

MINUTES

The Tennessee State Board of Cosmetology held a meeting on June 7, 2010 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice-Chairman, June Hucceby, Pearl Eva Walker, and Muriel Smith were present. Virgilene Lotze, Diana Buchanan, Janet Wormsley and Judy Golden were not present.

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

Linda Colley, Chairman welcomed everyone to the board meeting.

Linda Colley, Chairman called for roll call.

MINUTES

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to approve the April 5, 2010 cosmetology board minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Sheena Hall, Nashville, TN – Present. Ms. Hall has submitted a request to the Board for retention of hours she obtained in high school at Hillsboro High School from August 16, 2001 to May 23, 2002 which exceed the seven (7) year period for required completion hours in the curriculum. Her request was originally presented at the April meeting and the board requested she appear before the board to discuss.

Ms. Hall explained the situation in her life that led to the delay in completing her hours within the seven (7) years.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to accept 600 hours obtained from Hillsboro High School. Motion carried unanimously.

ADMINISTRATIVE REPORT

Regency Beauty Institute has submitted an application for a new school of cosmetology to be located at 2293 Gallatin Pike North, Madison, TN. The application, bond, floor plan and twenty (20) applications for enrollment have been submitted. The school was inspection May 17, 2010 by Ms. Linda Colley, Board Member and Ms. Barbara Hendrix, Inspector and was found to be in compliance.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to approve the application. Motion carried unanimously.

A request for extension from the 2010 cosmetology instructor seminar from Joann Moore was submitted. Ms. Moore submitted a medical statement with her request.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. June Huceby to request more information from Ms. Moore. Motion carried unanimously.

A request for extension from the 2009 cosmetology instructor seminar from Allison Lee Collins was submitted. Ms. Collins was granted an extension for non attendance of the 2006 instructor seminar in November of 2007 and was required to attend the seminars in 2008 and 2009. Ms. Collins stated she did not attend the seminar in 2009 for medical reason related to her pregnancy. Ms. Collins submitted a doctor's statement.

MOTION was made by Ms. June Huceby and seconded by Ms. Muriel Smith to accept the doctor's excuse for extension from the seminar. Ms. Collins will be required to attend the cosmetology instructor seminars in 2010 & 2011 to maintain her instructor status. Motion carried unanimously.

Two applications for the cosmetology examinations from Ms. Dana M. Christy and Candace Clark were submitted. They have felonies. Attached is the disclosure information from the candidates and letters of recommendation from the schools the candidates attended.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept the applications with the signed agreed order. Motion carried unanimously.

An application for the cosmetology reinstatement examination from Ms. Cynthia Tramel was submitted. Ms. Tramel has a felony.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Pearl Eva Walker to accept the application with the signed agreed order. Motion carried unanimously.

An application for manicurist examination for Paul Tran a junior at Hume-Foog High School was submitted. She completed 600 hours in the manicurist curriculum at Lyles School of Hair and the school submitted her dates and times of attendance. The candidate attended during the summer when school was out and also on Saturdays when school was in session.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to approve the hours. Motion carried unanimously.

An application for manicurist examination from Bryan Vu who attended International Beauty Academy in Tampa, Florida was submitted. Ms. Waller stated she needs the board's approval of the transcript from International Beauty Academy, because

Florida only requires 240 hours of instruction in the manicurist curriculum and no examination.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to request Mr. Vu provide additional information and appear before the board. Motion carried unanimously.

An application for the manicurist examination from Bich Tran was submitted. Ms. Tran completed 600 hours in the manicurist curriculum at Derma Elite Esthetics Academy in Virginia. The State Board of Virginia only requires 150 hours of instruction in the manicurist curriculum to qualify for license. This application was tabled for the last two meetings and the board has a copy of Mr. Bond's letter to the Virginia State Board with no response.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Hucceby to deny the request for examination. Motion carried unanimously.

