

## **MINUTES**

The Tennessee State Board of Cosmetology held a meeting on February 2, 2009 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: Linda Colley, Vice Chairman, June Hucceby, Nina Coppinger, Janet Wormsley, Pearl Eva Walker and Judy Golden. H. D. Adcock, Chairman, Muriel Smith and Lee Bowles were not present.

Other present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Vice-Chairman Linda Colley welcomed everyone to the board meeting.

Vice-Chairman Linda Colley called for roll call.

## **MINUTES**

MOTION was made by Ms. June Hucceby and seconded by Ms. Janet Wormsley to accept the December 1, 2008 board minutes. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Beth Fisher - Ms. Fisher has contacted the board office and she will not be appearing today. She was going to discuss with the board body wrapping. Ms. Beverly Waller, Executive Director suggested the board move this discussion to other business for today because it is something the board needs to discuss and finalize.

Bill Nichols – University of Tennessee Knoxville Continuing Education – Present. Mr. Nichols is present to request approval from the board for the 2009 Cosmetology Instructor Seminars.

MOTION was made by Ms. Janet Wormsley and seconded by Ms. Judy Golden to approve the 2009 Cosmetology Instructor Seminar to be held at the University of Tennessee on July 12-13, 2009. Motion carried unanimously.

Brenda Visgar - Present - Ms. Visgar submitted a reciprocity application for her cosmetology license from Wisconsin in which she completed a 4,000 hour apprenticeship program for license qualification. The Board requested her appearance before the board to explain in detail the apprenticeship program.

Ms. Visgar stated she has not worked in the field in thirty (30) years. Ms. Visgar stated she is only requesting her shampoo tech license. Ms. Visgar does have a current Wisconsin license.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to require Ms. Visgar take and pass the shampoo tech examination to become licensed in the State of Tennessee. Motion carried unanimously.

Charlie Ton – CEO of T4 Spa Concepts & Designs, LLD – Baton Rouge, LA – Present. Mr. Ton has a proposal for the board on “Disposable Liners” which he would like to discuss. Mr. Ton discussed the advantages of the liners as being more effective, cost efficient, visual (customers can see that a new liner is used for pedicure), greener and disposable.

The board stated that they can not endorse this product and the product can be used but the pedicurist would still have to disinfect the foot bath as required by rules. In order to use only this product would require a change in the law. Mr. Ton stated the Texas State Board had approved disposable liners for use in shops in Texas. The board asked that Mr. Ton send information from the Texas State board on the use of this product.

Deborah Mann - “New Skin” – Ms. Mann is present to discuss small mechanical apparatus used in skin care, nails and hair care. Ms. Mann is asking that the board clarify the rules. The board stated that a cosmetologist can demonstrate this product, but can not charge for the services. This would be like selling products and the board can not endorse. The board stated they have no issue with selling or marketing this product.

## **ADMINISTRATIVE REPORT**

### **REQUEST FOR EXTENSION**

An application for a new school of cosmetology “Shear Perfection Academy” was presented to the board at the December meeting for inspection. The school has been inspected by Ms. Linda Colley, Board Member and Mr. Terry Barnes, Inspector and found to be in compliance with requirements and was approved to open. Ms. Waller stated she needs the board’s final approval. Also, Ms. Waller received notification on Friday they now have the esthetics department set up at the school and need to be inspected for approval to begin offering the aesthetics curriculum.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to accept the opening of the school. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to send Ms. Linda Colley, Board Member and Mr. Terry Barnes, Inspector to inspect the esthetics department. Motion carried unanimously.

A request for an extension from the 2008 cosmetology instructor seminar from Varquelta Turner was submitted. Ms. Turner states she did not attend the seminar due to not receiving information, she had moved to care for her ill mother who has passed away and she is currently not in a teaching capacity.

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

A request for extension from the 2007 cosmetology instructor seminar from Allegra Mallard was submitted. The board was provided a letter explaining she was apparently misinformed by the director of the school she was working for; which advised her she did not need to attend a seminar until 2007. She did attend in 2008 at TSU.

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

Amanda McCord had previously requested an extension from the 2007 cosmetology instructor seminar due to caring for her father who was terminally ill. The Board had requested a physician statement which she has submitted from her father's physician.

MOTION was made by Ms. June Huckleby and seconded by Ms. Janet Wormsley to deny the extension. Motion carried unanimously.

