

Minutes

The Tennessee State Board of Cosmetology held a meeting May 2, 2011 at 9:00 a.m. CST, in Nashville, Tennessee.

The following members were present: Linda Colley, Board Chairman, June Hucceby, Muriel Smith, Diana Buchanan and Virgilene Lotze. Absent: Nina Coppinger, Pearl Walker and Janet Wormsley.

Others present: Beverly Waller Board Director, Terrance Bond Attorney for the Board and Latrisha Johnson Licensing Technician.

Meeting was called to order by Board Chair Linda Coley.

Linda Colley, Board Chairman welcomed everyone to the board meeting and acknowledged the cosmetology school in attendance.

Minutes for the April 4, 2011 Board meeting submitted for approval.

MOTION made by June Hucceby and seconded by Muriel Smith to approve the April 4, 2011 board meeting minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Erica Goodboo requested to appear before the Board today to discuss her application for reciprocity of cosmetology license from Florida. Florida requires 1200 hours of instruction in the cosmetology curriculum and the certification submitted for Ms. Goodboo verifies 1200 hours completed in the curriculum. Ms. Goodboo has submitted documents stating she completed 1500 hours in the cosmetology curriculum but that information is not certified by the Florida State Board.

MOTION made by Muriel Smith and seconded by Diana Buchanan to approve Ms. Goodboo to take the cosmetology examination. Motion carried unanimously.

COSMETOLOGY SCHOOL APPLICATIONS-

Application for a new school of cosmetology “Universal Salon Academy” to be located in Maryville, Tennessee presented to the Board. The application, floor plan, bond and 20 applications for enrollment have been submitted which you have copies. I will need to pass around a copy of the floor plan for review our copier would not downsize for some reason. Ms. Susan Christian school owner is here today to discuss with the board the dates of enrollment for some of her students. Ms. Christian plans to open later this month after inspection and three of the applications for enrollment have dates of enrollment of 08/2011, four have the month of June as enrollment date and one the month of July. Ms. Christian discussed her application with the board. Ms. Christian stated on her application the school would be ready for inspection May 10, 2011.

MOTION made by Diana Buchana and seconded by Virgilene Lotze to have the Board Member and Board Inspector for the area inspect the school for approval to open when ready. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Application for examination from Crystal Harville, Crystal Payne and Gary Helton who have felonies was presented. All required information has been submitted the disclosure and letter of examination recommendation from the cosmetology school attended.

MOTION made by Muriel Smith and seconded by Virgilene Lotze to approve applications with signed agreed orders. Motion carried unanimously.

Application for examination from Cheree Yearby was presented to the Board. We have received the disclosure from the candidate but not the letter of recommendation from the cosmetology school she attended. I’m requesting approval of the application by the board after receiving the letter of examination recommendation from the school attended.

MOTION made by Diana Buchanan and seconded by Virgilene Lotze to approve the application for examination after receiving the letter of examination recommendation from the school and a signed agreed order from the applicant. Motion carried unanimously.

Application for examination from Faith Perkins presented to the Board. Applicant was initially approved for the examination in 2001. Applicant was required to submit an updated application for examination due to length of time. The applicant disclosed she was convicted of a felony in 2007.

MOTION made by Muriel Smith and seconded by Virgilene Lotze to approve the application with a signed agreed order. Motion carried unanimously.

Application for the cosmetology instructor examination from Madeleine Donovan who completed 302 hours in the instructor curriculum at The Salon Professional Academy 02/05/11 presented to the Board. Applicant did not become license as a cosmetologist until 02/08/2011. Applicant enrolled in the cosmetology instructor curriculum and did not purchase cosmetology license until she had completed the required hours in the cosmetology instructor curriculum.

MOTION made by Virgilene Lotze and seconded by Diana Buchanan to approve the application for examination and request the attorney for the Board send a strong letter to the school advising of requirements for enrollment in the instructor curriculum. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of manicurist license for Yen Thi Tran Ngoc from California. Applicant completed 400 hours in the manicurist curriculum and no 5 year work history.

MOTION made by June Huckleby and seconded by Muriel Smith applicant will be required to complete two hundred (200) hours of instruction in the manicurist curriculum and pass the state board manicurist examination to qualify for manicurist license. Motion carried unanimously.

Application for reciprocity of aesthetician license for Melissa Hendren from California. Applicant completed 600 hours in the esthetics curriculum and original date of licensing 06/25/2009.