A transcript and letter from Penn Foster High School was submitted to the board for review.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to approve the transcript from Penn Foster High School. Motion carried unanimously.

A transcript from Aaron Academy was submitted for review by the board. The enrollment date listed on the transcript is only for enrollment in the 12th grade. The graduation date is August 16, 2005.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept the transcript from Aaron Academy. Motion carried unanimously.

A request from Austin's Beauty College for a field trip approval for students to attend Spouse's Appreciation month for spouses of deployed soldiers at Ft. Campbell was submitted. The students will be providing services, facials, manicures, and etc.

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

Nancy Schwab submitted an application for reciprocity of aesthetician license from Florida at the March meeting. She submitted a work history for five years which was reviewed at the April meeting, but the work history was for ownership of a salon. The board voted to request she submit her appointment book for proof of work history as an aesthetician and she submitted her work history for 2004 thru 2009 of services provided.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith approve Ms. Schwab for reciprocity of her aesthetician license. Motion carried unanimously.

Lauren McConnell submitted an application for reciprocity of esthetician license from South Carolina. Certification from the South Carolina State board verifies 450 hours of instruction in the curriculum. She has previously submitted a training affidavit stating she completed 600 hours in curriculum. The board voted she would be required to compete 300 hours of instruction in the esthetics curriculum and pass the state board esthetics examination to qualify for a license. She submitted an official transcript from Greenville Technical College for consideration by the board of completion of 600 hours in the curriculum.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. McConnell obtain an additional 150 hours then take and pass the esthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

K. P. Sudath from Sir Lanka has submitted documents to the board for review of education for approval of documents for enrollment in a school of cosmetology in Tennessee. The Board reviewed the documents submitted and requested additional educational information.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Nina Coppinger to request K. P. Sudath or a representative for K. P. Sudath appear before the board. Motion carried unanimously.

Documents were submitted from Bui Ton Hieu for cosmetology school attendance in Vietnam for approval.

MOTION was made by Ms. June Huckleby and seconded by Ms. Pearl Eva Walker to request more information. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Crystal Brock Adams was submitted. Certification from the Florida State Board verifies she completed 1,200 hours of instruction in the cosmetology curriculum and her initial date of license was March 22, 2006, therefore she has no five year work history.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Adams 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 license from Florida for Lien Huynh was submitted. She is licensed in Florida as a Full Specialist which is a combination of nails (240 hours) and facials (260 hours). The State of Tennessee does not have that type of license.

Certification from the Florida State Board verifies her initial date of licensing as October 1, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Huynh obtain an additional 360 hours then take and pass the examination to become licensed as a manicurist in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida from Dolores Cabler was submitted. Certification from the Florida State Board verifies 1,200 hours of instruction in the curriculum and initial licensing date as February 5, 2010.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Cabler 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 from The Commonwealth of Massachusetts for Danielle Scheel was submitted. She completed 1,256 hours of instruction in the cosmetology curriculum at Aveda Institute in Florida. She took the state board examination in Massachusetts and obtained initial license in that state on June 17, 2009.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Scheel 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 instructor license from The Commonwealth of Virginia for Teri Lynn Smith was submitted. Certification from the Virginia State Board verifies the initial date of licensing as August 4, 2010 and she was required to pass the instructor examination administered by the Board.

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

Application for reciprocity of manicurist license for Chuong Ly was submitted. We have certification of licensing from California which requires 400 hours of instruction in the manicurist curriculum and certification from Georgia which requires 525 hours of instruction in the curriculum. He submitted a transcript from Atlanta Beauty Academy which states he completed 203 hours of instruction in the manicurist curriculum. He obtained license in California on December 28, 2007 and a license in Georgia on December 16, 2009. We do not have a certification of completion of the 203 hours from the Georgia State Board.