A request for extension from the 2008 cosmetology instructor seminar from Jacqueline Lockett was submitted. She states in her letter she did not attend the seminar because she could not afford to take the classes.

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

A request for extension from the 2007 and 2008 instructor seminar due to Cochlear implants from Michael Stegall. The board had requested a physician statement which was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to deny the extension. Motion carried unanimously.

A request from Mr. Larry Craig for approval of continuing educational hours he obtained in Florida for the required sixteen (16) hours of continuing education in Tennessee was submitted. Ms. Waller stated she has verified with the Florida State Board that these hours were obtained by an online home study course. Mr. Craig has a valid cosmetology license in Tennessee which he has continued to renew but has not attended a continuing educational seminar in Tennessee for the required sixteen (16) hours since 2000 which made his instructor status invalid. Mr. Craig applied for reciprocity from Arkansas of his cosmetology instructor license and failed to disclose he had a valid cosmetology license in Tennessee which has an expiration date of 2010. As he details in his letter he has received a job offer as an instructor in Memphis, Ms. Waller advised him he would need to take and pass the instructor reinstatement examination

because he does not have the required sixteen (16) hours of continuing education for a valid instructor license in Tennessee. He has appealed to the board.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger that the decision remains to deny the continuing education hours he obtained in Florida and require Mr. Craig to take the reinstatement instructor examination and pass to obtain his instructor status in the State of Tennessee. Motion carried unanimously.

#### REQUEST FOR EXAMINATION APPROVAL

An application for cosmetology examination from Kenneth Moon who has a felony was submitted. The Board had requested a letter of recommendation from the school which was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request more information on the judgment of his conviction. Motion carried unanimously. Mr. Terrance Bond, Staff Attorney for the board is to prepare this letter.

An application for manicurist examination from Jamie Anderson who has a felony was submitted. A letter of recommendation from the school was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to approve Ms. Anderson for the examination. Motion carried unanimously.

Mr. Terrance Bond, Staff Attorney for the board discussed placing license of applicants that have felonies on two (2) years probation. This is a process the barber board has adopted for applicants that have felonies and apply to take the exam.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden requiring anyone that has a felony that obtains a license, that such license be place on probation with the board for a two (2) year period. Motion carried unanimously.

An application for cosmetology examination from Shivella Douglas who has a felony was submitted. A letter of recommendation from the school was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve Ms. Douglas for the examination and require she be on probation for two years. Motion carried unanimously.

An application for cosmetology examination from Amanda Price who has a felony was submitted. Two letters of recommendation was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger Golden to approve Ms. Price for the examination and require she be on probation for two years. Motion carried unanimously.

An application for manicurist examination from Quit Troung was submitted. She completed 600 hours in Visions Academy of Hair Dressing in Connecticut. The State of Connecticut does not issue manicurist license. They only issue hairdressing license. In the letter from the school it states "I further certify that the coursework completed at this school is acceptable for purposes of licensure in Connecticut". Connecticut does not issue a manicurist license.

The board declined the request for examination approval. Applicants will be required to complete 600 hours in manicure curriculum and pass the state board exam to qualify for a license.

An application for manicurist examination from Trinh T. Nguyen was submitted. She completed 600 hours at Visions Academy of Hair Dressing in Connecticut. Statement on the form from the State of Connecticut Department of Public Health states "Course work completed at this school is acceptable for purpose of hairdresser licensure in Connecticut". Verification of the high school diploma is questionable.

The board declined the request for examination approval.

An application for cosmetology examination from Jennifer Tran was submitted. She completed 600 hours in the Lorinda Hair Care & Anthonio's Beauty School in Tacoma, Washington. The high school diploma is from an online school.

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

An application for the esthetics examination from Rehima Gena Gobena who has completed 751 hours at The Beauty Institute was submitted. Proof of high school education was a concern. The board was provided her student transcript showing her date of admission as 1985 and date of leaving as 1988 in grade 9<sup>th</sup> – 12<sup>th</sup>. They have submitted documents stating; the Ethiopian year number is eight years less that the Georgian year number from January 1 until September 10 or 11, then seven years less for the remainder of the Georgian year.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to approve the application for esthetics examination for Ms. Gobena. Motion carried unanimously.

An application for the cosmetology examination from Larne King was submitted. Ms. King completed 1,500 hours of instruction at the D'Shaw Institute of Cosmetology in Boise, Idaho. The board was presented a hand written student record of instruction from the State of Idaho Bureau of Occupational Licenses. Idaho requires 2,000 hours of instruction in the cosmetology curriculum to qualify for licensing.

