

MINUTES

The Tennessee State Board of Cosmetology held a meeting on February 7, 2011 at 9:00 a.m. CST, in Nashville, Tennessee

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

Others present: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Latrisha Johnson, Licensing Technician.

Linda Colley, Chairman called the meeting to order, welcomed everyone to the board meeting and acknowledged the cosmetology schools in attendance.

Linda Colley Chairman called for roll call.

MINUTES-

Request for approval of the December 6, 2010 board meeting minutes. The board noted three (3) corrections needed to be made to the December 6, 2010 board minutes.

MOTION was made by June Huckleby and seconded by Janet Wormsley to accept the December 6, 2010 minutes with three (3) corrections made. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Bill Nichols from the University of Tennessee Continuing Education Department requested to appear before the Board to present the dates and agenda for approval of the continuing education seminar at the University of Tennessee Knoxville. Elizabeth Pierce committee chairman explained to the Board the process for developing the agenda for the continuing education program each year. Ms. Pierce reviewed the agenda for the seminar and advised the Board the "New Instructor" program added to the seminar last year was a huge success. Dates for the seminar are July 17th and 18th 2011 at the University of Tennessee Conference Center Knoxville, Tennessee.

MOTION was made by Janet Wormsley and seconded by Pearl Walker to approve the Knoxville Continuing Education Seminar dates and agenda. Motion carried unanimously.

It was discussed that Board Members from each area (West, Middle, East) should meet with seminar providers in the area to help put together the agenda for the seminar.

Wanda Otto requested to appear before the Board to discuss the application for a new school of cosmetology "Gould's Academy" to be located in Memphis. The new school application, fee, floor plan and bond submitted. Applications for 20 new students for enrollment was submitted along with the high school education documents for each student.

MOTION was made by June Hucceby and seconded by Muriel Smith to have the Board Member and Board Inspector for the area inspect the proposed new school for the required new school inspection for approval to open.. Motion carried unanimously.

Lorraine Anicito is here today at the request of the Board. The Board had reviewed her application at the December meeting and has requested she appear before the Board. She is requesting only cosmetology license. The certification from the New Jersey State Board verifies she completed 1200 hours in the curriculum to obtain cosmetology license in that state. Notation on the certification states she was license to practice "Teaching" and completed 1500 hours of training and 30 hours of methods of teaching. She is requesting the board to accept the hours in practice teaching to be accepted to qualify her for cosmetology license in Tennessee.

MOTION was made by Muriel Smith and seconded by Pearl Walker to approve Ms. Anicito's application for reciprocity of cosmetology license. Motion carried unanimously.

Arouny Keohavong requested to appear before the board. Ms. Keohavong placed an application for the manicurist reinstatement examination because her license expired 06/30/97 in Tennessee. Ms. Keohavong was in a shop working on 09/09/10 and had not taken the reinstatement examination and did not have a valid license. The Board reviewed her application for the reinstatement examination at the December meeting and voted to decline her application for the reinstatement examination.

MOTION was made by Muriel Smith and seconded by Nina Coppinger to deny Ms. Keohavong's application for the reinstatement examination as previously voted at the December 2010 board meeting. Ms. Keohavong is required to wait for one (1) year at which time she can request to appear before the Board requesting approval to take the reinstatement examination. Motion carried unanimously.

Maria Guadalupe Espindola placed an application for reciprocity which the Board reviewed at the November meeting. After review of her application and supporting documents the Board requested she appear before the board and bring documentation of a break down of the twelve hundred (1200) hours she completed in the cosmetology curriculum in Mexico to qualify for her Beauty Technician Diploma.

MOTION was made by Muriel Smith and June Huckleby for Ms. Espindola to take the Tennessee State Board Cosmetology Examination. Motion carried unanimously.

Sonja Everett request to appear before the Board with her request to take the Tennessee State Board Cosmetology Instructor Examination. Ms. Everett was originally license in Alabama as a Managing Cosmetologist and obtained license in Georgia by reciprocity as a Master Cosmetology. No hours of instruction in the instructor curriculum provided. Ms. Everett informed the Board she was a cosmetology instructor at a Technician school in Georgia which did not require an instructor license.

MOTION was made by Nina Coppinger and seconded by Muriel Smith to approve Ms. Everett to take the Tennessee State Board Cosmetology Instructor Examination. Motion carried unanimously.

ADMINISTRATIVE REPORT-

COSMETOLOGY SCHOOL APPLICATIONS-

Applications for change of name for Tennessee Academy of Cosmetology schools located in Memphis was presented to the Board. The name change is for the addition of 1 and 2 to the school names also the addition of LLC to the school names.

MOTION was made by Nina Coppinger and seconded by Janet Wormsley to approved the change of name. Motion carried unanimously.

Application for change of location for Alternative Vision Hair and Nail Academy located in Chattanooga, The application was presented at the last meeting. The new school location has been inspected for the change of location by the Board Member June

Huckeby and Board Inspector Larry Chadwick and found to be in compliance with all requirements and a grade of 100 was issued. I need the Board's final approval.

MOTION was made by Nina Coppinger and seconded by Pearl Walker to approve the change of location for Alternative Vision Hair and Nail Academy. Motion carried unanimously.

Applications for change of ownership for Remington College's Memphis and Nashville locations. The name change is from Education America Inc. ("EAI") to Remington College Inc. ("RCI").