Application for reciprocity of esthetician license from the State of Washington for Ha Thi Nguyen was submitted. Certification from the State of Washington Cosmetology Board verifies she completed 600 hours of instruction in the esthetics curriculum and initial date of licensing as April 28, 2009. She has a copy of a transcript stating she completed 155 hours in Atlanta Beauty Academy. No certification of hours submitted from the Georgia State Board.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Waller, Executive Director contact the Georgia State Board concerning the last two individuals completion of hours (Chuong Ly and Ha Thi Nguyen). Motion carried unanimously.

Application for reciprocity of manicurist license from Colorado for Lindsey Brown was submitted. Certification from the Colorado State Board verifies she completed 350 hours of instruction in the curriculum and her original date of licensing as April 8, 2005. She submitted information on work history from Over the Top Hair Care and Nail Shop from January 2005 thru April 2008. The work history she submitted for May 2008 thru December 2009 is as a medical aesthetician.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Brown obtain an additional 250 hours then take and pass the examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of license from New Jersey for Bernadette Bednarski was submitted. Certification from the New Jersey State board verifies she completed 1,000 hours of instruction in the cosmetology/hairstyling curriculum and no five (5) year work history was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request Ms. Bednarski obtain an additional 500 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of license from New Mexico for Loan Thi Duong was submitted. Certification of licensing from the New Mexico State Board verifies she is licensed as a Manicurist/Esthetician and license was issued August 27, 2009 by reciprocity. Ms. Beverly Waller, Executive Director stated she has been unable to contact her because we will need the original state she obtained her license. Ms. Waller stated she has sent her a letter requested she contact the board.

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

Application for reciprocity of Natural Hair Styling license for Anta Kebe from Senegal was submitted. The Board reviewed her application at the February board

meeting and requested she submit proof of five (5) year work history. She sent a letter explaining her situation.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to request Ms. Kebe obtain 300 hours then take and pass the Natural Hair Stylist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of cosmetology license for Maria T. Marcum from the Dominican Republic was submitted. She has submitted documents stating she completed 1,750 hours from 1991 to 1994 in Specialist in Beauty Court and Hairdo at Technical Studies Center. She has also submitted several other certificates of training.

MOTION was made by Ms. Nina Coppinger and Ms. Muriel Smith to approve Ms. Marcum to take the examination. Motion carried unanimously.

An application for examination for Tischinna Wigley and Valisa Looney who have felonies was submitted. All the required information has been submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept the applications with the signed agreed order. Motion carried unanimously.

A request for extension from the 2009 cosmetology instructor seminar for Stephanie Day was submitted. She states she did not attend a seminar in 2009 because the school she attended told her if she worked for two (2) years and did not attend the seminar her instructor status would be placed automatically inactive and if she wanted them to be active again all she had to do was attend a seminar.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to deny the request. Motion carried unanimously.

A request for extension from the 2009 cosmetology instructor seminar from Janice Zilz was submitted. She states she was unaware of the mandatory sixteen (16) hours of continuing education.

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

A request for approval to have the 2008 seminar attendance, which was not required, be accepted as the 2009 seminar attendance to complete the sixteen (16) hours of continuing education for Barbara Scott and Nephrida Newsom. They were employees of schools owned by H. D. Adcock and Associates and attend the board approved seminar offered by the school in 2008 and they were not required to obtain continuing education hours at that time.

MOTION was made by Ms. Pearl Eva Walker and seconded by Ms. Nina Coppinger to refuse the hours and require they attend the 2010 and 2011 instructor seminars. Motion carried unanimously.

An application for reciprocity of esthetician license from Louisiana for Diane McMellon was submitted. Certification from the Louisiana State board of Cosmetology verifies she obtained license in that state by reciprocity. We have several documents submitted from the applicant's examination score report from examination taken in Washington, certificate from Cambridge School of Beauty Therapy and certificate from Orange Park Beauty Academy for skin care technician. Ms. Waller stated she sent her an email explaining what the office had received and that Tennessee requires 750 hours of instruction in the curriculum or proof of a five (5) year work history, but we never received a response from the email.