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

An application for the cosmetology examination from Keundra Miller who has completed 1,500 hours of instruction in the cosmetology curriculum was submitted. Ms. Miller has exceeded the required seven (7) years for completion of required hours. The board was presented a letter from Kim Hinson, Director of Volunteer Beauty Academy stating she overlooked the original date of enrollment when she enrolled Ms. Miller in the school.

MOTION was made by Ms. June Huckleby and seconded by Ms. Pearl Eva Walker to approve Ms. Miller to take her cosmetology examination. Motion carried unanimously.

Applications for manicurist examination from Ho Huynh and Linh My Huynh who has completed 300 hours of instruction at Highland Styling Academy in Chattanooga, Tennessee and 300 hours at Angel's Nail and Skin Care Academy in Tampa, Florida was submitted. The nail technician program in Florida is 240 hours and these applicants have identical grades in the curriculum at that school. Ms. Waller is requesting the board's approval.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ho Huynh and Linh My Huynh appear before the board at the next meeting. Motion carried unanimously.

Ms. Tsehay Masresah a licensed cosmetologist in Ethiopia. She had previously submitted documents to the board for consideration of licensing as a cosmetologist in Tennessee. The Board had requested additional information concerning hours of instruction. She has submitted the requested information for review.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to accept the 800 hours she has obtained in Ethiopia and request she obtain the remaining hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Notification from PSI was sent to the office. The candidate was caught cheating on manicurist examination at the theory test site. Notes were confiscated and are provided to the board. PSI needs to know if and when this candidate can reschedule.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. June Huckleby to not allow the candidate to retest for one (1) year and require candidate to appear before the board before retesting. Motion carried unanimously.

A request from Fatemeh Aleahmad for consideration for licensing as an aesthetician in Tennessee was submitted. She is licensed as a cosmetologist in Tennessee and she has attached diploma's showing she has completed hours in skin care training in our country.

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

A letter from the Davidson County Drug Court program was submitted to the office. Ms. Waller read the board this letter. This was sent to the board from Volunteer Beauty Academy. This request is only to teach the basic of cosmetology with no hours.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to not accept this request to teach the basis of cosmetology. Motion carried unanimously

Ms. Waller presented a letter from a cosmetology student James C. Taylor suggesting change or additions to the rules/codes governing cosmetology. The board advised this is something that should be reviewed during rulemaking.

An application for the cosmetology examination for Yulia A. Moore was submitted. She has attended Tennessee School of Beauty and completed 1,500 hours of instruction in the cosmetology curriculum. Ms. Waller is questioning the proof of high school education from Russia. Documents submitted state she completed Agricultural Technical School with the Specialty of Veterinary Medicine which was an advanced high school curriculum. In Russia it is common to either go to eight (8) years of school or go on to High School which completes ten (10) years of school. Some choose to complete the 9<sup>th</sup> and 10<sup>th</sup> years of High School as part of an advanced technical training.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to accept the application for the cosmetology examination and request a letter from Mr. Terrance Bond, Staff Attorney for the board to be sent to the school to inform the school of their mistake on this education proof. Motion carried unanimously.

Miller-Motte Technical College notified the board that they are offering the shampoo technician and natural hairstyling curriculums in their school of cosmetology.

Ms. Waller stated she would like to request a waiver of the fee for change of ownership on "Styles and Profiles" due to the death of the owner Ms. Phoebe Prather. The new owner will be Regina Prather Jackson. Ms. Jackson forwarded the board a copy of the "Confirmation of Dissolution of Partnership and Ownership of Business."

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to approve the waiver of fee for change of ownership. Motion carried unanimously.

A letter to the board members from former Board Member Ernestine Peete was submitted to the board. The board will discuss this letter at the next board meeting.

A copy of the letter Ms. Waller sent to all cosmetology schools concerning documentation of applications of examination was provided to the board members.

The board was presented with diploma's received at board office for approval; Harcourt High School is an home school - online school and Ms. Waller stated she was not able to locate any information online for Thomson High School but if you will notice both diplomas are signed by Connie Dempsey, Director of Education and both schools are accredited by the Accrediting Commission of the Distance Education and Training Council, Washington, DC and licensed by the Pennsylvania State Board of Private Licensed Schools.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the diploma's and require the students who are already enrolled in schools with the diplomas to work on getting their GED's. Motion carried unanimously.

