stated that her past service as a board member was discussed at the meeting. Ms. Peete stated that she never made any deals with Experior or PSI. Chairman H. D. Adcock apologized for his mistake and thanked her for her time as a board member. Ms. June Huckleby stated the board should not have to apologize for everything the board does.

Mr. Abdul Sidiqui was present. Mr. Sidiqui has set up kiosks in three major malls that perform eyebrow threading. The board discussed the issue of eyebrow threading. After a lengthy discussion by the board as to eyebrow threading.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Linda Colley that as policy the interpretation of rules that threading comes under aesthetician and cosmetologist. Motion carried unanimously.

Mr. Terrance Bond, Staff Attorney stated that threading could be added at the rulemaking hearing. It would be under esthetics and cosmetology.

Mr. Terrance Bond, Staff Attorney stated a cease and desist letter be sent to the malls informing them that threading must be performed in a shop.

ADMINISTRATIVE REPORT

An application for a change of ownership and change of name for Wamplers School of Hair Design owned by Bill Wampler was submitted. The new name will be Studio B- A school of Hair Designers with the owner as Rebecca Culbertson.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to accept the change of ownership and name and request Ms. Judy Golden and Ms. Glenda Bailey, Inspector to inspect the school. Motion carried unanimously.

Shear Perfection Academy of Cosmetology's Aesthetician department was inspected for approval to begin offering the aesthetician curriculum by Ms. Linda Colley, Board Member and Mr. Terry Barnes, Inspector. The department was found to be in compliance and approval was given. Ms. Beverly Waller, Executive Director requested final approval from the board.

MOTION was made by Ms. Janet Wormsley and seconded by Ms. Judy Golden to approve the aesthetician program. Motion carried unanimously.

A request from West Tennessee Business College for approval to accept a letter from Crockett County Board of Education advising the high school transcript of this student who is currently enrolled in the cosmetology curriculum at the school has been lost. The letter states she graduated from Crockett County High School May 19, 1998.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Crockett County Board of Education certified the student did graduate in 1998. Motion carried unanimously.

A request for approval of a high school diploma for Esther Bibi Edogun was submitted. Documents are from GBAJA Girls High School as West African School.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to deny the high school diploma and request additional information from Esther Bibi Edogun. Motion carried unanimously.

A request from Gladys Lopez for acceptance of hours she obtained in Honduras so that she may qualify as a beautician was submitted. The supporting documents state she completed 1,200 hours at Mayita Beauty Academy. If the board accepts her hours she plans to enroll in Plaza Beauty School to complete the additional 300 hours required for Tennessee. Ms. Lopez contacted the school and they advised her to submit her papers for approval of her hours.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the 1,200 hours and request she obtain an additional 300 hours, take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for approval of document submitted by Ms. Neda Ahmadi Neaz from Iran for proof of high school diploma was provided. The document states "Confirmation of Completion of the Three-Year High School Program".

MOTION was made by Ms. June Huckleby and seconded by Ms. Janet Wormsley to table this request until more information is obtained. Motion carried unanimously.

A request for approval for instructors at Tennessee School of Beauty to attend the CEA Convention July 11-13, 2009 for the required sixteen (16) hours of continuing education was submitted.

MOTION was made by Ms. Linda Colley and seconded by Ms. Janet Wormsley to approve the request for instructors at Tennessee School of Beauty to attend the CEA Convention. Motion carried unanimously.

A request for approval of documents for proof of high school diploma from Russia for Trubnyakova Marina Yakovlevna who is enrolling in a school of cosmetology was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Linda Colley to accept the diploma. Motion carried unanimously.

Documents were previously submitted for proof of high school diploma for Czechoslovakia for Andela Nemeckova. The board requested additional information at a previous meeting. Documents submitted "Confirmation of Compulsory School Attendance" which is eight (8) years. She submitted documents stating she attended school from 1984-1991. At that time compulsory lasted eight (8) years.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. June Huckleby to deny this request. Motion carried unanimously.

A request from Tennessee Technology Center at Oneida/Huntsville for approval of an application for examination that student exceeded the required seven (7) years for completion of hours was submitted. The school states in the letter it was an error and at the time of enrollment the admission staff and instructor failed to notice that the former hours would expire prior to the student completing the program.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to accept the previous hours and student to take the examination. Motion carried unanimously.

Ms. Beverly Waller, Executive Director asked that the attorney to send a letter to the school concerning this issue.

An application for the cosmetology examination from Clementine Unruh was submitted. Certificate from North Haven Academy Paul Mitchell Partner School in Connecticut was submitted. Ms. Waller is requesting approval for the proof of high school diploma from The Republic of Congo.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to accept the high school diploma. Motion carried unanimously.

An application for the cosmetology examination from Clinton Carter McClure was submitted. Proof of education is an online diploma was submitted for approval.

MOTION was made by Ms. Nina Coppinger and Ms. Judy Golden to deny the diploma. Motion carried unanimously.

An application for cosmetology examination from Rhonda Sue Johnson was submitted. Ms. Johnson does not have a high school diploma and she did not complete the 10th grade as required for enrollment in the cosmetology curriculum. Ms. Waller stated she has a letter from the Director of the Anderson County Adult Education program stating Ms. Johnson currently meets the qualifications of 10th grade level according to the TABE national assessment. Ms. Waller contacted Mr. Forgety, Director and from what she understood, Ms. Johnson was given a test and from that they determined Ms. Johnson meets the qualification for completion of 10th grade education. Mr. Forgety did inform Ms. Waller that Ms. Johnson has started working on her GED and should test within the next two (2) months.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Johnson obtain her GED, and then she may be allowed to take the examination. Motion carried unanimously,

An application for the cosmetology examination from Roneisha Renee Neely who states on her application she has been convicted of a felony. The board was provided a letter of recommendation for her instructor.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to approve Ms. Neely to take the examination. Motion carried unanimously.

