

## **MINUTES**

The Tennessee State Board of Cosmetology held a meeting on June 1, 2009 at 9:00 a.m. CDT, in Nashville, Tennessee.

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

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

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

Linda Colley, Vice Chairman called for roll call.

## **MINUTES**

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to approve the April 6, 2009 cosmetology board minutes. Motion carried unanimously.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to approve the May 4, 2009 cosmetology board minutes. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Clinton Carter McClure – Present. Mr. McClure completed the cosmetology curriculum at Miller-Motte Technical College in Chattanooga. Mr. McClure's high school diploma was from Penn Foster High School, which is an online high school. Mr. McClure and his mother addressed the Board about his high school education in detail.

The Board stated that Mr. McClure would need to present his transcript from Penn Foster or a transcript from the high school he attended in Clarksville, Tennessee for review at the next scheduled board meeting in August.

The Cosmetology Director for Miller-Motte Technical College in Clarksville addressed the Board on behalf of Mr. McClure. She stated he was a good student.

Jessica Wallis – Representative Mike Bell present to speak for her. Ms. Wallis is a cosmetology student who has a diploma from Gateway Christian School. She was requested to appear before the board. Representative Mike Bell stated he was there to address the board on behalf of two of his constituents Ebony Danielle Swafford who has completed her cosmetology curriculum and Jessica Wallis who has not completed her cosmetology curriculum. Ms. Swafford had received a letter from the Board denying her request for examination. Both students have Gateway Christian Home School diplomas. He is requesting the Board to approve these students for examination. He referenced the

bill that should become law today which requires home school diplomas to receive the same recognition as other high school diplomas. He is requesting the Board to approve these applications for examination with diplomas submitted.

Demetrius Jackson – Present. Ms. Jackson is present today to discuss her facility and make sure she is in compliance. The facility does not have a restroom in the salon. The law only states adequate bathroom facilities.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to accept the floor plan for the facility. Motion carried unanimously.

Joyce Wilson – (mother of Kristen Brooke Sunderland) – Both was present to speak with the board to discuss the diploma her daughter received from Bethlehem Christian School in Potts Camp, Mississippi. The document submitted is a diploma of graduation and does not state high school diploma. Ms. Wilson stated that her daughter has a great education. States the diplomas from this school are being accepted into major universities. Ms. Wilson stated that she has had three children graduated from Bethlehem Christian School and her husband and I have both taught several years at the school. Ms. Wilson presented documentation from Kindergarten thru 12<sup>th</sup> grade.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to accept the diploma and allow Ms. Kristen Brook Sunderland to take her cosmetology examination. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

An application for change of location for International College Arts & Beauty was presented at the February 2009 meeting. The school was visited by the board member and board inspector and they were required to return for corrections that needed to be made. The return visit has been made and corrections have also been completed. Ms. Beverly Waller, Executive Director is requesting final approval for change of location for International College of Arts & Beauty.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to accept the change of location for International College Arts & Beauty. Motion carried unanimously.

An application for a new school of cosmetology for Regency Beauty Institute to be located at 2288 Gunbarrell Road, Chattanooga, TN was submitted. The application, fee, floor plan, surety bond and twelve (12) applications and enrollment agreements were initially submitted. The additional eight (8) applications were received after board packets were mailed for the later student they tried to include a copy of the application as well as the enrollment agreement (contract). For a few of the students they only had copies of enrollment agreements. The board members were provided copies. They were aware the next board meeting will be in August and they are attempting to get the information to the board for this meeting. Also, a representative for the Regency is

present today to answer any questions. Regency Beauty is requesting approval to open immediately after the school has been inspected by the Board Member and Board Inspector.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to send Ms. June Huckleby, Board Member and Mr. Larry Chadwick, Inspector to inspect the school for approval to open. Also, it was stated if the school enrolls transfer students which have required two hundred (200) or more hours they may perform cosmetology services on the clinic floor. Motion carried unanimously.