MOTION was made by Nina Coppinger and seconded by Muriel Smith for approval of change of ownership for Remington College's Memphis and Nashville locations. Motion carried unanimously.

APPLICATION FOR EXAMINATIONS-

The following applicants have placed applications for examination and have felonies. The required information was submitted disclosure of the felony and letter of recommendation from the cosmetology school attended. The applicants are Conesha Whitley, Ayana Whitfield, Renita Dowell, Terese Taylor, Latasha Whiting, Ralph Dennie, Margaret Millikin, Amy Freeman, Monica Mann, and Demetrios Reeves.

MOTION was made by Nina Coppinger and seconded by Virgilene Lotze to approve the submitted applications for examination with signed agreed orders. Motion carried unanimously.

Application for examination from Cherie Barber. Ms. Barber hours in the curriculum at Germantown High School are expired. She was enrolled in the curriculum in high school from 08/2003 to 5/2006 and completed 658 hours. She enrolled in Southern Institute 01/19/10 and completed 842 hours. She has submitted a letter to the Board requesting the board to allow her to retain the expired hours due to numerous circumstances.

MOTION was made by Muriel Smith and seconded by Nina Coppinger to allow Ms. Barber to retain the expired hours in the cosmetology curriculum. Motion carried unanimously.

Application for examination approval for Janell Leslie. Approval of the high school diploma from St. Vincent submitted with the application for examination is requested from the Board.

MOTION was made by Nina Coppinger and seconded by Muriel Smith to accept the high school diploma submitted with Janell Leslie's application for examination. Motion carried unanimously.

Application for examination approval for Sokhuoy Khon. This applicant attended cosmetology school in Georgia and her proof of high school education is from Cambodia.

MOTION was made by Nina Coppinger and seconded by Muriel Smith to accept the high school education from Cambodia submitted with Ms. Khon's application for examination. Motion carried unanimously.

Application for examination approval for Phuong Kieu Do. Certification of hours completed in the Atlanta Beauty Academy in Doraville, Georgia gives her date of attendance as 04/01/2010-07/31/2010. According to dates on high school diploma applicant was in high school a Cordova High School in Memphis and her high school diploma was awarded 05/25/10.

MOTION was made by Nina Coppinger and seconded by June Huckey to deny the application for examination approval. Motion carried unanimously.

Application for examination approval for Huong Nguyen. Applicant completed hours of instruction at Atlanta Beauty Academy in Doraville Georgia. I request the Board's approval of her high school information from Vietnam.

MOTION was made by Muriel Smith and seconded by June Huckleby to approve the high school education documents submitted with Mr. Nguyen application for examination. Motion carried unanimously.

Application for the cosmetology instructor examination from Moniquw Pisano. Applicant completed the required 300 hours in the instructor curriculum 03/01/10 – 04/01/10. She did not become a license cosmetologist until 06/28/10 which means she completed the cosmetology instructor curriculum prior to purchasing a cosmetology license. She has sent a letter explaining her situation to the board.

MOTION made by Muriel Smith and seconded by Nina Coppinger to approve Ms. Pisano's application for examination and also to have the attorney for the board send the cosmetology school she attended a stern letter concerning this situation. Motion carried unanimously.

SEMINAR EXTENSION REQUEST-

Request from Geletha Darter to place your instructor status in inactive. Her renewal cycle is 2009 -2011.

NO NEED FOR BOARD TO VOTE THIS LICENSEE IS WITH IN THE 2 YEAR RENEWAL CYCLE. THIS WAS PLACED IN THE BOARD PACKET IN ERROR.

Two previous requests submitted for extension from continuing education seminars was presented again for review. Cosmetology instructor's Angela Nolen and Leslie Nienow had submitted request for extensions during the time period the Board was discussing and reevaluating the procedure for which the required sixteen (16) hours of continuing education should be completed and documented by the board office. The Board's decision was the required board approved sixteen (16) hours of continuing education should be completed within the 2 year license cycle. When the Board finalized this discussion these applicants had submitted seminar request the same month the Board choose to review the process. Other applicants were given consideration for the new procedure and these applicants should also been given consideration for the new process. The Board discussed this issue.

MOTION made by Pearl Walker and seconded by Nina Coppinger to reverse the previous vote to decline the request for extension from Angela Nolen and Leslie Nienow. Both licensees will have their instructor status reinstated. Motion carried unanimously.

EDUCATIONAL DOCUMENTS-

Educational documents for Erica Baker a potential student at Franklin Academy was presented. Information provided was a high school diploma from Penn Foster High School with enrollment date 04/07/03 graduation date 01/12/04. Transcript from Ootewah High School in Chattanooga was submitted but did not have the necessary information for verification of proof of high school education. Ms. Baker and the instructor from Franklin Academy address the Board.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request additional documentation from Hamilton County Board of Education for verification of documents submitted from Ootewah High School. Motion carried unanimously.

Graduation certificate from Korea for Hyon Suk Kim who has changed her name to Maie A. Shaut was presented to the Board.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to accept the graduation certificate from Korea. Motion carried unanimously.

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Proof of high school education for Elena Mendoza from Nicaragua was submitted to the Board for review.

MOTION made by June Huceby and seconded by Muriel Smith more information will be needed for review. Motion carried unanimously.