## RECIPROCITY

An application for reciprocity of manicurist license from Oahn Hoang Le from Nevada was submitted. The hours of instruction in the manicurist curriculum from Oregon are 350 hours. Nevada certification gave original date of licensing as May 19, 2008 and Oregon certification gave dates of original license as December 2, 2008. No five year work history was provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request Ms. Le take an additional 250 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Joan Cochran from Florida was submitted. Florida had apparently sent the wrong information on the previous certification. They sent a new certification showing she has a valid license. She requested Ms. Waller take her application back before the board. She has 1,200 hours in the curriculum and no five year work history submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Cochran take 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 from Le Huu Huynh from Georgia was submitted. Certification states 525 hours of instruction and original date of license as September 22, 2006. No five year work history was provided.

MOTION was made by Ms. June Huckleby and seconded by Ms. Janet Wormsley to request Mr. Huynh take an additional 75 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from Thai Pham from Oregon was submitted. He obtained licenses in the State of Oregon by reciprocity from the state of Florida which requires 240 hours. Certification states original date of license as April 3, 2008. No five year work history was provided.



MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to request Mr. Pham take an additional 360 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from Loan B. Du from Oregon was submitted. Certification from the Oregon State Board states license was obtained by reciprocity from Florida. Florida requires 240 hours in the manicure curriculum. License was issued May 20, 2008 so no five years work history was submitted.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to request Mr. Du take an additional 360 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Zohra Fayyaz from Florida was submitted. Certification states 260 hours as facial specialist and original date of license as April 3, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Fayyaz take an 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 cosmetology license from Linda Gorrow from Florida was submitted. Certification states 1,200 hours of instruction in the curriculum. The board received a letter from Bruce M. Szabo P.A. which states they have prepared her taxes for more than ten (10) years. No specific dates are listed. Ms. Waller needs board's approval to accept work history.

MOTION was by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to grant Ms. Gorrow her cosmetology license. Motion carried unanimously.

An application for reciprocity of manicurist license from Mong Lien La from Oregon was submitted. Certification from the Oregon Board states license by reciprocity from the State of Florida which requires 240 hours. The date of original license was April 18, 2008 so no five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. La take an additional 360 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from Thuan Ngo from Georgia was submitted. Certification from the Georgia State Board gives hours of instruction as 525 and original date of license as September 19, 2008. She has submitted W-2 forms for 2003-2007 for work history. She was originally license 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request Ms. Ngo take an additional 75 hours then take and pass the manicurist license to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Joyce Whidden from Florida was submitted. Certification states 1,200 hours in the curriculum. The original date of licensing is September 24, 1985. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Whidden take 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 instructor license from Virginia for Sheteka Buckner was submitted. Virginia requires 1,500 for cosmetology but has no definite requirements for instructor. Document states completed an approved instructor training course. She has a certificate stating she completed a 500 hour course in the instructor certificate.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to require Ms. Buckner to take and pass the instructor examination to become licensed as an instructor in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Aysel Berrio from Florida was submitted. She completed 1,200 hours in the curriculum and initial date of licensing July 18, 2007. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Berrio take 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 Jovana Carvalho from New York was submitted. Certification states she completed 1,000 hours in the curriculum and original date of licensing June 17, 2003. Work history submitted is Claudia' Beauty Salon September 9, 2001 to December 20, 2003, Geno Marion February 15, 2004 and Ms. Waller stated she is not sure of the rest of the work history, it is a little confusing. Ms. Waller asked if she was working for Stylique why was the letter not written by Stylique.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request Ms. Carvalho to come before the board at the next meeting. Motion carried unanimously.

An application for reciprocity of aesthetician license for Nhung T, Nguyen from Florida was submitted. Certification states she is licensed as a full specialist with 500 hours. In Florida a full specialist is required to complete 240 hours in manicuring and 260 in skin care. She is applying for aesthetician license in Tennessee and her original

date of licensing is January 30, 2003. The five year work history shows her occupation as manicurist.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Nguyen to obtain an additional 490 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Two applications for reciprocity of manicurist license and aesthetician license for Heidi Pogodsky-Faedeholdt from Florida was submitted. Ms. Pogodsky-Faedeholdt is licensed as a full specialist in Florida which her license has expired but Ms. Waller has been working with her since before October trying to get the necessary work history or additional hours of instruction to present to the Board. She has apparently been licensed in California and Canada but is not able to provide the necessary information. The board was presented a detailed letter from Ms. Pogodsky-Faedeholdt which Ms. Waller advised her she would present along with her documents to the board.