An application for cosmetology examination from Margie Ann Price was submitted. Her high school diploma was obtained online/correspondence course.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to deny this request. Motion carried unanimously.

An application for reciprocity of aesthetician license from Iowa for Courtney A. Bennett was submitted. Original date of licensing was October 1, 2001 with 600 hours of instruction and no five (5) year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden for applicant to obtain an additional 150 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from California for Paula Tran was submitted. Original date of licensing was July 18, 2008 with California requiring 600 hours of instruction.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Tran obtain an additional 150 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Virginia for Tina Klotz was submitted. Applicant received license in Virginia by reciprocity from North Carolina. North Carolina requires 600 hours of instruction and applicant received her license in 2008.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Klotz obtain an additional 150 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from British Columbia from Lisa M. Clement was submitted. Certificate states applicant has met the cosmetology industry association requirements is a fully qualified hairdresser. No documents as to the number of hours of instruction completed. Applicant stated on her application she completed 1,020 in 1985 at Vancouver Community College.

MOTION was made by Ms. Judy Golden and seconded Ms. Pearl Eva Walker to request more information from Ms. Clement. Motion carried unanimously.

An application for reciprocity of cosmetology license from Iraq for Hoda Bassam Mourad was submitted. Certificate from the AL RAFIDAN Institute Cosmetology & hair styling hereby certifies she completed three years of educational courses of hair styling (women) for years 1988, 1989 and 1990 was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request additional information from the applicant. Motion carried unanimously.

An application for reciprocity of cosmetology license from Massachusetts for Heather Martin was submitted. Applicant's hours of instruction in the curriculum are 1,000 and her original date of license is March 8, 1997. No complete five year work history was submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Martin return to school for an additional 500 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from the Country of Columbia for Maria Bolivar was submitted. She provided several certificates for courses she completed including The School Beauty Venus with hours totaling 1,676.

MOTION was made by Ms. Linda Colley and seconded by Ms. Pearl Eva Walker to request Ms. Bolivar take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Florida for Lauren Anderson was submitted. Applicant completed 1,200 hours of instruction in the cosmetology curriculum and original date of licensing July 22, 2008.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden requesting Ms. Anderson obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Darryl Bowslaugh, which was presented at the February meeting and the board requested clarification as to documents submitted for hours of instruction in school and an apprenticeship program. Mr. Bowslaugh explained to Ms. Waller that in Canada you are required to complete hours of instruction in the school and after completion of schooling hours you are required to complete an apprenticeship program in which Mr. Bowslaugh did. He holds a valid license issued by the Virginia State board and he was required to pass the practical and written examination in Virginia to obtain that license. He also holds a valid license issued by the State of New York.

MOTION was by Ms. Lee Bowles and seconded by Ms. Linda Colley to grant Mr. Bowslaugh his cosmetology license by reciprocity. Motion carried unanimously.

An application for reciprocity of cosmetology instructor license from Virginia for Burlow Reese was submitted. Ms. Reese can not provide proof of her hours of instruction in the cosmetology instructor curriculum. Virginia State Board can only certify she took an examination, but no proof of hours of instruction can be obtained.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Hucceby to request Ms. Reese take 300 hours of instructor curriculum then take and pass the instructor examination to become licensed as a Cosmetology Instructor in the State of Tennessee. Motion carried unanimously.

Documents were submitted by Maria Eugenia Rodriguez Mendez from Mexico for consideration for licensing as a cosmetologist in Tennessee. Applicant has submitted a diploma from "John Jenn" Beauty School "Technical Stylist". Another diploma from "John Jenn" for "Different Techniques of Nail Applications" was submitted. No hours of instruction were provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker requesting more information from the applicant. Motion carried unanimously.

A request for extension from the 2007 cosmetology instructor seminar from Samantha Mason was submitted. Ms. Mason states it was her fault she did not attend the 2007 seminar due to a misunderstanding. She obtained her license in February 2007 and thought she would not have to attend the seminar until the next year. She did attend the 2008 instructor seminar.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant Ms. Mason her extension and request she attend the 2009 instructor seminar. Motion carried unanimously.

Notification from The Salon Professional Academy for plans to offer two (2) 35 hour refresher courses at the Academy starting in March was submitted. One course is for cosmetology examination and another is for the instructor examination. The board office receives numerous calls from applicants that have let their license expire for three (3) years or longer and now want to reinstate their license and are required to take the reinstatement examinations. Applicants have advised Ms. Waller they have had problems finding schools that will offer reinstatement courses. Several applicants have not worked in the licensing field and are in much need for a refresher course. This will be beneficial for licensees. The course does not offer hours required to be turned into the board. The courses are designed to help applicants refresh and pass the state board examination.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to approve the refresher courses. Motion carried unanimously.

Stephanie Watts submitted a diploma from Zion Acres Christian Academy for entrance in a school of cosmetology. Ms. Waller stated she was not able to locate any information on this school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Lee Bowles to request a certification from the principal of the school. Motion carried unanimously.

A request for extension from the 2008 cosmetology instructor seminar from Tina Turner was submitted. Ms. Turner submitted a physician statement which states she was under the physician's care during the period of December 11, 2007 thru May 16, 2008. The seminars were held in the months of June, July and August 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny Ms. Turner her request for extension. Motion carried unanimously.