MOTION made by June Huckleby and seconded by Muriel Smith applicant will be required to complete one hundred fifty (150) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of aesthetician license from Lauren Bogard from Wisconsin. Applicant completed 600 hours in the esthetics curriculum and original date of licensing 11/13/2008.

MOTION made by Diana Buchanan and seconded by Muriel Smith applicant will be required to complete one hundred fifty (150) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Tien Trong Troung from Wisconsin. Applicant was granted license in Wisconsin by endorsement from Vietnam 01/31/2011.

MOTION made by June Huckleby and seconded by Muriel Smith to request applicant appear before the Board. Motion carried unanimously.

Application for reciprocity of cosmetology license from Thuy Hoang from Wisconsin. Applicant was granted license in Wisconsin by endorsement from Vietnam 01/31/2011.

MOTION made by June Huckleby and seconded by Muriel Smith to request applicant appear before the Board. Motion carried unanimously.

Application for reciprocity of manicurist license from Thuy-Linh Nguyen from Georgia. Certification verifies applicant completed 525 hours of instruction in the manicurist curriculum and original date of license 12/23/2005. No 5 year work history submitted.

MOTION made by Muriel Smith and seconded by June Huckleby applicant will be required to complete seventy five (75) hours of instruction in the manicurist curriculum and pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of aesthetician license from Kendra Kline from Indiana. Applicant completed 700 hours in the esthetics curriculum and initial date of licensing is 12/08/10.

MOTION made by Diana Buchanan and seconded by Virgilene Lotze applicant will be required to complete fifty (50) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of manicurist license and esthetician license from Loc Nguyen from Louisiana.

MOTION made by June Huckleby and seconded by Muriel Smith applicant will be required to complete one hundred (100) hours of instruction in the manicurist curriculum and pass the state board manicurist examination to qualify for manicurist license. Applicant will be required to pass the aesthetician examination to qualify for aesthetician license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Renee Rogers from New York. Certification verifies applicant completed 1000 hours of instruction in the cosmetology curriculum and initial date of licensing 10/08/2009.

MOTION made by Diana Buchanan and seconded by Virgilene Lotze applicant will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum and pass the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license for Hung Huynh from New York. Applicant is license as a cosmetologist in the State of New York where he completed 1000 hours in the cosmetology curriculum and passed a state board cosmetology examination in 2003. Applicant holds a manicurist operator license and manicurist salon manager license issued by the Minnesota State Board in 2005 and 2009. Certification from the Minnesota State Board states he was required to take examinations to qualify for license. He has submitted a work history 2005- 2009 as a manicurist.

MOTION made by June Huckleby and seconded by Muriel Smith applicant will be required to pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Jamie Wasden from Florida. Florida requires 1200 hours in the curriculum and the applicant initial date of licensing is 04/20/2009.

MOTION made by Diana Buchanan and seconded by Virgilene Lotze applicant will be required to complete three hundred (300) hours of instruction in the cosmetology curriculum and pass the state board examination to qualify of license. Motion carried unanimously.

Application for reciprocity of license for Erin Buchholz from Oregon presented to the Board. Certification from the Oregon State Board state she is license as an aesthetician, hair design and nail technology. She sent transcript showing she enrolled in a program combination for hair design, esthetics and nail technology which required 2300 hours.

MOTION made by June Huckleby and seconded by Muriel Smith to request applicant appear before the Board. Motion carried unanimously.

Application for reciprocity of manicurist license for Huong Nguyen from Colorado. Applicant completed 20 credit hours in the manicurist curriculum which is 350 clocked hours and her initial date of licensing 03/01/2011.

MOTION made by Muriel Smith and seconded by June Huckleby applicant will be required to complete two hundred fifty (250) hours of instruction in the manicurist curriculum and pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Vivian Cifuentes from Columbia. She has submitted a translated copy of a break down of the six month intensive program for professional cosmetologist in which she completed 1620 hours at Mariela Beauty School in Columbia.

MOTION made by Virgilene Lotze and seconded by Diana Buchanan applicant will be required to pass the state board cosmetology examination to qualify of license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Alma Rodriguez from Mexico. The application had been previously submitted and the board requested a break down of the curriculum she completed in Mexico. She has submitted a break down of the curriculum completed in Mexico as requested.