MOTION was made by Ms. Pearl Eva Walker and seconded by Ms. Judy Golden to request Ms. Pogodsky-Faedeholdt to appear before the board at the next meeting. Motion carried unanimously.

An application for reciprocity of aesthetician license for Natalie Bositic from Quebec, Canada was submitted. She submitted a certificate from Leater B. Pearson School Board stating she has completed 1,350 hours of instruction in esthetics November 28, 2006. She submitted a letter of her work history stating she has been a full time employee of Esthetique Elite Inc. since October 2007.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Bositic 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 Nguyen Thi Pham from Wisconsin was submitted. Certification from the Wisconsin Department of Regulation and Licensing states she obtained license in that state by endorsement from Minnesota.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request additional information as to the number of hours completed in the cosmetology curriculum and the school that she attended. Motion carried unanimously.

Tatia Kinamore is requesting approval of her hours she completed in the cosmetology curriculum at Kirkman High School in 1985. Ms. Kinamore is requesting the board to approve her hours and allow her to take the cosmetology examination.

MOTION was made by Ms. June Huckleby and seconded by Ms. Nina Coppinger to accept Ms. Kinamore's hours and allow her to take the cosmetology examination. Motion carried unanimously.

Gina Miller, Paul Mitchell the School Nashville is requesting the board to review and approve for acceptance for proof of high school diploma from Czechoslovakia from Andela Nemeckova.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to request more information from Ms. Nemeckova on her documents for proof of high school diploma. Motion carried unanimously.

Avery Putney, Sullivan Central High School is requesting the board's approval to teach an Instructor Training Program in the classrooms at Sullivan Central and Sullivan South High Schools which are public high schools regulated by the Board of Education for the State of Tennessee. The tuition for the instructor curriculum will be \$650.00.

MOTION was made by Ms. June Huceby and seconded by Ms. Judy Golden to deny the request for this program. Motion carried unanimously.

Valerie Ann Hall Bridgeforth is requesting an extension from the 2007 cosmetology instructor seminar. Ms. Bridgeforth did attend in 2008 but states she was not aware she had to attend in 2007.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. June Huceby to deny the request for extension and request Ms. Bridgeforth take the reinstatement instructor examination and pass to have her instructor status active. Motion carried unanimously.

International College of Arts & Beauty in Chattanooga is submitted an application for a change of location and change of name to International College of Arts. A proposed floor plan was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to have Ms. June Huceby, Board Member and Mr. Larry Chadwick, Inspector inspect the school when it is ready to open. Motion carried unanimously.

The Beauty Institute submitted diplomas for Sharmini Sarfani, Laila Amirali Dharani, and Patel Nirmalaben Ratilal for approval by the board.

MOTION was made by Ms. June Huceby and seconded by Ms. Judy Golden to accept the diplomas from the students at The Beauty Institute. Motion carried unanimously.

At the October 6, 2008 board meeting Shannon Nichole Jones requested an extension from the 2008 cosmetology instructor seminar. The board voted for Ms. Jones to submit physician's statements were provided for the board to review.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to deny Ms. Jones request for extension and she be required to take the instructor reinstatement examination and pass in order for her instructor status to become active. Motion carried unanimously.

Darryl Allen Bowslaugh is requesting reciprocity of his cosmetology license from Canada. Mr. Bowslaugh submitted a certificate from Cappa School of Professional Hairstyling from Canada and Certificate of Apprenticeship from Ontario. A certification of licensing from the Commonwealth of Virginia was submitted also.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request more information from Mr. Bowslaugh as to why Mr. Bowslaugh has a certificate showing he completed 1,500 hours at Cappa School of Hairstyling in 2000 and completion of a certificate of apprenticeship as a hairstylist in 2001. Motion carried unanimously.

Consent orders totaled \$21,500.00.