An application for reciprocity of aesthetician license from Florida (Facial Specialist) for Cathy Carter was submitted. Hours required in the curriculum are 260 hours and original date of licensing is January 27, 2009. No five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Carter obtain 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 manicurist license from California for Ngoc Cao was submitted. Hours required in the curriculum are 400 and original date of licensing was August 19, 1996. She was not able to provide a recent and consistent five year work history due to pregnancy in 2003 and 2004.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Cao obtain an additional 200 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 Missouri for Twyla McDermott was submitted. Certification of licensing from the State Board of Cosmetology in Missouri states she was originally licensed September 15, 1986 and she completed 1,220 hours in the curriculum. She sent information about her work history but she advises she does not have a five year recent work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. McDermott take an additional 280 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 Belgium for Ette Gomme was submitted. The board had previously reviewed her application and documents submitted at the December 2008 meeting. The board had requested information that would provide clarification of the number of hours completed in the ladies hairdresser curriculum which qualified her for participation in the final exams. She has submitted information of hours of training and work. She was present earlier for the meeting today but she had to leave.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Gomme provide proof of her 1,000 hours then the board would only require her to attend 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 manicurist license for Dat Diep was submitted. There are three applications submitted over a period of time. She is licensed with the Arkansas Board of Cosmetology and as indicated in the certifications from Arkansas Board she obtained her hours of schooling in another state. She obtained license in Arkansas by examination. Ms. Beverly Waller, Executive Director stated she is concerned about when she submitted the information about her hours of instruction in the manicuring curriculum at Lorinda'Care & Antonio's Beauty School in Tacoma, Washington the diploma gave a date of completion as August 2007 and the letter from the school gives date of May 2008. Ms. Waller stated she received a letter from the school stating an error was made and she graduated August 10, 2007. Ms. Waller stated she needs the board's decision as to what she will be required to do to obtain a license in Tennessee.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Diep take the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for examination from Collette Theresa Thomas and her proof of high school education is from Guadeloupe was submitted. The translated documents states SECTION high school and the copy of the original states SERIE-College on documents submitted. No original documents were submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huceby to request Ms. Thomas submit more documentation or transcript. Motion carried unanimously.

An application for examination from Janette Fernandez and her proof of high school education from Cuba was submitted. The translated document states: THE BOARD OF EDUCATION IN CUBA CERTIFIES THAT JANETTE FERNANDEZ HERNADEZ HAS COMPLETED THE CORRESPONDING STUDIES FOR THE TITLE OF HIGH SCHOOL GRADUATE, IN GUIRA DE MELENA, LA HABANA, ON THE 12<sup>th</sup> DAY OF JULY IN THE YEAR 1989. No original documents submitted.

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

An application for examination from Abigail Hodonou and her proof of high school education is from Togo. Her high school diploma is from Lome High School. Documents submitted state she has undertaken the following courses in education and

passed the diploma examination with the grades stated below signed by the principal and date issued. No original documents were submitted.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request more information on transcript. Motion carried unanimously.

An application for examination from Anna A. Ogak and her proof of high school education from Ethiopia was submitted. Ms. Ogak has submitted a student transcript from Bole Secondary School and also an Ethiopian School Leaving Certificate for the Ministry of Education.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Walker to accept the application and allow Ms. Ogak to take the examination. Motion carried unanimously.

Application for examination from James Fitzpatrick Luvenc who has a felony was submitted. Ms. Waller has the letter of recommendation from the school she received after the board packets were mailed.

Application for examination from Michael Deshun Reese who has a felony was submitted. A letter of recommendation was submitted from the school owner.

Application for examination from Patti Woods who has a felony was submitted. A letter of recommendation was submitted from her instructor.

Application for examination from Montreal Grant who has a felony was submitted. A letter of recommendation was submitted from the school.

Application for examination from Jawhararh Bahar who has a felony was submitted. A letter of recommendation was submitted from the instructor.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Walker to approve the applications for examination; with the signed agreed order from the attorney. Motion carried unanimously.

At the last meeting a request for clarification was tabled until Ms. Golden was present. This is a request for clarification as to the use of needles and lancets by aestheticians in Tennessee.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Walker that aestheticians are able to use needles and lancets. Motion carried unanimously.

At the May meeting the board requested that Ms. Beverly Waller, Executive Director review original documents. Documents for Victoria E. Menendez Castro and Sofia Cristina Laws were brought to the office by the school director and Ms. Waller stated to the best of her ability they appear to be authentic.

MOTION was made by Ms. June Huceby and seconded by Ms. Judy Golden to accept Ms. Waller's decision. Motion carried unanimously.