The Board previously reviewed diploma for Ayisha Tahiru from Ghana and requested additional information. The board office did receive additional information but it is not supporting the diploma for proof of high school education it is documents relating to the 750 hours she obtained at the "F C Beauty College" in Ghana. I have never spoke with this lady. All conversations have been with Gerald Clark.

MOTION made by Muriel Smith and seconded by June Huceby to take no action on information submitted until the Board can get a better understanding of what Ms. Tahiru is requesting. Motion carried unanimously.

Gayle Blanda is license as a cosmetologist/ aesthetician since 1970. The board office has no record of her obtaining an instructor license but she has submitted a document from 1981 that states she was a license instructor and she is requesting the board accept this document and exempt her from taking the reinstatement examination to obtain her cosmetology instructor license.

MOTION made by June Huceby and seconded by Nina Coppinger to deny Ms. Blanda request for exemption from the cosmetology instructor reinstatement examination. Motion carried unanimously.

Yuliya I. Howard submitted an application for reciprocity of cosmetology license from The Ukraine. The Board voted to accept 790 hours of instruction and required she complete 710 hours of instruction and pass the state board cosmetology examination to qualify for license. The application was originally presented at the August 3, 2010 meeting and at her request was presented again at the October meeting and the Board voted the previous vote stands. She now states she returned to The Ukraine and completed the required additional hours and has submitted a document that was already submitted that is not translated as proof.

MOTION was made by June Hucceby and seconded by Nina Coppinger that previous vote stands which states the Board will accept the seven hundred ninety (790) hours in the curriculum from The Ukraine and applicant will be required to complete seven hundred ten (710) hours in the cosmetology curriculum in a license school and pass the state board cosmetology examination. Motion carried unanimously.

MISCELLANEOUS

Request for clarification as to a medical esthetician working as a independent contractor in a salon under a doctor's license even though the doctor is not associates with the salon she is working in now and the type of peels (40%-70%) glycolic she can use.

MOTION was made by June Hucceby and seconded by Muriel Smith that the answer is no. Motion carried unanimously.

Request for clarification concerning a Smartxide Laser and if esthetician's can use this in a salon.

MOTION made by June Hucceby and seconded by Muriel Smith that an esthetician should not use a Smartxide Laser to perform services in a salon. Motion carried unanimously.

The University of Memphis has proposed the date for the Barber/Cosmetology Instructor Seminar June 12th & 13th 2011. If these dates are acceptable the agenda will be submitted for presentation to Board at the next board meeting for approval.

MOTION was made by Muriel Smith and seconded by Pearl Walker to approve the dates for the seminar. Motion carried unanimously.

Request from an Instruction concerning a student who would like to be dually enrolled in a cosmetology curriculum. The student would be enrolled in the high school cosmetology

curriculum from 1:15- 2:45 and the Technology school cosmetology curriculum from 3:00 – 6:00.

MOTION was made by Nina Coppinger and seconded by June Hucceby that dual enrollment in cosmetology curriculum would not be approved by the Board. Motion carried unanimously.

The next item from Empire Beauty School concerning maintaining student records electronically should be moved to the March agenda. Ms. Kennedy from Empire is unable to attend the meeting and she was going to provide detail information.

No Motion item to be moved to the March agenda.

Request from Joyce Meadows, Georgia Career Institute requesting a letter from the State Board stating the board will not endorse the additional 200 hours to the esthetics curriculum at the schools. Legal advised this would be a decision of the Board.

MOTION was made by June Hucceby and seconded by Muriel Smith to approve the attorney issue letter. Motion carried unanimously.

A very good article on Georgia Career Institute in the Tennessean New Paper.

Notification from PSI sent to all school concerning the updates to the Cosmetology Instructor Examinations.

2011 Cosmetology Board meeting dates.

Expenditures for the 09-10 Fiscal Year also the last 3 fiscal years information included.

Copies of correspondence from the December 2010 meeting.

Request for a salon to be placed inside a gym. The salon does not an entrance from the outside. Attached is a floor plan of the salon and gym.

MOTION was made by Nina Coppinger and seconded by Muriel Smith to deny the request for a salon inside a gym that does not have a separate entrance. Motion carried unanimously.

Application for reciprocity of cosmetology license for Meredith McQuinn was presented at the December meeting. Certification of licensing from the Michigan verified she completed her hours as a register apprentice in a license cosmetology establishment. The Board voted to decline her application for reciprocity. She has requested that I submit her five (5) years history for consideration and also she has submitted detail information on the apprentice program in Michigan.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze to approved Ms. McQuinn's application for reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from Terry Turion. Applicant was originally license in New York which requires 1000 hours in the curriculum and he now hold a valid license in Florida which he obtained by reciprocity from New York. Work history provided is 2009, 2008, 2007 but no proof of occupation as a cosmetologist for 2006 and 2005. He has submitted a copy of a Certificate of Discontinuance of Business Partners in 2005 because he was a salon owner. He has sent a copy of his 2010-W2.

MOTION was made by June Hucceby and seconded by Nina Coppinger to require Mr. Turion to take the Tennessee State Board Cosmetology examination. Motion carried unanimously.

Request for approval of diploma for Ammar Jassan from Syria.

MOTION made by June Hucceby and seconded by Nina Coppinger requesting additional educational information submitted to the Board for review. Motion carried unanimously.