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 high school diploma from Egypt for Mrs. Hanna Messiha Shafik Khalil was submitted. This is not an actual diploma; Ms. Waller stated she thinks it is a statement issued by the Arab Republic of Egypt Ministry of Education.

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

The Board previously reviewed the extension request for Natalya Rawls. The Board declined her request for extension and Ms. Rawls asked that it be presented again. Ms. Rawls was upgraded to an instructor July 16, 2008, which means she would have been required to complete continuing education hours at a board approved seminar in 2009. She attended a board approved seminar sponsored by H. D. Adcock and Associates in June 2008 before she became a license instructor, because she knew she was going to be taking her examination soon. The certificate is from Milady's Career Institute. She also attended the CEA July 19-21, 2008 of that year. Her employer at that time is listed under her name on the certificate. She was not required to obtain CEU's until 2009.

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

An application from Shear Perfection Academy of Cosmetology in White House, Tennessee was presented for a change of location. Chairman Linda Colley and Mr. Terry Barnes, Inspector inspected the school on May 4, 2010 and found the school in compliance with all requirements.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to approve the change of location. Motion carried unanimously.

An application for a new school, Miller-Motte Technical College in Madison, Tennessee was submitted to the board. Chairman Linda Colley and Ms. Barbara Hendrix, Inspector inspected the school on May 17, 2010 and found the school in compliance with all requirements.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to approve the application for the new school to open. Motion carried unanimously.

An application for a new school of cosmetology, Academy of Esthetics & Hair Design, Lafollette, Tennessee was submitted. Ms. Janet Wormsley, Board Member and Mr. James Stanley, Inspector inspected the school on April 30, 2010. The owner of the school contacted Ms. Wormsley after inspection and informed her that the school would not be opening. Ms. Waller stated she has tried to contact the owner several times but has not been successful.

An application for reciprocity of her manicurist license from Texas for Phuong Kim Nguyen was submitted. Ms. Nguyen's license was revoked by the board in 2009. The office received a letter from the Texas State Board of Cosmetology stating Ms. Nguyen's license has been revoked in Texas.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to deny the request and request she appear before the board. Motion carried unanimously.

An application for examination of manicurist from Ngan Thuy Ho was submitted. Ms. Ho has 600 hours from Atlantic Beauty School and proof of education is Continental Academy, which is an online school.

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

An application for cosmetology examination for Nicole Coffee was submitted. Ms. Coffee has a felony.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to accept the application with a signed agreed order. Motion carried unanimously.

An application for cosmetology instructor examination for Melissa Lewis was submitted. Ms. Coffee has a felony.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to accept the application with a signed agreed order. Motion carried unanimously.

An application for cosmetology examination for Melanie Denmark was submitted. Ms. Denmark received her hours by apprenticeship.

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

Cao Thi Luong is requesting approval for enrollment in a cosmetology school. She submitted a high school diploma from Vietnam.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request additional information. Motion carried unanimously.

Tennessee Academy of Cosmetology submitted a letter requesting approval for a student to enroll in their cosmetology curriculum. The student contacted the Board of Education and was informed they do not keep student records that she would have to contact the high school she attended. The high school she attended stated they would issue a letter with the dates of graduation.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request additional documentation with proof of education. Motion carried unanimously.

An application for reciprocity of an aesthetician license from Florida for Marcela Paz was submitted. Ms. Paz sent letter of recommendation to the board office.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to request tax returns from 2005 thru 2009 for proof of five (5) year work history. Motion carried unanimously.

A request for extension from the 2010 cosmetology instructor seminar from Barbara Thompson was submitted. Ms. Thompson did provide a doctor's statement.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Pearl Eva Walker to grant Ms. Thompson an extension from the 2010 seminar and request she attend the 2011 and 2012 instructor seminars. Motion carried unanimously.

A request for extension from the 2010 cosmetology instructor seminar from Linda Jenkins was submitted. Ms. Jenkins did provide a doctor's statement.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Pearl Eva Walker to grant Ms. Jenkins an extension from the 2010 seminar and request she attend the 2011 and 2012 instructor seminars. Motion carried unanimously.