Application for examination was submitted for Shelia White. The Board was not able to approve the application due to the high school diploma submitted. She then submitted a copy of a report card showing she attended the King's Academy and was promoted from 10<sup>th</sup> to the 11<sup>th</sup> grade. The board requested the original document be submitted. The board has a statement from her husband stating the report card copy submitted was from Lauderdale School District and they only had a copy which was supplied from the small private school that was only in business for a few years. They have not been able to find out where the original records went after the school closed.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to request additional information or require Ms. White take the GED so that she will be qualified to take the examination. Motion carried unanimously.

Application for examination from Brittnee Linn who's high school diploma was a "GENERAL" diploma. She was sent a letter notifying her she would need to submit a GED or certified transcript showing completion of the 10<sup>th</sup> grade. She has submitted a document "courses for credit toward graduation" from Calvary Christian School.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Pearl Walker to request Ms. June Huceby obtain additional information on the school and notify the office. If the school is legitimate approve Ms. Linn to take the examination. Motion carried unanimously.

Documents were sent by school owner, Gene Myers for two students that would like to enroll in his school. The first document was proof of high school education for Skrypkar Kristina Mykhaylivana from the Ukraine. The second documents were from Gorev Nikolay Valerievich from Russian for proof of high school education.

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

Request for extension from the 2007 instructor seminar was submitted by Jeannie Tuller Hixon. She sent a letter stating she thought she had put her instructor status in inactive. The Board office has no record of receiving the request or fee to have instructor status put inactive.

MOTION was made by Ms. June Huceby and seconded by Ms. Muriel Smith that the original decision remain that her instructor status was removed. Motion carried unanimously.

Application for reciprocity of aesthetician license for Dannielle Bradick from Michigan was submitted. Certification from the Michigan State Board gives hours of

instruction in the esthetics curriculum as 420 and original date of licensing was November 10, 2005 with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Bradick take an additional 330 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for examination from Jessica Wallis and Ebony Swafford who high school diplomas are from Gateway Home School was submitted. They submitted copies of their transcript from Gateway Home School for the Board to review.

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

Application for examination from Southichanh Luangrath and her proof of high school education from John Adam High School; a virtual school, offers correspondence high school diplomas.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to request additional information or have Ms. Luangrath take the GED so that she will qualify for the examination. Motion carried unanimously.

Application for examination from Wilnilda Chacon and her proof of high school education is from Puerto Rico. The documents state she passed the equivalency exam of high school according to the Law No. 188 of 2 May 1952, in testimony in which we gave this high school diploma.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Walker to request additional information or have Ms. Chacon take the GED so that she will qualify for her examination. Motion carried unanimously.

Application for examination from Tristan Gutierrez 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 the application for examination with a signed agreed order from the attorney. Motion carried unanimously.

Ms. Beverly Waller, Executive Director stated she has a question from Virginia College. Would the Board have any objections to the Director of the Massage Clinic at the school, also serve as Director of the cosmetology school. They have listed the job responsibilities of the Director and none involve instruction.

The board stated they would have no problem with this.

At the last board meeting the Board Members required legal and Ms. Waller to prepare a letter to distribute to all cosmetology schools concerning the diploma issue, the letter is being presented to the board for approval. Also with the letter is information on obtaining a GED in Tennessee.

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

Application for change of ownership for Paul Mitchell The School in Nashville. Ms. Waller read the board members a letter on the reason for change of ownership.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to approve the change of ownership. Motion carried unanimously.

Application for examination for Emily Brook Smitty was submitted. Proof of high school education is home school diploma "Bible Church Academy". She stated her mother was her teacher and she went to the school each month to pick up books with assignments for her to complete.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request additional information or have Ms. Smitty take the GED so that she will qualify for her examination. Motion carried unanimously.