Ms. Waller stated the issue of portable sinks has come before the board. There are apparently several different types of portable skins. Ms. Waller asked if she was correct that any request for a portable skin to be used in a facility that will be licensed by the board should have that information presented to the board. Complete descriptive information about the sink will need to be presented to the board for review.

Ms. Waller stated for the boards information that some salons have rooms where teeth whitening takes place similar to the kiosks that were in the malls. Ms. Waller states that a policy which took affect January 8, 2009 which states: "TENNESSEE BOARD OF DENTISTRY LEAVES TEETH WHITENING PROCEDURES TO DENTAL PROFESSIONALS".

The board discussed body wrapping that is being done in homes for weight loss. The question was asked if the schools do teach body wrapping. Body wrapping is taught in the aesthetician curriculum at cosmetology schools.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden that body wrapping is performed under the profession of aestheticians. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith for H. D. Adcock to remain Chairman of the Board. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley for Linda Colley to remain Vice-Chairman of the Board. Motion carried unanimously.

Vice-Chairman Linda Colley took over the meeting from this time forward due to Chairman H. D. Adcock leaving the meeting.

STAFF ATTORNEY REPORT (from March meeting which was cancelled)

1. 200802735-1

Board originally gave authorization for settlement by Consent Order and payment of a \$1,000.00 civil penalty upon notice of a December 4, 2008 Notice of Violation stating that a wax machine was found in a manicure-only shop. Owner of shop insists that the supplies and machine were there because he was preparing to seek licensure to provide waxing services and insists that no waxing services were ever provided there.

Recommendation: Close with a strong letter of warning and flag the file.

2. 200801137-1

Board originally authorized settlement by Consent Order and payment of a \$1,000.00 civil penalty upon notice of an April 22, 2008 Notice of Violation stating that the inspector found that the establishment shop license and the owner's shop license were expired at inspection time. The owner was not present at inspection time, and the Notice does not specify whether any other persons were observed practicing cosmetology at inspection time. The owner has been licensed in this state since 1991 and has never before been late in renewing either her personal or cosmetology shop license.

Recommendation: Close with a strong letter of warning.

Amendments: None

3. 200900134-1

December 30, 2008 Notice of Violation reports that the inspector found that hair was present on the floor of this licensed shop and that neither of the cosmetologist's practicing in the shop were wearing name tags at inspection time.

Recommendation: Close with a letter of warning if, upon re-inspection, no new violations was found and previously noted violations have been corrected.

4. 200900173-1

Consumer complaint dated January 20, 2009 states that the heating system in this licensed shop was broken. The owner of the shop states that the heating system is now repaired.

Recommendation: Close with no action.

5. 200900217-1

January 22, 2009 Notice of Violation reports that the inspector observed a licensed cosmetologist providing license-required service to a client in a licensed cosmetology shop while both the cosmetologist's license (exp. 9/07) and the shop's license (exp. 8/08) were expired. Both licenses remain expired as of March 1, 2009.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty. Also issue a CEASE and DESIST letter.

6. 200900218-1

January 23, 2009 Notice of Violation reports that the inspector found a wax machine in this licensed manicure-only shop. The inspector also reported that the shop received an overall inspection score 98 despite the wax machine and that he informed the shop owner that waxing was not permitted in a manicure-only shop.

Recommendation: Close with a letter of warning if re-inspection confirms that previously-noted violation has been corrected.

7. 200900219-1

January 21, 2009 Notice of Violation reports that the inspector observed that the license for this licensed shop was expired at inspection time. The Notice is silent regarding whether the shop was open or whether persons were observed practicing cosmetology inside the shop at inspection time.

Recommendation: Close.

8. 200900220-1

January 30, 2009 Notice of Violation reports that the inspector found a wax machine in this manicure-only shop and that six (6) expired licenses were displayed at inspection time. The Notice is silent regarding whether any of the holders of the expired licenses were present or observed practicing manicuring or waxing at inspection time.

Recommendation: Close with a letter of warning regarding the licenses and the wax machine upon satisfactory re-inspection.

9. 200900007-1

December 12, 2008 student complaint states that manicure students are not being instructed or supervised as required. The school owner states that the student/instructor ratio at the school complies with state Board requirements and instructors/trainees must rotate among all the students and cannot remain with one group of students to the exclusions of all others.

Recommendation: Close with no action.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept the recommendations. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for a change of location for Genesis Career College, Lebanon, Tennessee was submitted. The school has relocated and has been inspected by the board member and inspector and found to be in compliance. Ms. Waller stated she needs the Board's final approval.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve the change of location. Motion carried unanimously.

A request from Volunteer Beauty to open an outside class room at the Dyersburg location was submitted. The class room is located .50 miles from the current location and is accessible from the current parking lot. Due to the fact they need the space immediately she is requesting to open without inspection. The Board member will be performing the annual inspection of this facility in the coming months anyway.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to approve the opening of the class room. Motion carried unanimously.

A request from Regency Beauty Institute for the proposed Chattanooga location was submitted. Once they have the certificate of occupancy is it ok to have potential students tour the facilities? Also since we have no board meeting in July, if all the documents have been submitted and school has been inspected will they be allowed to open and a license issued in June?

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to grant permission for students to tour the school. Motion carried unanimously.

The Agenda was submitted for the 2009 Barber/Cosmetology Instructor Seminar held at the University of Memphis for approval. Seminar dates are June 14-15, 2009.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to accept the seminar agenda. Motion carried unanimously.

The Agenda was submitted for the 2009 Barber/Cosmetology Instructor Seminar at Tennessee State University in Nashville. TSU's seminar will be The Milday's Master Educator's Program.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept the seminar agenda. Motion carried unanimously.