A request for extension from the 2009 cosmetology instructor seminar from Donna Poteet was submitted. Ms. Poteet did provide a doctor's statement.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to grant Ms. Poteet an extension from the 2009 seminar and request she attend the 2010 and 2011 instructor seminars. Motion carried unanimously.

A request for extension from the 2009 cosmetology instructor seminar from Jennifer Lovell was submitted. Ms. Lovell states she attended the seminar in 2008, she wasn't suppose to attend until 2009.

MOTION was made by Ms. June Hucceby and seconded by Ms. Muriel Smith to grant Ms. Lovell the extension and request she attend in 2010 and 2010. Motion carried unanimously.

Consent orders totaled \$17,500.00.

B Nails
7605 Hwy 70
Suite 106
Bartlett, TN 38133

Violation issued December 16, 2009
Pd \$1,000.00 on 4-07-2010

Brentwood Nails
5111 Peter Taylor Park
Brentwood, TN 37027

Violation issued May 7, 2009
Pd \$1,500.00 on 4-06-2010

Dynasty Nails
2005 S. Hamilton Road
Nashville, TN 37218

Violation issued April 8, 2008
Pd \$5,000.00 on 5-28-2009

Expressions
732 W. Hwy 25-70
Newport, TN 37821

Violation issued January 20, 2010
Pd \$1,000.00 on 5-20-2010

Fantastic Sam's
401 S. Mt. Juliet Road
Mt. Juliet, TN 37122

Violation issued December 11, 2009
Pd \$1,000.00 on 4-30-2010

Glossy Nails
367-G Vann Drive
Jackson, TN 38305

Violation issued October 13, 2009
Pd \$2,000.00 on 5-24-2010

Great Clips
1050 Glenbrook Way
Hendersonville, TN 37075

Violation issued December 23, 2009
Pd \$1,000.00 on 6-3-2010

Lee Nails
107 North Gate Mall
Chattanooga, TN 37415

Complaint filed
Pd \$1,000.00 on 4-30-2010

Magic Nails
4430 N. Broadway
Knoxville, TN 37917

Complaint filed
Pd \$1,000.00 on 5-20-2010

Max Hair – Nails Salon
8027 –D Kingston Pike
Knoxville, TN 37919

Violation issued April 3, 2009
Pd \$1,000.00 on 5-28-2010

Nail Pro
Wolfchase Galleria
2760 North Germantown Pkwy
Memphis, TN 38133

Violation issued February 9, 2009
Pd \$1,000.00 on 4-08-2009

Nichole's Salon and Spa
235-F East Main Street
Hendersonville, TN 37075

Violation issued October 21, 2009
Pd \$500.00 on 5-28-2010

Sugar Mama
2101 Ft. Henry Drive
Kingsport, TN 37664

Violation issued October 20, 2009
Pd \$500.00 on 5-27-2010

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

STAFF ATTORNEY REPORT

1. 200902039-1

The Complainant wishes to withdraw her allegations against this licensed cosmetology school.

Recommendation: Close with no action.

BOARD: APPROVED.

2. 201001687-1

January 28, 2010 Notice of Violation alleges that an individual in a licensed manicure shop failed to produce a labeled container for the nail liquid being used in the shop.

Recommendation: Close with a letter of warning.

BOARD: APPROVED.

3. 201001688-1

January 26, 2010 Notice of Violation alleges that a licensed cosmetologist was observed practicing cosmetology in an unlicensed cosmetology shop. The cosmetologist filed application for a shop license on the same day and a successful compliance inspection was performed February 9, 2010. 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.

BOARD: APPROVED.

4. 201001689-1

February 2, 2010 Notice of Violation alleges that a licensed cosmetologist and owner of a licensed cosmetology shop was observed practicing while her license to practice cosmetology was expired. The license is now renewed.