RECIPROCITY APPLICATIONS

Application for reciprocity of cosmetology license from Florida for Nancy White. Certification states 1200 hours of instruction and original date of licensing 09/09/2009.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. White to complete three hundred (300) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Angelynn Collazo. Certification states 1200 hours of instruction and original date of licensing 01/22/2010.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Collazo to complete three hundred (300) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Latesha Fitzgerald. Certification states 1200 hours of instruction and original date of licensing 06/05/2009.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Fitzgerald to complete three hundred (300) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Erica Goodboo. Certification states 1200 hours of instruction and original date of licensing 10/07/2010.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Goodboo to complete three hundred (300) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Ohio for Ruby Crump. Certification states she holds a valid license in the State of Ohio which she obtained by reciprocity from Florida which requires 1200 hours of instruction and no five (5) year work history.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Crump to complete three hundred (300) hours of instruction in the cosmetology curriculum in a license school and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Hung Nguyen. Certification states 240 hours of instruction no state board examination and original date of licensing 08/04/2010.

MOTION was made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Nguyen to complete three hundred sixty (360) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Kristen Hollis. Certification states 400 hours of instruction and no five (5) year work history.

MOTION was made by Nina Coppinger and seconded by Pearl Walker requiring Ms. Hollis to complete two hundred (200) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Le Thi Nguyen. Certification state 400 hours of instruction. Proof of work history submitted is 2005, 2007, 2008 and 2009. No proof of work history in the occupation as a manicurist of 2006 therefore no complete 5 year work history submitted.

MOTION made by Nina Coppinger and seconded by Janet Wormsley requiring Ms. Nguyen to complete four hundred (400) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of esthetics license from Virginia for Katherine Limburg. Certification states 600 hours of instruction in the curriculum and original date of licensing as an aesthetician 08/11/2009. She has submitted a work history since 12/28/1998 but she did not obtain esthetics license until 08/11/2009.

MOTION was made by Nina Coppinger and seconded by Pearl Walker requiring Ms. Limburg to complete one hundred fifty (150) hours of instruction in the esthetics curriculum in a license school and pass the state board esthetics examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Zetan Son. The applicant was originally license in Massachusetts and completed 400 hours in the manicurist curriculum to qualify for license in that state 06/21/2008. The applicant obtained license in Texas by examination 10/13/2010. No five (5) yea work history.

MOTION made by Nina Coppinger and seconded by Janet Wormsley requiring Mr. Son to complete two hundred (200) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of esthetics license from Wisconsin for Megan Grimmestad. Certification states 450 hours of instruction original date of license 02/21/2006 and no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Grimmestad to complete three hundred (300) hours of instruction in the esthetics curriculum in a license school and pass the state board esthetics examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Illinois for Jazmine Jones. Illinois requires 350 hours in the curriculum and no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Janet Wormsley requiring Ms. Jones to complete two hundred fifty (250) hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Kim Hai Thi Troung. She states on her application hours of instruction was in an apprenticeship program. She became originally license in 2004 and she has provided a work history in a salon 2003 - 2009.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Troung to complete six hundred (600) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from North Carolina for Tommy Hung Vien. Applicant was originally license in Massachusetts by completing 100 hours in the curriculum. Applicant obtained license in North Carolina by reciprocity from Massachusetts. No five year work history submitted.

MOTION was made by Nina Coppinger and seconded by Janet Wormsley requiring Mr. Vien to complete five hundred (500) hours in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Indiana for Gail Springhorn. Applicant holds a "Provisional Esthetician License" in the State of Indiana which means she is required to work under a Supervising Licensee. Her education for esthetics is from England. She currently holds a license as a cosmetology in Tennessee which she obtained by reciprocity by approval from the Board 11/08/10.

MOTION made by Nina Coppinger and seconded by Muriel Smith to deny Ms. Springhorn's application for reciprocity of aesthetician license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Puerto Rico for Alexander Maldonado. Applicant has submitted a transcript of courses completed in the curriculum for cosmetology at American Business College and proof of high school education. No total hours in the curriculum or license submitted.

MOTION made by June Hucceby and seconded by Muriel Smith to deny Mr. Maldonado's application for reciprocity of cosmetology license. Motion carried unanimously.

Application for reciprocity of cosmetology license from India for Niloufer Munshi. Applicant has submitted a certificate for completion of courses in beauty culture in India. Applicant resides in Louisville, Kentucky. She submitted a work history from Salon 360 in Louisville, Kentucky. She is not license in the State of Kentucky. Apparently she applied for license in Kentucky but she advised me the State of Kentucky would not issue her a license.

MOTION made by June Hucceby and seconded by Nina Coppinger to deny Ms. Munshi's application for reciprocity of cosmetology license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Korea for Misun Im. Applicant has submitted a Certification of Qualification of National Technician as Beauty Artist with no proof of hours in the curriculum. Also a Certificate of Employment as a Hair Designer in Korea was submitted.

MOTION made by June Hucceby and seconded by Nina Coppinger to deny Ms. Im's application for reciprocity of cosmetology license. Motion carried unanimously.

Application for reciprocity of esthetics license from California for Christina Lee Gagnon. Certification states 600 hours of instruction in the curriculum and original date of licensing 09/17/10.

MOTION made by Nina Coppinger and seconded by Janet Wormsley requiring Ms. Gagnon to complete one hundred fifty (150) hours of instruction in the esthetics curriculum in a license school and pass the state board esthetics examination. Motion carried unanimously.