Ashland Nails  
303 N. Main Street  
Ashland, City, TN 37015

Violation issued October 7, 2008  
Pd \$1,500.00 on 12-22-08

Da-Vi Nails #4223  
2410 US Hwy 411S  
Maryville, TN 37803

Violation issued July 9, 2008  
Pd \$1,500.00 on 12-23-08

Dynasty Nails  
1004-D Memorial Blvd.  
Murfreesboro, TN 37129

Violation issued October 16, 2008  
Pd \$3,000.00 on 1-07-2009

Estetica Latina Boutique  
4728 Nolensville Road  
Nashville, TN 37211

Violation issued June 12, 2008  
Pd \$1,000.00 on 12 -09-2008

Heaven's Touch Hair Studio  
2201 Murfreesboro Pike  
Nashville, TN 37217

Violation issued October 3, 2008  
Pd \$500.00 on 12-16-2008

LaVergne Nails  
5170 Murfreesboro Road  
LaVergne, TN 37086

Violation issued October 7, 2008  
Pd \$2,000.00 on 01 -10-2009

Nail Pro  
4465 Poplar Avenue  
Memphis, TN 37075

Violation issued June 6, 2008  
Pd \$4,000.00 on 01-23-2009

Nail World  
1400 Liberty Pike  
Franklin, TN 37067

Violation issued August 5, 2008  
Pd \$3,000.00 on 12-2-2008

Q-Nails  
741 Dolly Parton Pkwy.  
Sevierville, TN 37862

Violation issued June 18, 2008  
Pd \$1,000.00 on 12-11-2008

The Cutting Zone  
405 Midway Drive  
Oliver Springs, TN 37840

Violation issued April 18, 2008  
Pd \$500.00 on 01-07-09

Top of the Line Nails  
3041 A Dickerson Road  
Nashville, TN 37207

Violation issued May 28, 2008  
Pd \$3,000.00 on 12-31-2008

Tress Salon  
228 A N. Main Street  
Clinton, TN 37716

Violation issued October 08, 2008  
Pd \$500.00 on 12-5-08

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to accept the consent orders. Motion carried unanimously.

#### **STAFF ATTORNEY REPORT**

Amendments on recommendations # 3, 8, 14, 31

1. L-09-COS-RBS-200900132-1

December 12, 2008 Notice of Violation reports that the inspector found that MMA was being used in on shop clients.

*Prior history:*

*6/02-unlicensed operator, paid \$3,000.00*

*3/07-unlicensed operator, dismissed for lack of evidence.*

Recommendation: Issue a CEASE and DESIST/Letter of Warning concerning prohibited items.

Amendments: None.

2. L-09-COS-RBS-200900133-1

December 17, 2008 Notice of Violation reports that the inspector observed that hair clippers were not sanitized as required and that hair was present where clean tools were stored.

*No prior history indicated.*

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

Amendments: None

3. L-09-COS-RBS-200900134-1

December 30, 2008 Notice of Violation reports that the inspector observed that stored implements were not sanitized as required, that the floor had not been swept free of hair as required, and that neither of the practicing cosmetologists in the shop was wearing the required identification.

*No prior history indicated.*

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

Amendments: Defer presentation until March meeting.

4. L-09-COS-RBS-200900135-1

January 6, 2009 Notice of Violation reports that the inspector observed that a wax machine and various implements commonly used in waxing were present in the manicuring salon.

*Prior history:*

*3/04- waxing, paid \$300.00*

*12/04- unlicensed operator, closed with letter of warning*

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

Amendments: None.

5. L-09-COS-RBS-200900138-1

January 6, 2009 Notice of Violation reports that the inspector observed two (2) licensed individuals practicing cosmetology while the shop licensed was expired and had been expired since July 31, 2008. The shop license has now been renewed.

*No prior history indicated, shop license has been renewed timely five (5) times, late two (2) times since 1993 (expired from 7/06-10/06 and 7/08-1/09).*

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

Amendments: None.

6. L-09-COS-RBS-200900139-1

January 7, 2009 Notice of Violation reports that the inspector observed an unlicensed individual providing cosmetology service in a licensed shop.

*No prior history indicated.*

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

Amendments: None.

7. L-09-COS-RBS-200900140-1

January 7, 2009 Notice of Violation reports that the inspector observed a licensed manicurist providing waxing service to a client in this manicure-only shop.

*No prior history indicated.*

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

Amendments: None.

8. L-08-COS-RBS-200900141-1

January 8, 2009 Notice of Violation reports that the inspector found a wax machine, which was hot and ready for use, in this manicure-only shop.



*Prior history:*  
*9/04- unlicensed operator, paid \$500.00.*

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

Amendments: Raise the civil penalty to \$1,000.00.