Consent orders totaled \$18,500.00

Ambience Hair Studio  
111-A Towne Road  
Oak Ridge, TN 37830

Violation issued March 5, 2009  
Pd \$1,500.00 on 5/01/2009

Angel Nails  
520 N. Kentucky Street  
Kingston, TN 37763

Violation issued April 15, 2008  
Pd \$1,000.00 on 4/28/2009

Black Hair Unlimited  
3025 Ft. Campbell Blvd.  
Clarksville, TN 37042

Violation issued March 6, 2009  
Pd \$1,000.00 on 5/18/2009

Genesis Career College of Lebanon  
1505 Noah Court  
Lebanon, TN 37087

Violation issued March 18, 2009  
Pd \$500.00 on 05/28/2009



Nails by Tammy  
14 Mathis Drive  
Dickson, TN 37055

Violation issued February 4, 2009  
Pd \$1,000.00 on 5/15/2009

Regal Nails  
1030 Hunters Crossing Drive  
Alcoa, TN 37701

Violation issued April 2, 2008  
Pd \$1,500.00 on 5/19/2009

Soho Nails  
11675 Parkside Drive  
Farragut, TN 37934

Violation issued February 20, 2009  
Pd \$5,000.00 on 5/19/2009

The Nail Bar  
150 Lovell Road  
Concord Farragut, TN 37934

Violation issued February 27, 2009  
Pd \$2,000.00 on 5/26/2009

Tiba Nu (Tiba De Nuhad Khoury)  
2001 Glen Echo Road  
Nashville, TN 37215

Violation issued February 3, 2009  
Pd \$1,000.00 on 5/21/2009

Liz Torres Salon  
267 Stone Crossing Drive  
Clarksville, TN 37042

Violation issued February 14, 2009  
Pd \$1,500.00 on 5/26/2009

VIP Nails  
445 #13 Hwy 46  
Dickson, TN 37055

Violation issued February 27, 2009  
Pd \$2,000.00 on 5/22/2009

V.I.P. Nails  
1414 Jenkins Road  
Chattanooga, TN 37421

Violation issued February 20, 2009  
Pd \$500.00 on 5/7/2009

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

## **STAFF ATTORNEY REPORT**

### **1. 200900965-1**

March 31, 2009 Notice of Violation reports that the inspector found a wax machine, as well as all implements and tools necessary to perform waxing services, in this licensed manicure shop after he had previously advised the owner that he would be required to obtain an appropriate shop license before such services could be provided in the shop. The inspector also found that manicuring tools were not properly stored after use. Additionally, none of the manicurists in licensed shop displayed their licenses at their work stations, rather the licenses were maintained in a frame near the salon entrance. The inspector also found a bottle of unlabeled liquid in the rear of the salon which produced a “very strong odor”.

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

**FINAL: Adopt the recommendation.**

### **2. 200900992-1**

May 5, 2009 Notice of Violation reports that the owner of a licensed cosmetology shop failed to display the shop’s previous inspection sheet.

**Recommendation: Close with a letter of warning re: required display of documents.**

**FINAL: Adopt the recommendation.**

### **3. 200900966-1**

April 2, 2009 Notice of Violation reports that the inspector observed an unlicensed individual performing license-required service upon a client in a licensed manicure shop. The inspector also found materials necessary to perform eyebrow waxing in the salon. The inspector also located a wax machine, which was hot the touch, near the rear exit of the salon.

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

**FINAL: Adopt the recommendation.**

### **4. 200900967-1**

April 3, 2009 Notice of Violation reports that the inspector observed an unlicensed individual performing license-required service upon a client in a licensed manicure shop.

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

**FINAL: Adopt the recommendation.**

**5. 200900968-1**

April 14, 2009 Notice of Violation reports that the inspector found that this now-licensed cosmetology school began operating prior to receiving the required inspection. The inspector also found that the school permitted two (2) students to enter the school and receive instruction there without providing proof of their educational qualification to attend the school.

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

**FINAL: Adopt the recommendation.**

**6. 200900970-1**

April 17, 2009 Notice of Violation reports that the inspector found that the owner of a licensed cosmetology shop relocated the shop without providing required notice to the Board and obtaining a pre-operation inspection of the new location.

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

**FINAL: Adopt the recommendation.**

**7. 200900973-1**

April 24, 2009 Notice of Violation reports that the inspector found a wax machine in this licensed manicure shop. The inspector also found evidence that waxing services had recently been performed in the shop, including a sign affixed to the shop advertising waxing services. The inspector warned the owner of the shop to remove the waxing materials from the shop on a previous visit in January 2009. The inspector also observed an individual performing license-required service on a client in the shop who exited the shop before providing proof of her licensure to practice manicuring. According to the shop owner, the individual was licensed and “took her license with her” upon exiting the shop.

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

**FINAL: Adopt the recommendation.**

**8. 200900976-1**

April 27, 2009 Notice of Violation reports that the inspector found that this licensed cosmetology school failed to maintain documentation of the student's education-based eligibility to attend the school in the student's file. No record of the student's educational eligibility could be found at inspection time. The inspector also found that one (1) instructor was engaging in license-required practice while her instructor license was expired.