A request from Darlene Sammons at Miller-Motte Technical College for approval for three-day classes for twenty-one (21) hours continuing education by the NEA that she would like manicurist and esthetician at her school to attend was submitted. This seminar will be held May 16-18. Las Vegas, Nevada. She finds the Knoxville Seminar unacceptable for manicurist and aestheticians.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to deny the request for the seminar. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Ginger Allen McCreless was submitted due to job change she was not able to attend.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny the request for the extension. Motion carried unanimously.

A request for approval of the sixteen (16) hour continuing education course for Lucille Ramirez was submitted. She is scheduled to attend the seminar 2009. The document she submitted is for an online course for Florida's continuing education course.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny the request for the extension. Motion carried unanimously.

Sherry Freeman, instructor was required to attend seminar in 2008 after reinstating her license by examination for not attending the seminar. She took exam and passed February 12, 2008. She did not attend the 2008 seminar as required. She is requesting an extension.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny the request for the extension. Motion carried unanimously.

The board of cosmetology in 1998 approved for Theresa D. McCoy to transfer 362 hours she has obtained in the esthetics curriculum and required her to complete 368 to qualify for esthetics license. Ms. Waller stated she checked the board minutes and it did not note after she completed hours if she would or would not be required to take the esthetics examination to qualify for a license. Ms. Waller stated she needs the board's decision.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. McCoy to take the esthetics examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request from Miller-Motte for approval to enroll a student from Cambodia who cannot provide proof of high school due to documents destroyed in that country was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request the student take the GED test to become enrolled in the school. Motion carried unanimously.

A request for student Alicia Payne who is asking to take the aesthetics examination and refrain from using the high frequency and galvanic currents due to her pregnancy was submitted. She would simulate that portion of the examination mock.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request additional information from Ms. Payne's doctor. Motion carried unanimously.

A request for requirements for cleaning and using leg massager (OSIM uSqueeze) was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to deny the request for the OSIM uSqueeze. Motion carried unanimously.

Request for approval of high school diploma from Brazil for entrance in a school of cosmetology was submitted.

MOTION was made Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the diploma from Brazil. Motion carried unanimously.

Ms. Regina Jackson sent information on "New System School". Information was presented by the school owner, Ms. Jackson for approval of the "New System School" diploma.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to accept the diploma. Motion carried unanimously.

A request for approval of translated high school diploma for Drite Dedushi who completed Professional High School in Lipjan was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request additional information. Motion carried unanimously.

A request for approval of translated high school diploma for Glenda Lugo Perez from Puerto Rico was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the diploma from Puerto Rico. Motion carried unanimously.

A request for approval of high school diploma from Russia for entrance in a school of cosmetology was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve the diploma. Motion carried unanimously.

Fiscal Year Expenditures/Revenue Data was provided for the board members.

An application for reciprocity of cosmetology license for Valeri Boogs-Monk Shanler from Florida was submitted. Hours of instruction are 1,200 and the original date of licensing is December 10, 2003. From the documents submitted the only definite proof of a work history as a cosmetologist is 2007 and 2008 which list Great Clips as her employer and 2004 Regis Corporation. 2005 and 2006 tax information does not clearly define her employment as a cosmetologist.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Shanler to obtain an additional 300 hours and take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Vanessa Rawlings from Florida was submitted. Hours of instruction are 1,200 and original date of licensing was May 17, 1995. License was expired and she renewed her Florida license in January 2009. A letter was provided explaining why she does not have a five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Rawlings to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Melinda Spindler from Florida was submitted. Hours of instruction are 1,200 and original date of licensing was June 30, 2004. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Spindler to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Kristin Jenkins from Florida was submitted. Hours of instruction are 1,200 and original date of licensing was July 8, 2005, with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Jenkins to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Sara Jaworrski from Florida was submitted. Hours of instruction are 1,200 and original date of licensing was June 28, 2005, with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Jaworrski to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Melissa Manoudakis from Florida was submitted. Hours of instruction are 1,200 and original date of licensing was January 20, 2009, with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Manoudakis to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Michael J. Leimer from Florida was submitted. Hours of instruction are 1,200 and original date of licensing was June 28, 2005, with not five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Mr. Leimer to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license for Sonya Ann Ligon from Florida was submitted. Applicant states in addition to 300 hours for her esthetics license she has an Associates Degree in Paramedical Skin in Florida College of Natural Health which gives her a total of 1,201 hours. Certification from the Florida State board is for a facial specialist license which requires 260 hours and her original date of licensing was December 19, 2006.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Ligon to obtain and additional 490 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license for Hang Tran from Florida was submitted. Certification from Florida State Board is for a full specialist license which is 240 manicurist hours and 260 skin care hours. Original date of licensing is January 29, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Mr. Tran obtain 490 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license for Katie Lael Kuhn from Maryland was submitted. Hours of instruction are 600 and original date of licensing is January 4, 2009, with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Kuhn obtain an additional 150 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Lisa A. Frampton from New Jersey was submitted with 1,200 hours of instructor and original date of licensing was April 4, 1988. She does not have a five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Frampton to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license for Thu Huyen Nguyen from Vietnam was submitted. She has submitted documents stating she completed 700 hours in manicuring at the Service and Vocational Education Center in Vietnam.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to approve Ms. Nguyen to take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Majdolen Mohmmad Ramadan from Jordan was submitted. She has submitted documents stated she completed 2000 hours in the education program for hairdresser, shaving and makeup from February 1, 2002 to August 30, 2005 at the Elgazera Education Center in Jordan.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Mohmmad take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Lessett Huarzaya Ancca from Peru was submitted. She has submitted a certificate for completion of 640 hours in studies as stylist in cosmetology and facial treatment, 240 hours completed in the course in high coiffure – integral cosmetology and 200 hours completed in manicure – pedicure course at Beauty Institute, Francis. She also submitted other educational documents for her attendance at Catholic Financial of Santa Maria.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Ancca take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Marliatou Diallo from Canada was submitted. She has submitted documents stating she attended Unisex Hair Dressing School in Canada and completed 1,040 hours. She also attended Hairstyling European Institute in Paris for 1,200 hours.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Diallo take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Dannielle Bradick from Michigan was submitted. This applicant does not have a valid license in Michigan. Her licenses are expired and have been since August 31, 2008. She has submitted a work history from 2004 to 2008.