9. L-09-COS-RBS-2009001421-1

January 9, 2009 Notice of Violation reports that the inspector observed the owner practicing cosmetology while his cosmetology license had been expired since June 30, 2007 and remains delinquent. Further, the inspector observed that the shop license had been expired since September 30, 2008 and remains delinquent.

*Prior history:*  
*10/99- expired shop and operator license, paid \$300.00.*

Recommendation:

- a) Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.
- b) Order the owner to CEASE and DESIST practicing cosmetology and operating the shop until the licenses are renewed.

Amendments: None.

10. L-09-COS-RBS-200900143-1

January 8, 2009 Notice of Violation reports that the inspector observed the shop owner practicing cosmetology in an unlicensed shop, where the owner admitted she had been practicing for one (1) month prior to the inspector's visit. The owner application for a shop license is now pending.

Recommendation: Close with a letter of warning re: license requirement for shops.

Amendments: None.

11. L-08-COS-RBS-200800995-1

Notice of Violation does not provide sufficient information to proceed.

Recommendation: Close.

Amendments: None.

12. L-08-COS-RBS-200802734-1

November 6, 2008 Notice of Violation reports that the inspector observed the following conditions during inspection:

- a) drill bits were not properly sanitized and stored;
- b) nail dusters not in use were not stored as required;
- c) rust was present under a pedicure foot rest;
- d) rusty fingernail trimmers were found in a drawer where clean tools were stored;
- e) floors were unswept, nail trimmings were present.

*Prior history:*

*8/06- dirty tubs, dirty nail trimmers, closed with a letter of warning*

*6/08- verbal warning given during inspection regarding sanitation*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,000.00 civil penalty.

Amendments: None.

13. L-08-COS-RBS-200802735-1

December 4, 2008 Notice of Violation reports that the inspector found a wax machine, which was hot and ready for use, along with implements commonly used in waxing, in this manicure-only salon.

*Prior history:*

*6/02- violation unspecified, paid \$800.00*

*11/02- violation unspecified, paid \$500.00*

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

Amendments: None.

14. L-08-COS-RBS-200802692-1

November 6, 2008 Notice of Violation reports that the inspector found a new owner operating a shop for more than thirty (30) days without having obtained a new license. According to the shop manager, the shop was sold in July 2008.

*No prior history indicated.*

Recommendation: Authorize formal hearing, issue an ORDER directing the new owner to CEASE and DESIST operating the shop and file the appropriate paperwork within fourteen (14) or formal charges will be filed.

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

15. L-08-COS-RBS-200802716-1

November 18, 2008 Notice of Violation reports that inspector observed cosmetologists practicing in this shop while the shop license was expired and had been expired since September 30, 2008. The shop license is now current.

*Prior history:*

*1/07- expired shop and operator license, close with a letter of warning*

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

Amendments: None.

16. L-08-COS-RBS-200802718-1

November 18, 2008 Notice of Violation reports that the shop owner was found operating an unlicensed cosmetology shop. The shop owner's application for a cosmetology shop license is now pending.

*No prior history indicated.*

Recommendation: Close with a letter of warning.

Amendments: None.

17. L-08-COS-RBS-200802719-1

November 11, 2008 Notice of Violation reports that the inspector observed a manicurist providing service to a client without a manager present. The inspector reports that the manager arrived shortly after she spoke with the manicurist concerning the violation.

*No prior history indicated.*

Recommendation: Close with a letter of warning re: requirement of management supervision.

Amendments: None.

18. L-08-COS-RBS-200802730-1

November 26, 2008 Notice of Violation reports that the inspector observed that the shop is under new ownership and that the new owner has operated the shop for more than thirty (30) days without having applied for a cosmetology shop license. The inspector also observed that the new owner, who is a Georgia licensee, was practicing cosmetology at inspection time.

*Prior history:*

*10/05- unlicensed operator, paid \$500.00*

*6/08, 9/08- unlicensed operators, paid \$3,000.00*

Recommendation: Authorize formal hearing and issue an ORDER directing the shop owner to CEASE and DESIST practicing cosmetology until she is licensed by the State of Tennessee and to CEASE and DESIST operating the shop until it is licensed. The owner will have fourteen (14) days to comply with the shop licensure order before formal charges are filed.

Amendments: None.

19. L-08-COS-RBS-200802731-1

November 6, 2008 Notice of Violation reports that the inspector found a wax machine, which was hot and ready for use, as well as implements commonly used in waxing, inside this manicure-only shop.