Application for reciprocity of manicurist license from North Carolina for Nhon Tran. Applicant was originally license in Florida which requires 240 hours in the manicurist curriculum and no state board examination. He obtain license in North Carolina by examination. No five year work history.

MOTION made by Nina Coppinger and seconded by Virgilene Lotze requiring Ms. Tran to complete three hundred sixty (360) hours of instruction in the manicurist curriculum in a license school and pass the state board manicurist examination.

Director advised the Board Members applications for examination presented to the Board for approval at the December meeting for two brother by the last name of Doa which had certification of hours in question is still pending. The Director contacted the Georgia State Board concerning the applications and was told the information would be researched. The Director contacted the Georgia Board again shortly before this meeting and was advised the information needed is still in research process.

The Board Members were advised a cosmetology school permitted student to perform services on the public outside of the school. This was an event to provide services to the home less outside of the school. The event was published in the news paper and on TV showing students from the school performing services.

The NIC Regional meeting will be held in Nashville April 2nd-3rd, 2011. The Board Director will submit a request for approval for Board Members to attend. This is the weekend of the April board meeting.

Election of Board offices.

MOTION made by Virgilene Lotze and second by Diana Buchanan to keep the positions for officers at they are. Linda Colley Board Chair and Nina Coppinger Board Co-Chair. Motion carried unanimously.

Ms. Johnnie Simmons who has placed an application for a new school of cosmetology, Signature Beauty School in Chattanooga accompanied by Mr. Harry Knox are now present. They were not present when cosmetology school applications were reviewed by the Board earlier in the meeting. The attorney for the Board Mr. Bond discussed with Mr. Knox and Ms. Simmons that the bond submitted with the application for the new school does not have an expiration date. Mr. Bond stated it would be difficult to approve an application without a valid bond. The recommendation is to able the application until a valid bond is received. Board Members ask Ms. Simmons if she was going to be sole owner of the school and if she was aware of the process of running a school. Ms. Simmons is not an instructor and she stated her daughter Tonya was going to help her run the school and Mr. Knox is going to be the instructor. Ms. Simmons is Mr. Knox's mother. Mr. Knox stated he was working with Paul Mitchell and Cosmo Pro on products to educate students. The Board advised Mr. Knox he would need to submit the bond with the required information to have a complete application for review by the Board.

CONSENT ORDERS \$13,750.00

Estetica Unisex Alex
3538 Tom Austin Hwy
Springfield, TN 37172

Violation issued May 6, 2009
Pd \$1000.00 on 12-15-2010

Fancy Nails
5624 Nolensville Road
Nashville, TN 37211

Violation issued August 27, 2010
Pd \$1000.00 on 1-5-2011

Glamorous Nails
800 S. Campbell Blvd.
Columbia, TN 38401

Violation issued August 20, 2010
Pd \$1000.00 on 1-14-2011

Juan Auto 2
1514 Upper Middle Creek Road
Sevierville, TN 37862

Violation issued October 15, 2010
Pd \$1000.00 on 1-21-2010

Le Nails

3800 Tennessee Avenue
Chattanooga, TN 37409

Violation issued July 15, 2010
Pd \$1000.00 on 1-07-2011

Miller Motte Technical College
6020 Shallowford Road
Chattanooga, TN 37421

Complaint
Pd \$1000.00 on 12-15-2010

Mimi Nails
193 Henslee Drive
Dickson, TN 37055
Our Gang Hair Design

Violation issued 5/25/08 & 5/7/09
Pd \$750.00 on 12-23-2010

65-C new Shackle Island Road
Hendersonville, TN 37075

Violation issued June 22, 2010
Pd \$500.00 on 1-19-2011

Pro Nail Salon
3183 S. Third Street
Memphis, TN 38109

Violation issued September 7, 2009
Pd \$2000.00 on 1-18-2011

Pro Nails
142 Trotwood Avenue
Columbia, TN 38401

Violation issued August 20, 2010
Pd \$1000.00 on 1-19-2011

Sanderella Salon and Spa, Inc.
414 South Broad Street
New Tazewell, TN 37825

Violation issued May 21, 2010
Pd \$500.00 on 12-15-2010

Serendipity Salon
861 C.M. Jones Road
Greeneville, TN 37743

Violation issued January 15, 2010
Pd \$500.00 on 12-13-2010

Smart Style #6620
7201 Metro
Minneapolis, MN 55439

Violation issued January 13, 2009
Pd \$500.00 on 12-07-2010

Sports Clips TN #503
5591 Hwy 153
Chattanooga, TN 37343

Violation issued October 22, 2010
Pd \$1000.00 on 1-18-2011

Tammy's Nails
2104 Hemlock Lane
Kingsport, TN 37664

Violation issued September 11, 2009
Pd \$1000.00 on 12-8-2010

Board voted unanimously to accept the consent orders.

Area inspectors advise that the following cosmetology shops are now closed for business:

RE-PRESENTED MATTERS:

1. 2009014341
2. 2009025481
3. 2008014941
4. 2008017651
5. 2008016081
6. 2007082311
7. 2007065361
8. 2008011411
9. 2008016071
10. 2009022881
11. 2010000291
12. 2008002021
13. 2008005491
14. 2008022541
15. 2007088561
16. 2007088571
17. 2007083381
18. 2008003271
19. 2010019431

Recommendation: Close and flag the files.