An application for reciprocity of cosmetology instructor license for Cynthia L. Corbino from Ohio was submitted. Ohio requires 1,500 hours of instruction in the cosmetology curriculum and the certification states for cosmetology instructor, no examination required and requirements are 1,000 apprentice instructors training. It states her license is in escrow – current license that is non-active.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Corbino take 300 instructor hours then take and pass the instructor examination to be licensed in the State of Tennessee as a Cosmetology Instructor. Motion carried unanimously.

An application for examination for Marisa Johnson with transcript for proof of high school education from Laurel Hill High School will require board approval. Transcript submitted is for a test taken and Ms. Waller cannot locate anything on the form pertaining to completion of high school or possible grade completed.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Johnson provide either a high school diploma, 10th grade education or a GED before she can take the examination. Motion carried unanimously.

An application for approval to take the manicurist examination for Ngoc My Huynh was submitted with an online high school diploma from Belford High School.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

An application for cosmetology examination for Shelia White was submitted for approval of an online high school Jefferson High School. Ms. Waller was informed by this student she was given the web information by the school to get this diploma.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

An application for cosmetology examination for Nicole Alexander was submitted for approval of high school diploma from Continental Academy was obtained by home school correspondence course.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request as proof of education and require Ms. Alexander take the GED. Motion carried unanimously.

An application for cosmetology examination for Sara O. Sibley was submitted with high school diploma from Continental Academy was obtained by home school correspondence course.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request as proof of education and require Ms. Alexander provide proof of completion of 10th grade education or GED to qualify for the exam. Motion carried unanimously.

An application for cosmetology examination for Zoraris Rivera was submitted with high school diploma from Puerto Rico.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept the diploma and allow Ms. Rivera take the cosmetology examination. Motion carried unanimously.

An application for manicurist examination for Thanh Van T. Dao was submitted. Hours of instruction in the manicurist curriculum obtained at Visions Academy in Hartford, CT. Connecticut does not offer manicurist curriculum. Statement of Visions Academy letter certifies that the coursework completed at this school is acceptable for purposes of licensure in Connecticut.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to deny the request. Motion carried unanimously.

An application for cosmetology examination for Beatriz Aguilar was submitted with high school diploma from Bogota (Columbia).

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the documents as proof of education. Motion carried unanimously.

An application for cosmetology examination for Marie Fernandez was submitted with high school diploma from Philippines. Several documents were provided (1) certificate of graduation from Southwestern University for completion of elementary curriculum (2) documents from St. Nicholas Academy not translated (3) certificate from Citizen Army Training at St. Nicholas Academy (4) transcript from St. Nicholas Academy and (5) transcript of records from CEBU Doctor's College.

MOTION was made Ms. Nina Coppinger and seconded by Ms. Judy Golden to request more information on the transcripts. Motion carried unanimously.

An application for cosmetology examination for Kristen Sunderland was submitted with high school diploma from Bethlehem Christian School. Ms. Waller spoke with this young lady and this was a home school.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to request additional information concerning this diploma. Motion carried unanimously.

An application for cosmetology examination for Shakeya Sallis was submitted with a high school diploma from Gateway Christian. Ms. Waller spoke with this student and she states she picked up books from a location in Memphis, studied at home and then took test on campus.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request additional information concerning this diploma. Motion carried unanimously.

An application of cosmetology examination for Brittnee Linn was submitted. Diploma submitted is a "GENERAL DIPLOMA" of home school. The information on her application, concerning the high school she attended is different then what's on the diploma.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny the request. Motion carried unanimously.

An application for cosmetology examination for Donna Jones was submitted. Diploma from America School of Illinois, "this school offers students the chance to get their high school diploma from home" was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

An application for cosmetology examination for Tara Poteete was submitted. High school diploma is from Family Christian Academy – a home school.

MOTION was made by Ms. June Huckleby and seconded by Muriel Smith to request more information. Motion carried unanimously.

An application for cosmetology examination for Nigora Talipova was submitted. High school diploma is from Education System of Uzbekistan.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request more information. Motion carried unanimously.

An application for cosmetology examination for Heather M. Irwin was submitted. High school diploma is from home schooling.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request more information. Motion carried unanimously.

At the February board meeting an application for the manicurist examination for Ho Cong Huynh and Lin My Huynh were reviewed by the board. Transcripts from

Angel's Nail and Skin Care Academy in Tampa, Florida were identical. The board reviewed the documents and requested the applicants appear before the board. Ms. Waller was contacted by Mr. Huynh and he stated they would not be able to come to Nashville for the board meeting and he was sending a letter explaining the identical grades at the school. Ms. Waller states she would like to point out to the board members that they completed the exact number of services during their schooling, which would not have anything to do with taking work home.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request information for Angel's Nail and Skin Care Academy in Florida. Motion carried unanimously.

Consent orders totaled \$9,500.00.