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

BOARD: APPROVED.

5. 201001691-1

February 2, 2010 Notice of Violation alleges that a licensed cosmetologist was observed practicing cosmetology in a licensed shop while her cosmetology license was expired and had been expired since May 31, 2009. The license is now valid.

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

BOARD: Raised the proposed civil penalty to \$1,000.00.

6. 201001692-1

February 2, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing cosmetology in a licensed shop. According to the Notice, this is the 4th citation issued for unlicensed conduct involving this individual.

History:

5/30/09, 6/3/09, 6/28/09 – unlicensed activity, paid \$2,000 civil penalty.

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

BOARD: APPROVED.

7. 201001695-1

February 2, 2010 Notice of Violation alleges that three (3) quarts of nail liquid containing MMA were found unopened in a licensed manicure/skin care shop.

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

BOARD: APPROVED.

8. 201001697-1

February 5, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring 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.

BOARD: APPROVED.

9. 201001698-1

February 19, 2010 Notice of Violation alleges that a licensed cosmetologist was observed operating a cosmetology shop prior to the initial inspection of such shop. The shop is now licensed.

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

BOARD: APPROVED.

10. 201001699-1

February 10, 2010 Notice of Violation alleges that the owner of a licensed cosmetology shop failed to conspicuously display the shop license. In addition, several service chairs in the shop were allegedly damaged and needed repair.

Recommendation: Issue a letter of warning.

BOARD: APPROVED.

11. 201001700-1

February 10, 2010 Notice of Violation alleges that as licensed cosmetologist was observed practicing cosmetology in a cosmetology shop whose license was expired and had been expired since July 31, 2007. The shop license is now valid.

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

BOARD: APPROVED.

12. 201001701-1

February 12, 2010 Notice of Violation alleges that a non-service animal was present in a licensed cosmetology shop.

Recommendation: Close with a letter of warning directing the owner to remove the animal from the shop.

BOARD: APPROVED.

13. 201001702-1

February 12, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing cosmetology in a licensed cosmetology shop. The Notice also alleges that the shop owner relocated the shop without obtaining an inspection of the new location.

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

BOARD: APPROVED.

14. 201001703-1

February 18, 2010 Notice of Violation alleges that a wax machine was found in a licensed manicure shop.

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

BOARD: APPROVED.

15. 201001708-1

February 23, 2010 Notice of Violation alleges that the owner of a licensed cosmetology shop was observing practicing cosmetology in the shop while shop license was expired and had been expired since May 31, 2009. According to the license roster, the shop license remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty with instructions to CEASE and DESIST operating the shop until the shop license is made valid.

BOARD: APPROVED.

16. 201001709-1

February 25, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring 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.

BOARD: APPROVED.

17. 201001710-1

February 26, 2010 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring in a licensed manicure shop, that one (1) manicurist was performing a waxing service on a client and that several trash cans in the shop were uncovered.

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

BOARD: APPROVED.

18. 201001712-1

March 5, 2010 Notice of Violation alleges that a licensed cosmetologist was observed operating an unlicensed cosmetology shop. The shop is now licensed.

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

BOARD: APPROVED.

19. 200902478-1

A complaint filed by a licensed cosmetology shop owner alleges that one of her customers indicated that an unlicensed cosmetology shop was providing free haircuts to the public. The owner of the shop responded to the complaint, stating that she never provided free haircuts to the public, only to friends and family, and that during the time she was advertising such services, she had an application for shop licensure on file with the board's office. The shop is now fully licensed.

Recommendation: Close with no action.

BOARD: APPROVED.

20. 200902596-1

Student complaint alleges that a licensed cosmetology school is withholding her hours and has charged her tuition in excess of the amount needed to complete her studies. Ownership of the accused school has been transferred to another entity and a school administrator indicates that the student was never enrolled under the new entity.

Recommendation: Close and flag.

BOARD: APPROVED.