*Prior history:*

*3/99- unlicensed operators, paid \$1,000.00*

*8/99- unlicensed operators, paid \$1,000.00*

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

Amendments: None.

20. L-08-COS-RBS-200802732-1

December 5, 2008 Notice of Violation reports that the inspector observed that a licensed manicurist failed to display his license at his work station or wear the proper identification.

*No prior history indicated.*

Recommendation: Close with a letter of warning re: display of license and identification.

Amendments: None.

21. L-08-COS-RBS-200802733-1

November 14, 2008 Notice of Violation reports that the inspector found an unplugged wax machine and various waxing implements in this manicure-only shop. The inspector also reports that two (2) manicurists performing services in the shop were not wearing required identification, used drill bits were not sanitized and stored and that nail dust was present in drawers where clean tools were stored.

*No prior history indicated.*

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

Amendments: None.

22. L-08-COS-RBS-200802736-1

December 3, 2008 Notice of Violation reports that the inspector observed the following conditions in the shop:

- a) dust was present on the surface of manicure tables;
- b) dust was present in all drawers where clean tools were stored;
- c) various manicuring tools were not properly stored and had nail dust on them.

*No prior history indicated; Shop owner was given verbal warning regarding sanitation on last inspection on 8-22-08.*

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

Amendments: None.

23. L-08-COS-RBS-200802740-1

December 2, 2008 Notice of Violation reports that the inspector observed an unlicensed man performing license-required service in this shop.

*No prior history indicated.*

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

Amendments: None.

24. L-08-COS-RBS-200802690-1

Notice of Violation does not provide sufficient information to proceed.

Recommendation: Close.

Amendments: None.

25. L-08-COS-RBS-200802691-1

October 17, 2008 Notice of Violation reports that the inspector observed that one (1) unlicensed individual and two (2) individuals in possession of expired licenses were practicing cosmetology in a licensed shop.

*No prior history indicated.*

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

Amendments: None.

26. L-08-COS-RBS-200802693-1

November 6, 2008 Notice of Violation reports that the inspector observed a licensed cosmetologist practicing cosmetology in a shop where the license had been expired since September 30, 2008. The shop license is now current.

*No prior history indicated.*

Recommendation: Close with a letter of warning re: timely renewal of licenses.

Amendments: None.

27. L-08-COS-RBS-200802694-1

November 13, 2008 Notice of Violation reports that inspector observed an unlicensed man performing license-required service in the shop. The inspector also observed that three (3) pedicure tub drains were dirty with lint and dead skin, that tools were not stored as required, and that the owner of the shop failed to wear an identification tag.

*No prior history indicated.*

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

Amendments: None.

28. L-08-COS-RBS-200802700-1

November 12, 2008 Notice of Violation reports that the inspector observed an unlicensed individual providing a license-required service to a client in the shop. The inspector also found a wax machine, which was hot and ready for use, along with implements commonly used in waxing, in this manicure-only shop.

*No prior history indicated*

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

Amendments: None.

29. L-08-COS-RBS-200802591-1

Student complaint alleges that the school owner sent her a withdrawal letter when she did not wish to withdraw from the school. The school owner responds that the student was expelled from the school for disruptive behavior and was provided both written and verbal explanation of the reasons for the decision to expel her.

Recommendation: Close.

Amendments: None.

30. L-08-COS-RBS-200802679-1

Board office complaint indicates that the school owner failed to provide evidence that the school was covered by a certificate of deposit at the time the school submitted its license renewal application. The office provided a copy of the certificate of deposit which was finally submitted by the school, dated 11/19/2008.

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

Amendments: None.

31. L-08-COS-RBS-200802661-1

The inspector observed an unlicensed individual providing license-required service at an unlicensed location in a shopping mall.

Recommendation: Issue an ORDER to CEASE and DESIST practicing cosmetology.

Amendments: Give notice to shopping mall owner that kiosk owner is acting in violation of the Cosmetology Act.

32. L-08-COS-RBS-200802533-1

Student complaint alleges that a school instructor is unprofessional and rude to her and other students.

Recommendation: Close.

Amendments: None.

33. L-08-COS-RBS-200802529-1

Student complaint alleges that students are disciplined for tardy arrivals while instructors are not and states that this is unfair.

Recommendation: Close.

Amendments: None.

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

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to adjourn the meeting. Motion carried unanimously.