It is the opinion of both litigation and board counsel that there is insufficient proof available to proceed in the following matters:

20. 2010014341

21. 2010025401
22. 2008027331
23. 2008021711
24. 2008019961
25. 2008015661
26. 2008011331
27. 2007071191
28. 2007074471
29. 2007088521
30. 2008005841
31. 2008023691
32. 2008022431
33. 2008026091
34. 2008008481
35. 2008017641
36. 2008011381

Recommendation: Close with no further action.

The following shops are now under new ownership:

37. 2010024511
38. 2007072221
39. 2008014761
40. 2008009141
41. 2008027001
42. 2009005941

REGULAR REPORT:

1. 2010028681

First License Obtained: 2/20/85

License Expiration: 7/31/11

History: No prior complaints on record

Administrative office complaint alleges that a licensed cosmetology instructor obtained her instructor hours while employed at a Tennessee women's correctional facility. The instructor explained that she obtained the hours with the knowledge and approval of her immediate supervisor, who implemented a flexible work schedule for her in order for her to obtain the necessary hours.

Recommendation: Close with no action.

2. **2010028691 (Linda Colley to recuse)**

First License Obtained: 9/16/09

License Expiration: 9/1/11

History: No prior complaints on record

Administrative office complaint alleges that no licensed cosmetology instructor was present at a licensed school while a student was performing services on a client. The owner of the school, who also serves as instructor, indicated that she left the school briefly to assist her son with obtaining materials needed for a fundraiser being held at the school.

Recommendation: Close with a letter of warning.

3. **2010029261**

4. First License Obtained: 3/6/96

License Expiration: 9/1/11

History: 2010014731 – Dismissed w/ no action 10/12/10

Administrative office complaint alleges that a licensed school of cosmetology failed to submit proof that a student enrolled at the school completed at least two (2) years of high school prior to entering cosmetology school. A copy of a community college transcript was included with the student's application to take the cosmetology examination. In response to the complaint, the school provided the student's high school transcript, which shows that the student completed at least two (2) years of high prior to entering cosmetology school.

Recommendation: Close with no action.

5. **2010029471**

First License Obtained: 3/21/94

License Expiration: 9/1/11

History: 2008005821 – Dismissed no action

2009005931 – \$500 CP Satisfied 5/29/09

2009014871 – Dismissed no action

2009017981 – Dismissed no action

2010002721 – Dismissed no action

The Complainant states that he was fired from a licensed cosmetology school without cause. The Respondent states that the former employee's firing was due to "job performance issues".

Recommendation: Close with no action.

6. **2010029551**
First License Obtained: 3/30/07
License Expiration: 3/31/11
History: No prior complaints on record

Administrative office complaint alleges that the Respondent, a manicurist licensed in Tennessee by reciprocity from Texas, obtained her Texas hours by fraud. According to the Texas Department of Licensing and Registration, the Respondent reported classroom hours toward her manicurist licensing education in Texas without attending classes.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of License Revocation. The Order shall prohibit the Respondent from re-applying for a manicurist license in Tennessee for a period of one (1) year after the revocation.

7. **2010029861**
First License Obtained: 4/26/06
License Expiration: 4/30/12
History: No prior complaints on record

The Complainant, who was previously employed at the Respondent's licensed cosmetology shop, alleges that the Respondent would charge customers for services based on the customers' appearance. The Complainant also alleges that the Respondent engaged in unsanitary practices and that his objection to such practices caused the Respondent to terminate his employment. The Respondent denies such allegations. To date, the board office has not received a Notice of Violation relative to sanitation for the Respondent's shop.

Recommendation: Close with no action.

8. **2010030011**
First License Obtained: 1/13/94
License Expiration: 3/31/12
History: 2007069681 - \$1000 CP Satisfied 10/2/07

Inspector reports in Notice of Violation dated August 12, 2010 that a licensed manicure shop was in unsanitary condition: the inspector reported that nail dust and nail tips were present on the floor of the shop, previously used drill bits were not sanitized and stored after use and nail dusters were not properly stored after use.

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

9. 2010030021

First License Obtained: 10/21/99

License Expiration: 5/31/12

History: 2004192181 – \$600 Consent Order satisfied 5/11/05

2006025721 – \$500 Consent Order satisfied 10/4/06

Inspector reports in Notice of Violation dated August 7, 2010 that an unlicensed individual was found practicing manicuring in a licensed manicure shop. In addition, one (1) manicurist in the shop was observed performing a waxing service.

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

10. 2010030031

First License Obtained: 6/25/02

License Expiration: 6/30/12

History: 2005027051 - \$500 CP satisfied 12/7/05

2006004861 - \$1000 CP satisfied 8/9/06

2006017781 – Closed – Ref'd to Consumer Affairs

Inspector reports in Notice of Violation issued September 8, 2010 that a licensed manicure shop was open for business while the shop license was expired. No patrons were present during the inspection and no services were performed during the inspection. The shop license has now been renewed.

Recommendation: Close with a letter of warning.

11. 2010060041

First License Obtained: 3/11/04

License Expiration: 3/31/12

History: 2008006781 - \$1000 CP satisfied 5/6/08

Inspector reports in Notice of Violation issued September 9, 2010 that an unlicensed individual was found practicing manicuring in a licensed manicure shop. The inspector also reports that nail dust was present on manicure stations, previously-used implements were not sanitized and stored as required and dust was present in a sanitized tool drawer.