21. 201000156-1 [RE-PRESENT]

A formal hearing and settlement by Consent Order and payment of a \$1,000.00 civil penalty were authorized on a January 15, 2010 Notice of Violation alleging that one (1) individual was observed practicing cosmetology in a licensed cosmetology shop while the shop license was expired (exp. date 10/31/07). According to the license roster, the license is now current. The owner of the shop has requested that the matter be re-presented to the board along with his written request for reconsideration.

Recommendation: Discuss.

BOARD: Voted to keep the original recommended settlement.

22. 200900976-1 [RE-PRESENT]

A formal hearing and settlement by Consent Order and payment of a \$1,000.00 civil penalty were authorized on a Notice of Violation alleging that a licensed cosmetology instructor was observed teaching cosmetology at a licensed cosmetology school while her license was expired (exp. date 2/28/09) and that the school failed to keep necessary records for a student at the school. The school's owner submitted a response to the settlement offer and had provided additional evidence relative to the student records issue.

Recommendation: Discuss.

BOARD: Voted to keep the original recommended settlement.

23. 200902580-1 [RE-PRESENT]

A formal hearing and settlement by Consent Order and payment of a \$1,000.00 civil penalty were authorized on an administrative office complaint alleging a licensed cosmetology school kept insufficient proof of a student's eligibility to attend a cosmetology school. The school owner has requested that the documented be presented to the board and that a ruling be made on its sufficiency.

Recommendation: Discuss.

BOARD: Voted to dismiss the complaint.

24. 200902404-1 [RE-PRESENT]

A formal hearing and settlement by Consent Order and payment of a \$4,000.00 civil penalty were authorized on a Notice of Violation alleging unlicensed operation of a natural hairstyling shop and unlicensed practice of natural hairstyling. Certified mail sent to the shop was returned unclaimed and the inspector for the area has issued a supplemental report indicating that the shop is now vacant and the owner's whereabouts are currently unknown.

Recommendation: Close and flag.

BOARD: APPROVED.

25. 200902383-1 [RE-PRESENT]

A formal hearing and settlement by Consent Order and payment of a \$1,000.00 civil penalty were authorized on an administrative office complaint alleging a licensed cosmetology school kept insufficient proof of a student's eligibility to attend a cosmetology school. The school owner has requested an informal conference with one (1) board member and legal counsel to discuss the matter further.

Recommendation: Authorize informal conference with legal counsel and board chairperson Linda Colley.

BOARD: APPROVED.

26. 200601971-1

An administrative office complaint was opened following receipt of a consumer complaint alleging that a licensed manicure shop owner was hiring and allowing unlicensed manicurists to perform services in his shop failed. Inspection of the shops identified in the complaint did not yield any Notices of Violation.

Recommendation: Close with no action.

BOARD: APPROVED.

27. 200603675-1

September 15, 2006 Notice of Violation alleges that an unlicensed individual was observed practicing in a licensed manicure shop. Additionally, the inspector observed that several items in the shop were in an unsanitary condition. Ownership of the shop has been transferred.

Recommendation: Close and flag.

BOARD: APPROVED.

**28. 200708828-1
200800156-1
200901697-1 [RE-PRESENT]
200900151-1**

A formal hearing and settlement by Consent Order and payment of a \$1,000.00 civil penalty were authorized against each of the above-referenced upon finding that each filed to submit responses to consumer complaints. Each of the above-referenced has now responded to the complaints.

Recommendation: Close with no further action.

BOARD: APPROVED.

29. 200503719-1 [RE-PRESENT]

A formal hearing and settlement by Consent Order and payment of a \$1,000.00 civil penalty were authorized on a Notice of Violation alleging unlicensed operation of a natural hairstyling shop and unlicensed practice of natural hairstyling. Certified mail sent to the shop was returned unclaimed and the inspector for the area has indicated that the location is no longer active as a natural hairstyling shop.

Recommendation: Close and flag.

BOARD: APPROVED.

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

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