Beauty Express #7538
330 Franklin Road
Brentwood, TN 37027

Violation issued January 7, 2009
Pd \$1,000.00 on 2/26/2009

Fancy Nails
4409-P Chapman Hwy
Knoxville, TN 37920

Violation issued November 6, 2008
Pd \$750.00 on 3/17/2009

Foxy Nails
894 Hwy 76, Suite 103
Clarksville, TN 37043

Violation issued November 6, 2008
Pd \$1,000.00 on 3/3/2009

J and K Nails
8078 Kingston Pike
Knoxville, TN 37919

Violation issued October 3, 2008
Pd \$750.00 on 02/20/08

Nails So Happy
2615 #480 Medical Center Pkwy
Murfreesboro, TN 37129

Violation issued December 3, 2008
Pd \$1,000.00 on 3/10/2009

Nails Spa
2197 Madison Street
Clarksville, TN 37043

Violation issued December 2, 2008
Pd \$1,500.00 on 02/20/09

Rio Nails Spa
4410 A Lebanon Road
Hermitage, TN 37076

Violation issued September 4, 2008
Pd \$2,000.00 on 2/11/2009

Spa Nails
1889 Louisville Road
Alcoa, TN 37701

Violation issued January 7, 2009
Pd \$1,000.00 on 3/6/2009

SuperCuts #9585
102A #30 Glen Oaks Blvd.
Hendersonville, TN 37075

Violation issued December 17, 2008
Pd \$500.00 on 2/26/2009

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to accept the consent orders. Motion carried unanimously.

ADMINISTRATIVE REPORT (Cont.)

An application for examination for Hollie Stricklin was submitted. High school diploma from Gateway Christian Academy – home school was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request more information. Motion carried unanimously.

An application for examination for Shana Trapp was submitted. High school diploma from Gateway Christian Academy – home school was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request more information. Motion carried unanimously.

An application for examination for Olga Migitskey was submitted. High school diploma from Continental Academy – home school was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

An application for examination for Clinton Carter McClure was submitted. High school diploma from Penn Foster High School an online home school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request. Motion carried unanimously.

An application for examination for Destiny Coleman was submitted. Applicant has a felony and a letter of recommendation was provided from the school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve Ms. Coleman for the examination with the approved probation period agreement. Motion carried unanimously.

An application for reciprocity of cosmetology license for Naomi Hamada from Japan was submitted. Applicant submitted a "Certificate for Hair Stylist" which she states is a Certified Hair Stylist in Japan.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to request additional information. Motion carried unanimously.

An application for reciprocity of aesthetician license for Lindsay Barton was submitted. Certification from the Ohio State Board gives hours of instruction in the esthetics curriculum as 600 and original date of licensing as April 8, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request Ms. Barton obtain an additional 150 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Documents were submitted from Rosibel Monge from El Salvador stating she completed 1,800 hours at Marta Rina Institute of Cosmetology in El Salvador. She was given a certificate of participation in the course of Technical Stylist, cutting and coloring hair specialization cosmetology and hair styling in January 1999.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request more information on high school diploma and a breakdown of her hours. Motion carried unanimously.

Ms. Waller stated the board has a request from cosmetologist applicant Elijah Gilmore for an extension of the required time beyond the six (6) months for purchase of original license, once the application has passed the examination. Mr. Gilmore advises the board in a letter he submitted that he was hospitalized is the reason he did not purchase the license. Mr. Gilmore passed the last examination (practical) June 28, 2008. He was required to purchase a license by December 28, 2008 to be in compliance with six (6) months time period. A letter from physician stated Mr. Gilmore was under doctor's care, treated and hospitalized for a chronic condition from May to November 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Mr. Gilmore to retake the examination. Motion carried unanimously.

A request from Anthony Eanes for an extension of his non-attendance of the 2008 cosmetology instructor seminar was submitted. He does not state why he did not attend the seminar, but that he did not want to lose his instructor status.

MOTION was made by Ms. June Huckleby and seconded by Mr. Muriel Smith to deny the request for an extension. Motion carried unanimously.

Documents submitted from Paul Mitchell for potential applicant enrollment in the cosmetology curriculum. Students completed 1,156 hours March 8, 2002. Students are required to complete hours within seven (7) years from date of enrollment – this applicant apparently enrolled in the cosmetology curriculum in the Florida school November 21, 2000. Ms. Waller asked if she was correct with the hours from Florida being invalid.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request the students to obtain 1,500 hours of the cosmetology curriculum. Motion carried unanimously.

A request from Cynthia Bardos cosmetology instructor for approval of OPI Nail Product Seminar for her required sixteen (16) hours of continuing education for 2009 was submitted.

MOTION was made by Mr. Judy Golden and seconded by Ms. Nina Coppinger to deny the request. Motion carried unanimously.

A request for acceptance of her attendance of the 2008 continuing education seminar in place of the 2007 seminar she was suppose to attend from Emily Karna. She states in her request to the board it was a misunderstanding and they did not receive any information about the classes.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny the request. Motion carried unanimously.

STAFF ATTORNEY REPORT – April

1. 200900487-1

Consumer complainant indicates that she wishes to withdraw the allegations against the licensee.

Recommendation: Close with no action.

2. 200900488-1

February 6, 2009 Notice of Violation reports that the inspector observed a shop owner operating a skin care shop without a skin care shop license. The inspector reports that the shop has been operating since late 2007. No clients were present in the shop at inspection time. The shop owner now has an application for a skin care shop license pending (as of February 24, 2009).

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

3. 200802699-1

Notice of Violation provides insufficient information to proceed.

Recommendation: Close.