MOTION made by June Huckleby and seconded by Muriel Smith applicant will be required to pass the state board cosmetology examination to qualify for license. Motion carried unanimously.

MISCELLANEOUS-

Request for approval of a portable sink to be used in a skin care shop was presented at the last meeting. The Board request additional information. Mr. Nichols has submitted the information you requested and also another sink which he would like to proposed for usage:

- (1) Mr. Nichols the proposed salon owner is a license esthetician.
- (2) The location of the propose salon is in an office building.
- (3) The restroom facility is shared on the floor.
- (4) The doctor's in the building are "Therapist".
- (5) Services will be provided appointment only.
- (6) It is a part/time for the owner because he is a chemical engineer.
- (7) He stated he was aware he needed a sink in the work area but did not see anything that stated he could not use a portable sink.

He stated this is a temporary location and he signed a 1 year lease to attempt to develop a client base and see how it worked out. He is a chemical engineer and has plans to develop a product line.

MOTION made by Diana Buchanan and seconded by Virgilene Lotze to approve the request for portable sink to be used in the shop. Motion carried unanimously.

A school owner wanted to know if a cosmetology school and barber school in the same building which would be separated with a hard wall could share the restrooms, theory classrooms and break rooms by students.

The Board discussed the request for information concerning barber and cosmetology schools sharing rooms and stated it would not be acceptable for

restrooms, class rooms and break rooms to be shared by barber and cosmetology students.

CONSENT ORDERS - \$19750.00

Beautiful Eyebrows TN Inc.
5252 Hickory Hollow Parkway &
1000 Rivergate Parkway
Nashville, TN 37013

Agreed Order
Pd \$15000.00 on 04-27-2011

Glossy Nails
367-G Vann Drive
Jackson, TN 38305

Violation issued June 22, 2010
Pd \$2000.00 on 03-2-2011

Nony Beauty Salon
8373 Kingston Pike
Knoxville, TN 37919

Violation issued November 17, 2010
Pd \$500.00 on 4-12-2011

Skyline Nails – Hair Salon
2702 Dickerson Road
Nashville, TN 37214

Violation issued March 19, 2009
Pd \$1000.00 on 4-7-2011

T. J. Hair Co.
415 Caleb Avenue
Elizabethton, TN 37643

Violation issued October 1, 2009
Pd \$500.00 on 4-5-2011

Wonderful Nails
785 Bell Road
Antioch, TN 37013

Violation issued August 27, 2009
Pd \$750.00 on 4-5-2011

MOTION made by June Huckleby and seconded by Muriel Smith to accept consent order. Motion carried unanimously.

LEGAL REPORT -

RE-PRESENTED MATTERS:

1. **2009006831**
First License Obtained: 6/17/10
License Expiration: 6/30/12
History: None

The Board previously authorized settlement by Consent Order, payment of a \$1,000.00 civil penalty and instructions to CEASE and DESIST unlawful conduct upon review of a consumer complaint alleging that an individual (then unlicensed as a cosmetologist) performed services upon the consumer at the individual's apartment home. The individual denies ever performing any cosmetology services at her home, stating that the apartment identified in the complaint is the residence of her ill mother, who regularly receives dialysis treatments. According to the individual, the sanitary environment required for the provision of dialysis would make it impossible to provide cosmetology services there.

Recommendation: Close with a letter of warning.

2. **2010028581**
First License Obtained: unlicensed
License Expiration: N/A
History: None indicated

Recommendation: Anonymous complaint alleges that four (4) natural hairstyling shops are providing services to clients in Tennessee. The area inspector where the alleged shops are located has been notified and will issue Notices of Violation if he observes any unlawful conduct.

Recommendation: Close.

3. **2010029491**
First License Obtained: 8/19/98
License Expiration: 8/31/12
History: 2010024791 (Combined with above case)

The Board previously authorized a formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty upon review of two (2) Notices of Violation, which were issued on June 30, 2010 and August 6, 2010, alleging that the owners of a licensed cosmetology shop relocated their shop and

began operating same at the new location (stylists were observed practicing cosmetology on clients in the shop during both inspections) without first obtaining an inspection of the new location. The shop is now licensed at the new location and the owners have requested a reduction in the proposed civil penalty, citing economic hardship as the reason for the request.