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

**FINAL: Adopt the recommendation.**

**9. 200900977-1**

April 30, 2009 Notice of Violation reports that the inspector found an unlicensed individual providing license-required service upon a client in a licensed manicure shop. The inspector also observed that none of licensed operators present (3 total) were wearing required identification while performing services on clients. The inspector also found that various manicuring tools and implements were not properly sanitized and stored after use—nail dust was present on the unused tools and implements.

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

**FINAL: Adopt the recommendation.**

**10. 200900978-1**

April 15, 2009 Notice of Violation reports that the inspector found an unlicensed individual performing license-required service upon a client in a licensed manicure shop. The inspector also found that various manicuring tools and implements were not sanitized as required after use—nail dust was present on the tools and implements that were not in use at inspection time. The inspector also observed that two licensed operators performing license-required service in the shop were not wearing required identification.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$2,500.00 civil penalty.**

**FINAL: Adopt the recommendation.**

**11. 200900979-1**

April 21, 2009 Notice of Violation reports that the inspector found materials commonly used in waxing as well as a wax machine, which was in-use, in a licensed manicure shop.

The inspector reports that the shop manager had been previously warned about waxing services in manicure shops.

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

**FINAL: Raise the recommended civil penalty to \$1,500.00.**

**12. 200900980-1**

March 31, 2009 Notice of Violation reports that the inspector observed two (2) licensed cosmetologists providing license-required service to clients in a cosmetology shop where the license for such shop had been expired since December 31, 2008. The shop license is now current.

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

**FINAL: Adopt the recommendation.**

**13. 200900981-1**

March 26, 2009 Notice of Violation reports that the inspector observed that four (4) pedispa chairs in a licensed manicure shop were “dirty”. The owner of the shop advised him that the chairs had not been used in two (2) days.

**Recommendation: Close with a letter of warning regarding required disinfection of foot baths.**

**FINAL: Adopt the recommendation.**

**14. 200900983-1**

May 12, 2009 Notice of Violation reports that the inspector observed that neither the neither the shop license nor the most recent inspection sheet were displayed in this licensed cosmetology shop.

**Recommendation: Close with a letter of warning re: required display of documents.**

**FINAL: Adopt the recommendation.**

**15. 200900984-1**

May 15, 2009 Notice of Violation reports that the inspector observed an unlicensed individual providing license-required service to a client at an unlicensed and improper facility.

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

**FINAL: Hold an informal conference with Board member Linda Colley and Respondent/Respondent's counsel.**

**16. 200900998-1**

May 7, 2009 Notice of Violation reports that the inspector observed a licensed manicurist performing a waxing service upon a client in a licensed manicure shop.

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

**FINAL: Raise the recommended civil penalty to \$1,500.00.**

**17. 200900990-1**

May 6, 2009 Notice of Violation reports that the inspector observed an unlicensed individual performing a license-required service upon 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.**

**FINAL: Adopt the recommendation.**

**18. 200900995-1**

May 5, 2009 Notice of Violation reports that the inspector found evidence that waxing services were being provided in this licensed manicure shop, including a wax machine which was hot to the touch at inspection time. The inspector also noted that several manicuring tools and implements were left in an unsanitary condition and improperly stored after use—nail dust was present on several drill bits and nail dusters that were not in use at inspection time.

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

**FINAL: Adopt the recommendation.**

**19. 200900997-1**

May 12, 2009 Notice of Violation reports that the inspector found evidence that waxing services were being provided in this licensed manicure shop, including a wax machine

that appeared to have been recently used. The inspector also found that no operator's licenses were posted at the license holder's work station, but were posted on a wall in the shop. The inspector also found an unlabeled bottle of purple liquid in the shop. The inspector also found that certain tools and implements in the shop were either not sanitized after use or were sanitized after use but not stored as required.

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

**FINAL: Adopt the recommendation.**

**20. 200800551-1 (re-presented)**

Board originally approved settlement by Consent Order and payment of a \$2,000.00 civil penalty on an allegation that the owner of a licensed cosmetology shop permitted an individual to practice cosmetology in her shop while the individual was in possession of an expired license. In addition, no manager was present in the shop on the day that an inspector observed the unlicensed individual practicing cosmetology. The shop owner has requested that I present to the Board a letter she recently submitted regarding the alleged violations.

**Recommendation: Reduce the proposed civil penalty to \$1,000.00 and maintain authority for a formal hearing.**

**FINAL: Adopt the recommendation.**

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

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