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

12. 2010030071

First License Obtained: 4/26/99

License Expiration: 1/31/11

History: No prior complaints on record

Inspector reports in Notice of Violation issued September 9, 2010 that a cosmetologist whose license was expired was found practicing in a licensed cosmetology shop. The license in question is now valid.

Recommendation: Close with a letter of warning.

13. 2010030081

First License Obtained: 7/1/09

License Expiration: 6/30/11

History: No prior complaints on record

Inspector reports in Notice of Violation issued September 10, 2010 that two (2) unlicensed individuals were found practicing cosmetology 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.

14. 2010030131

First License Obtained: 12/3/97

License Expiration: 11/30/11

History: No prior complaints on record

Inspector reports in Notice of Violation issued September 1, 2010 that licensed cosmetologist whose license was expired was found practicing in a licensed cosmetology shop. According to the inspector, the cosmetologist, who served as shop manager, stated that she renewed her license online when questioned about the expired license. The license has now been renewed.

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

15. 2010030141

First License Obtained: 8/5/08

License Expiration: 7/31/12

History: No prior complaints on record

Inspector reports in Notice of Violation issued September 14, 2010 that a cosmetologist whose license was expired was practicing in a licensed cosmetology shop. The license in question has now been renewed.

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

16. 2010032141

First License Obtained: 10/27/00

License Expiration: 9/1/11

History: No prior complaints on record

A student at a licensed cosmetology school alleges that the owner and instructor for the school has unlawfully altered her hours, allowed other students to purchase hours, does not provide instruction to her and continues to service clients at the school. The instructor/owner denies the allegations, stating that the student has had poor attendance and was envious of two (2) other students at the school. The owner admits that she does service clients at the school; however, she states that this is only done on Fridays after school hours.

Recommendation: Close with no action.

17. 2010032711

First License Obtained: N/A

License Expiration: N/A

History: N/A

The Complainant alleges that unnamed individuals are entering her shop while she is not present and performing services. The area inspector could not verify the allegations after visiting the shop.

Recommendation: Close with no action.

18. 2010032841

First License Obtained: 5/5/08

License Expiration: 6/30/11

History: No prior complaints on record

Consumer complaint alleges that after becoming dissatisfied with a hairstyle she received at a natural hairstyling shop, she was denied and refund and told by the owner of the shop that the shop was unlicensed, so no refund would be issued. Administrative office records indicate that the shop is licensed.

Recommendation: Close with no action.

19. 2010032851

First License Obtained: 10/16/08

License Expiration: 9/30/12

History: No prior complaints on record

Consumer complaint alleges that the consumer contracted a staph infection from a licensed manicure shop. According to the consumer, she asked the technician who performed her service if the tools he was using were clean, and he indicated that they were. The consumer also provided a copy of a medical report she obtained after visiting a physician. The report indicated that the Complainant was suffering from a paronychia infection in one of her fingers. Research suggests that such infections are typically caused by trauma to the skin, such as an ingrown nail, hangnail or nail-biting. Exposure of irritated areas to detergent and/or water can also cause this condition, which can exhibit symptoms similar to a staph infection.

The Respondent denies that unsanitary tools caused the Complainant's condition and states that his shop has never received a violation or complaint relative to sanitation. As indicated above, no prior complaints have been filed against this shop.

Recommendation: Close with no action.

20. 2010033351

First License Obtained: 3/17/94

License Expiration: 9/1/11

History: 9600 – Dismissed after Inv.

2005038201 – Dismissed no action

2010023571 – Dismissed no action

Administrative office complaint alleges that a licensed school of cosmetology failed to submit proof that a student enrolled at the school completed at least two (2) years of high school prior to entering cosmetology school. A copy of a private, Christian school transcript and diploma were submitted with the student's application for examination.

Recommendation: Close with no action.

21. 2010034361

First License Obtained: 6/25/09

License Expiration: 6/30/11

History: No prior complaints on record

Inspector reports in Notice of Violation issued November 3, 2010 that the owner of a licensed cosmetology shop failed to display the shop license and most recent inspection sheet. In addition, two (2) stylists performing services on clients in the shop failed to wear identification tags.

Recommendation: Close with a letter of warning.

22. 2010034371

First License Obtained: 5/10/02
License Expiration: 9/30/12
History: No prior complaints on record

Inspector reports in Notice of Violation issued November 9, 2010 that a cosmetologist whose license expired August 31, 2009 was found practicing on a client in a licensed cosmetology shop. The license has now been renewed.

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

23. 2010034391

First License Obtained: 6/7/05
License Expiration: 7/31/12
History: No prior complaints on record

Inspector reports in a Notice of Violation issued September 23, 2010 that a cosmetologist displayed an expired license in a licensed cosmetology shop. The Notice is silent as to whether the stylist was performing license-required services at inspection time.

Recommendation: Close with a letter of warning.

24. 2010034401

First License Obtained: 10/28/10
License Expiration: 9/30/12
History: No prior complaints on record

Inspector reports in Notice of Violation issued September 21, 2010 that an unlicensed individual was found practicing manicuring in a licensed manicure shop.