4. 200900491-1

February 20, 2009 Notice of Violation reports that the inspector observed five (5) individuals providing license-required service to clients in a licensed manicure shop who could not provide proof of their licensure to perform such services.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$5,000.00 civil penalty.

5. 200900492-1

February 18, 2009 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing cosmetology in an unlicensed cosmetology shop which the cosmetologist owned and had been operating since September 2008. The shop is now fully licensed.

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

6. 200900493-1

February 20, 2009 Notice of Violation reports that the inspector an individual providing a license-required service to a client in a licensed manicure shop without having a license to provide such services in Tennessee. The individual admitted that he was licensed in Georgia to provide the services he was observed providing in the licensed manicure shop.

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

7. 200900495-1

February 27, 2009 Notice of Violation reports that the inspector observed two (2) individuals providing license-required services to clients in a licensed manicure shop who could not provide evidence of their licensure to provide such services in the licensed manicure shop.

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

8. 200900510-1

February 6, 2009 Notice of Violation reports that the inspector observed that two (2) licensed cosmetologists were practicing cosmetology in a cosmetology shop before the shop had received its pre-licensure inspection. The owner of the shop had previously filed an application for shop licensure and had already arranged a time for the inspector to conduct the pre-licensure inspection at the time the licensees were observed practicing. The shop has now been licensed to operate since March 4, 2009.

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

9. 200900512-1

February 4, 2009 Notice of Violation reports that the inspector believes that waxing was occurring at a licensed manicure shop, as he found a container of hot wax, which appeared to be half empty, as well as various tools for eyebrow waxing in the parking lot immediately behind the manicure shop. The inspector believes that an employee in the shop carried the wax machine outside upon his arrival in the shop to perform the inspection, as he observed the employee exit through the rear of the shop immediately upon his arrival. The inspector states that the same employee was unresponsive when he questioned her about waxing and had been warned to remove waxing supplies from the shop at the last inspection on September 25, 2008.

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

10. 200900509-1

March 6, 2009 Notice of Violation reports that the inspector observed two (2) individuals—one of whom was in possession of an license to practice cosmetology that was expired as of July 31, 2008 and one of whom was a barber student—providing license-required services to clients in a licensed cosmetology shop.

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

11. 200900514-1

February 14, 2009 Notice of Violation reports that the inspector observed one (1) individual who could not provide proof of his licensure to practice cosmetology in the State of Tennessee providing license-required service to a client in a licensed cosmetology shop.

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

12. 200900517-1

March 5, 2009 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing cosmetology in an unlicensed establishment. The inspector states that the licensed cosmetologist informed him that she had been practicing cosmetology in the establishment for three (3) years. The owner of the shop has now filed an application for shop licensure.

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

13. 200900518-1

March 5, 2009 Notice of Violation reports that the inspector observed a licensed aesthetician operating an unlicensed skin care shop. The owner of the shop has now filed an application for licensure.

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

14. 200900520-1

February 12, 2009 Notice of Violation reports that the inspector observed one (1) individual who could not provide proof of her licensure to practice manicuring in Tennessee providing license-required service to a client in a licensed manicure shop.

Prior History:

7/08- unlicensed operator, paid \$1,500 civil penalty.

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

15. 200900521-1

February 3, 2009 Notice of Violation reports that the inspector observed that the owner of a licensed cosmetology shop failed to notify the Board of her intent to relocate and obtain an inspection of the relocated shop prior to opening. The inspector states that the shop has been operating at the new location since April of 2008.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty and agreement to CEASE and DESIST operating until the appropriate inspection and a new license are obtained.

16. 200900523-1

March 6, 2009 Notice of Violation reports that the inspector observed two (2) individuals who could not provide proof of their licensure to practice cosmetology in the State of Tennessee providing license-required service to clients in a licensed cosmetology shop.

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

17. 200900527-1

February 14, 2009 Notice of Violation reports that the inspector observed three (3) individuals who could not provide proof of their licensure to practice cosmetology in the State of Tennessee providing license-required service to clients in a licensed cosmetology shop.

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

18. 200900528-1

February 13, 2009 Notice of Violation reports that the inspector observed one (1) individual who could not provide proof of her licensure to practice cosmetology in the State of Tennessee providing license-required service to a client in a licensed manicure shop.

Prior History:

6/03- no id tag, paid \$300.00

9/04- copy of license, paid \$500.00

4/06- unlicensed operator, paid \$1,000.00

6/07- dirty pedi spa, paid \$500.00

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

19. 200900530-1

February 27, 2009 Notice of Violation reports that the inspector found evidence that waxing services were being performed in a licensed manicure shop. During the course of the inspection, the inspector found a trash can that was full of used orangewood sticks and wax cloths. The inspector also found hidden in the shop a wax machine that was still

hot to the touch and appeared to be half empty. The inspector also reports that the floor in the shop was unswept after services had been provided, nail dust was present on manicure table tops and that various implements were not stored as required after use.

Prior History

7/01- unlicensed operator, paid \$500.00

8/01- sanitation, no id tags, paid \$500.00

9/01- mma, paid \$100.00

6/06- dirty shop, unlicensed operator, paid \$300.00

8/06- violation unspecified, closed with a letter of warning

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

20. 200900380-1

Consumer complaint alleges that the stylist performed substandard license-required service on the consumer. The stylist admits that she is not a licensed cosmetologist and that she performs hairstyling service in her home, which is presumably not a licensed cosmetology shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty and an ORDER directing the stylist to CEASE and DESIST practicing cosmetology and to CEASE and DESIST practicing cosmetology in her private residence.