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

4. **2010037141**
First License Obtained: 1/17/02
License Expiration: 4/30/05
History: None

A consumer complaint alleges that the owner of a licensed cosmetology shop brings her non-service animal to her shop. The area inspector was notified of the allegation and directed to inspect the shop and determine whether the allegations were true. To date, no Notices of Violation have been issued to the owner of the shop.

Recommendation: Close with no further action.

5. **2011007541**
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A complaint submitted by an area inspector alleges that two (2) individuals were providing natural hairstyling services to clients in an unlicensed shop. According to the inspector, she has visited the shop on at least two (2) occasions and observes unlawful activity at the shop.

Recommendation: Send a CEASE and DESIST letter.

6. **2011007561**
First License Obtained: 6/17/10
License Expiration: 6/30/12
History: No Prior Complaints

A Notice of Violation issued January 14, 2011 alleges that a wax machine was

found (cold and unplugged) in a licensed manicure shop. According to the inspector, he advised the owner of the shop during the opening inspection that waxing services could not be performed in a manicure shop. The inspector also observed an unlicensed individual practicing manicuring in the shop. No licensed manager was present in the shop while the shop was operating and services were being provided.

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

7. **2011007611**
First License Obtained: 3/22/93
License Expiration: 6/30/11
History: 2006004591 – Closed 5/2/07 \$250 CP
2006004761 – Closed 5/1/06 \$250 CP

A Notice of Violation issued January 14, 2011 alleges that an unlicensed individual was observed 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.

8. **2011007661**
First License Obtained: 4/8/11
License Expiration: 3/31/13
History: No Prior Complaints

A January 25, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop operated the shop for more than thirty (30) days without applying for a license to operate the shop as a new owner. The shop is now licensed under the new owner.

Recommendation: Close with a letter of warning.

9. **2011007821**
First License Obtained: 12/8/05
License Expiration: 11/30/11
History: No Prior Complaints

A February 15, 2011 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 \$500.00 civil penalty.

- 10. 2011007851**
First License Obtained: 7/14/10
License Expiration: 6/30/12
History: No Prior Complaints

A February 8, 2011 Notice of Violation alleges that an unlicensed individual was observed practicing manicuring on a client in a licensed manicure shop.

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

- 11. 2011007921**
First License Obtained: 12/8/08
License Expiration: 11/30/12
History: No Prior Complaints

A February 15, 2011 Notice of Violation alleged that three (3) unlicensed individuals were observed practicing manicuring in a licensed manicure shop.

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

- 12. 2011007961**
First License Obtained: 3/30/11
License Expiration: 3/31/13
History: No Prior Complaints

A February 18, 2011 Notice of Violation alleged that an unlicensed establishment was open for business as a cosmetology shop. No services were being provided at inspection time. The establishment is now licensed as a cosmetology shop.

Recommendation: Close with a letter of warning.

- 13. 2011007971**
First License Obtained: 12/8/05
License Expiration: 11/30/11
History: No Prior Complaints

A February 23, 2011 Notice of Violation alleged that a licensed cosmetology shop was in a highly unsanitary condition at inspection time. The inspector indicated that she would return to the shop to monitor sanitation. No new Notices of Violation have been issued to the shop relative to sanitation.

Recommendation: Close with a letter of warning.

14. 2011008391

First License Obtained: N/A

License Expiration: N/A

History: No Prior Complaints

A February 23, 2011 Notice of Violation alleged that a licensed cosmetologist was observed practicing in an unlicensed establishment.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty and instructions to CEASE and DESIST operating an unlicensed shop.

15. 2011008401

First License Obtained: 11/25/03

License Expiration: 11/30/11

History: 2006045981 – Closed L.O.W 2/7/07

February 25, 2011 Notice of Violation alleged that an unlicensed individual was observed practicing cosmetology in a licensed cosmetology shop.

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

16. 2011008411

First License Obtained: 5/23/06

License Expiration: 5/31/12

History: No Prior Complaints

A February 23, 2011 Notice of Violation alleged that a drill that was not labeled for use in manicure services was found in a licensed manicure shop. In addition, the inspector found a bed in the shop and also indicated that dirty files and buffers were present at work stations.

Recommendation: Close with a letter of warning.

17. **2011008741**
First License Obtained: 3/23/11
License Expiration: 3/31/13
History: No Prior Complaints

A February 19, 2011 Notice of Violation alleged that the new owner of a licensed cosmetology shop operated the shop for more than thirty (30) days without obtaining a new shop license. The shop is now licensed under the new owner.