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

25. 2010034411

First License Obtained: N/A
License Expiration: N/A
History: No prior complaints on record

Inspector issued a report indicated that she observed a male individual practicing cosmetology in a licensed shop on September 18, 2010. The inspector did not visit the shop and did not issue a Notice of Violation at that time. Approximately one (1) week later, the inspector drove by the shop and noticed that the shop appeared to be closed.

Recommendation: Issue a CEASE and DESIST letter.

26. 2010034421

First License Obtained: 4/2/08
License Expiration: 3/31/12
History: No prior complaints on record

Inspector reports in Notice of Violation issued September 29, 2010 that a cosmetologist with an expired license (the individual had submitted partial payment for her license—a late fee remained outstanding) was present in a licensed cosmetology shop during an inspection. The individual did not perform any services while the inspector was present. The license in question is now valid.

27. 2010034431

First License Obtained: 5/27/04
License Expiration: 4/30/12
History: 2008014361 – Close with LOW 1/4/11
2008022471 – Dismissed no action 11/13/08

Inspector reports in Notice of Violation issued September 30, 2010 that a licensed cosmetology shop which was closed for business at inspection time was left in an unsanitary condition after services were previously provided.

Recommendation: Close with a letter of warning.

28. 2010034441

First License Obtained: 4/29/03
License Expiration: 10/31/11
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 1, 2010 that three (3) unlicensed individuals were found practicing in a licensed manicure shop.

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

29. 2010034451

First License Obtained: 12/8/09

License Expiration: 11/31/11

History: No prior complaints on record

Inspector reports in Notice of Violation issued October 6, 2010 that one owner's on a cosmetology shop license was blacked out with a magic marker. In addition, the inspector reports that the shop needed a "general cleaning" and that work stations should be reorganized.

Recommendation: Close with a letter of warning.

30. 2010034491

First License Obtained: 12/2/10

License Expiration: 10/31/12

History: No prior complaints on record

Inspector reports in Notice of Violation issued October 7, 2010 that a cosmetology shop was found operating (one stylist was practicing on a client in the shop) prior to inspection. The shop is now licensed.

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

31. 2010034501

First License Obtained: 1/29/07

License Expiration: 8/31/11

History: No prior complaints on record

Inspector reports in Notice of Violation issued October 8, 2010 that an unlicensed individual was found practicing manicuring in a licensed manicure shop.

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

- 32. 2010034511**
First License Obtained: 3/1/02
License Expiration: 4/30/11
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 21, 2010 that a wax machine and implements needed to perform waxing were found in a licensed manicure shop. The inspector requested that the shop owner remove the items from the shop.

Recommendation: Close with a letter of warning.

- 33. 2010034601**
First License Obtained: 12/6/10
License Expiration: 10/31/12
History: No prior complaints on record

Inspector reports in a Notice of Violation issued October 12, 2010 that a licensed manicurist was found practicing manicuring in a shop that had not yet received an initial inspection. The inspector performed the inspection on the day the violation was issued and gave a score of 96 to the new shop.

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

- 34. 2010034641**
First License Obtained: 3/23/10
License Expiration: 2/28/12
History: No prior complaints on record

Inspector reports in a Notice of Violation issued October 21, 2010 that an unlicensed individual was found 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.

- 35. 2010034661**
First License Obtained: 7/28/05
License Expiration: 4/30/12
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 26, 2010 that a licensed cosmetologist was found practicing on a client in a licensed cosmetology shop

while the shop license was expired and had been expired since April 2010. The shop license is now valid.

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

36. 2010034671

First License Obtained: 4/9/07
License Expiration: 3/31/11
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 29, 2010 that a licensed cosmetologist was found practicing on a client in a licensed cosmetology shop while the shop license was expired and had been expired since March 2009. The shop license is now valid.

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

37. 2010034681

First License Obtained: 8/19/96
License Expiration: 8/31/12
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 29, 2010 that a licensed cosmetologist was found practicing in a licensed cosmetology shop while her license was expired and had been expired since July 2010. The cosmetologist has now renewed her license.

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

38. 2010064691

First License Obtained: 11/21/08
License Expiration: 11/30/12
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 29, 2010 that the owner of a licensed manicure shop failed to conspicuously display the shop's previous inspection sheet. The inspector also reports finding a bed in the shop.

Recommendation: Close with a letter of warning.

39. 2010034711

First License Obtained: 2/29/08

License Expiration: 2/28/10
History: No prior complaints on record

Inspector reports in Notice of Violation issued October 22, 2010 that an unlicensed individual was found practicing manicuring in a licensed manicure shop.

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

- 40. 2010034771**
First License Obtained: 3/16/05
License Expiration: 4/30/11
History: No prior complaints on record

Inspector reports in Notice of Violation issued November 12, 2010 that a hot wax machine and all implements needed to perform waxing were found in a licensed manicure shop. According to the inspector, the owner of the shop was previously warned that his shop was not authorized to provide such services and was given an application for a skin care shop license, which had been filed as of the date of the Notice.

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

- 40. 2010014331**
First License Obtained: 6/8/95
License Expiration: 6/30/11
History: No prior history

Consumer complaint alleged that the Respondent, who is a licensed cosmetologist, was operating an unlicensed cosmetology shop in her home. Investigation did not produce any evidence to support the consumer's allegation.

- 41. 2010024851**
(verbal summary and recommendation)

- 42. 2009022641**
(verbal summary and recommendation)

Board voted unanimously to accept the legal report.

Board meeting adjourned.