21. 200900321-1

Consumer complaint alleges that her stylist, who is a licensed cosmetologist, performed substandard styling service on her hair and that she (the consumer) was treated unprofessionally and rudely when she returned to have her style corrected by the stylist. The consumer requests assistance with obtaining a refund from the stylist. The owner of the licensed cosmetology shop, as well as all stylists who were present the day the consumer received her service; state that the consumer indicated that she was pleased with the service she received the day of her first visit and that she left the stylist a tip. The owner and stylists also state that when the consumer returned to have the stylist correct her hairstyle and that the consumer appeared at ease and indicated that she would return to the shop for additional treatments to prevent damage to her hair after the additional colorings.

Recommendation: Close with no action.

22. 200900490-1

February 4, 2009 Notice of Violation reports that the inspector observed that the licensed owners of a licensed cosmetology shop relocated the shop and being operating same prior to receiving and inspection for the relocated shop. At inspection time, four (4) licensed cosmetologists were observed practicing cosmetology in the relocated shop. The shop owners have now filed a change of location application for the relocated shop.

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

23. 200801833-1

Student complaint alleges that the licensed school failed to provide her with adequate instruction due to the repeated absence of the licensed instructor assigned to her and that she feels as if she was unprepared to begin providing services to school clients once she had accumulated sufficient hours to do so because she had been learning primarily through self-study and not via instruction by the licensed instructor. The student also alleges that the school did not keep adequate supplies to enable the students to perform services on the clinic floor. The student also alleges that she was provided misleading information relative to her financial aid and expected contribution to the cost of her education. The owner of the school responds that the students were provided with an instructor consistent with state law requirements and that there was a personal conflict between the student and the instructor. The owner also states that the student is not providing complete information regarding her financial aid and that the student signed several documents indicating that she was aware of her financial obligation to the school and the amount of such obligation. The owner also provided a document signed by him as well as the student wherein the student agreed to complete her study of the applicable curriculum from home and that she would only attend school on certain days at certain times and use the school library to supplement her learning.

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

24. 200900591-1

March 18, 2009 Notice of Violation reports that the inspector observed that a licensed manicure was operating a manicure shop without having obtained a pre-licensure inspection. The shop owner has now filed an application for shop licensure.

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

25. 200900593-1

March 18, 2009 Notice of Violation reports that the inspector observed that a cosmetology school was operating at a new location without giving prior notice to the Board or obtaining a pre-licensure inspection. The school has now obtained its inspection and is licensed to operate.

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

26. 200900594-1

March 20, 2009 Notice of Violation reports that the inspector observed that birds and fish were being kept in a licensed manicure shop.

Prior History:

7/99- change of location, paid \$300.00

8/04- sanitation, paid \$1,300.00

8/08- unlicensed operator, paid \$1,000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty and an ORDER to remove the prohibited items.

27. 200900602-1

March 23, 2009 Notice of Violation reports that the inspector observed that a wax machine was present in this licensed manicure shop.

Recommendation: Close with a letter of warning re: authorized services if, upon re-inspection, the wax machine is not present and no other violations are found.

28. 200900557-1

March 19, 2009 Notice of Violation reports that the inspector observed that two (2) individuals in a license manicure shop that were providing license-required services to client could provide proof of their licensure to provide such services in the State of Tennessee.

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

29. 200900560-1

March 10, 2009 Notice of Violation reports that the inspector observed that the owner of a licensed cosmetology shop had relocated the shop and begun operating the relocated

shop without obtaining an inspection. At inspection time, the inspector observed two (2) licensed cosmetologists providing license-required service to clients in the relocated shop. The relocated shop application was finally submitted and the shop was approved to open on March 19, 2009.

Recommendation: Close with a strong letter of warning re: notice of change of location and requirement of a pre-licensure inspection.

30. 200900561-1

March 17, 2009 Notice of Violation reports that the inspector observed two (2) individuals providing license-required services to clients in a licensed cosmetology shop who could not provide proof of their licensure to provide such services in the State of Tennessee.

Prior History

7/07- unlicensed operator, closed with a letter of warning

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

RE-PRESENTED CASES:

1. 200801639-1

In August 2008, the Board authorized settlement by Consent Order and payment of a \$3,000.00 civil penalty on an allegation of unlicensed conduct at a licensed manicure shop. The owner of the licensed shop immediately contacted me and requested a reduction in the civil penalty amount to \$1,500.00 and indicated that he could pay this amount immediately. I indicated that if he wished to send that amount immediately, I would present his request to the Board for consideration.

Recommendation: Accept the Respondent's offer of settlement and close the file.

2. 200802691-1

In February 2009, the Board authorized settlement by Consent Order and payment of a \$2,000.00 civil penalty on an allegation that three (3) individuals (two in possession of expired TN cosmetologist's licenses and one in possession of a New Jersey cosmetologist license) were observed providing license-required services to clients in a licensed cosmetology shop. The owner has requested that I present his written response to the Board's offer of settlement and the alleged conduct underlying the offer.

Recommendation: Maintain authority for formal hearing and lower the suggested civil penalty to \$1,000.00.

3. 200900142-1

In February 2009, the Board authorized settlement by Consent Order and payment of a \$1,500.00 civil penalty on an allegation that the owner of a licensed cosmetology shop, who is a licensed cosmetologist, was observed practicing cosmetology while his license as well as his shop's license were expired. The owner has since renewed his license as well as the shop's license and has requested that the civil penalty be reduced.

Recommendation: Maintain authority for formal hearing and lower the suggested civil penalty to \$1,000.00.

MOTION was made by Ms. Judy Golden and seconded Ms. Nina Coppinger to accept the recommendations. Motion carried unanimously.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to adjourn the meeting.