Recommendation: Close with a letter of warning.

18. **2011008761**
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A January 19, 2011 Notice of Violation alleged that an unlicensed individual was observed practicing cosmetology in an unlicensed establishment.

Recommendation: Send a CEASE and DESIST letter.

19. **3022009882**
First License Obtained: 4/15/10
License Expiration: 1/31/12
History: No Prior Complaints

A February 25, 2011 Notice of Violation alleged that two (2) unlicensed individuals were observed practicing manicuring in a licensed manicure shop.

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

20. **2011008791**
First License Obtained: 3/29/10
License Expiration: 2/28/12
History: No Prior Complaints

A February 24, 2011 Notice of Violation alleged that neither the shop license nor the most recent shop inspection sheet were displayed. In addition, one (1) licensed

manicurist failed to wear an identification tag while performing services on a client in the shop.

Recommendation: Close with a letter of warning.

21. 2011008811

First License Obtained: 4/8/93

License Expiration: 4/30/11

History: No Prior Complaints

A March 1, 2011 Notice of Violation alleged that the owner of a licensed cosmetology shop failed to correct the following violations, which were noted during the previous inspection, which was performed on May 18, 2010:

- 1) most recent inspection sheet was not displayed;
- 2) unsanitary hairbrushes were kept in a drawer with sanitized tools;
- 3) loose, clipped hair was found in sanitized tool drawers.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$250.00 civil penalty.

22. 2011008821

First License Obtained: 2/22/11

License Expiration: 2/28/13

History: No Prior Complaints

A March 2, 2011 Notice of Violation alleged that a licensed manicure shop was using nail liquid containing MMA.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a \$500.00 civil penalty and instructions to CEASE and DESIST using prohibited substances in the shop.

23. 2011008831

First License Obtained: 12/8/09

License Expiration: 11/30/11

History: 2010025011 - \$1,000 CP paid 11/16/10 (Unlic. Ops. 7/16/10)

An area inspector alleges that during a shop visit on November 27, 2010, one (1) unlicensed individual was observed practicing manicuring in a licensed shop. Also, a Notice of Violation issued by the same inspector on March 10, 2011, alleged that the shop continued to advertise waxing services despite a previous

warning relative to provision of such services in manicure shop. Additionally, the inspector observed one (1) unlicensed individual practicing manicuring in the shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$4,000.00 civil penalty.

24. 2011008841

First License Obtained: 5/25/10

License Expiration: 12/31/12

History: No Prior Complaints

A March 10, 2011 Notice of Violation alleges that used drill bits and nail dusters were left in an unsanitary condition after use in a licensed manicure shop. In addition, a wax machine was found in the shop and one (1) licensed manicurist failed to display her license at her work station.

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

MOTION made by June Huceby and seconded by Muriel Smith to accept the legal report. Motion carried unanimously.

OTHER BUSINESS-

Linda Austin owner of Austin Beauty College has a request for field trip approval for esthetician students to attend a dermalogica class June 6, 2011 at Embassy Suites in Franklin, Tennessee.

MOTION by Virgilene Lotze and seconded by Diana Buchanan for approval of the requested field trip. Motion carried unanimously.

Board Member June Huceby advised when she recently visited a cosmetology school for inspection she observed students in jeans, t-shirts and paper name tag pinned on. The instructor advised her twice a month students can pay two dollars (\$2.00) to dress down. The money is donated to charity and they keep some for parties or etc. at the school. It does not look very professional and she wanted to bring this to the attention of Board Members. Attorney for the board stated per cosmetology rules students in a school of cosmetology must wear a uniform prescribed by the school. If the

school considers the dressing down as part of the dress code for that school the Board does not have the jurisdiction to require any changes. The attorney advised the Board has limits as to the day to day operation of a school and if that is considered part of the schools uniform the board should have not have an issue.

Also Board Member June Huckleby wanted to know if all board inspectors were aware that schools are not required to use dry fumigants. She recently was in a school and was advised by the instructor that the inspector had stated this is my rule that you use dry fumigants. The attorney and director advised all inspectors were aware and this will be address at the next inspector meeting.

MOTION to adjourn made by Muriel Smith and seconded by June Huckleby. Motion carried unanimously.

