

MINUTES

The Tennessee State Board of Cosmetology Held a meeting October 1, 2012 at 9:00am in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huckleby, Muriel Smith, Rufus Hereford, Janet Wormsley and Pearl Walker.

Other present were: Bill Giannini, Assistant Commissioner, Laura Betty, Chief General Counsel for Regulatory Boards, Rachel Powers, Attorney for the Board, Hosam William, Paralegal and Hazel Buttrey, Licensing Technician.

Meeting was called to order by Board Chairman Linda Colley.

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

Mr. Rufus Hereford, the newest board member was also introduced.

MINUTES-

Minutes for the August 6, 2012 board meeting submitted for approval.

MOTION made by Nina Coppinger and seconded by Pearl Walker. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Assistant Commissioner Bill Giannini appeared before the board to officially inform them of the expiration of the executive service term of Director Beverly Waller effective 9/14/12. He also discussed the departments continuity plan for the day to day management of the boards administrative office and answered questions from members of the board.

Carolyn Hill, Chattanooga College School of Cosmetology, Chattanooga, Tennessee.

Ms. Hill request to appear before the board as a representative of Chattanooga College School of Cosmetology to consider the 20 student enrollment applications in order to open a new school of Cosmetology.

Motion made by Nina Coppinger and seconded by Pearl Walker to accept Ms. Hill's request. Motion carried unanimously.

Mr. Karl Drazden Smith request to appear before the board to consider his reciprocity application, waive taking the cosmetology examination and accept his cosmetology hours from London. Mr. Smith has submitted cosmetology hours from London.

MOTION made by Muriel Smith and seconded by Janet Wormsely to approve Mr. Smith's request and grant reciprocity. Motion carried unanimously.

Ms. Princess Sanders request to appear before the board to consider an extension of her 592 school hours of instruction received in 2005 and will be expired this year.

MOTION made by Pearl Walker and seconded by Janet Wormsley to deferred Mrs. Sanders' request until she provides a doctors letter which details her father condition. Motion carried unanimously.

Kalefatou Conte, Chattanooga, Tennessee.

Ms. Conte was requested in August by the board to appear at the next meeting before the board regarding successful completion of her final apprenticeship examination from 2000 to 2003 and graduated with honors from the Republic of Guinea to discuss her Reciprocity application. Mrs. Conte's husband introduced himself to the board and stated that there is no use of chemicals in the Republic of Guinea and further stated that Mrs. Conte's apprentice diploma took three (3) years and that there is no licensure or certification that their country issues, but she did work in Guinea and the State of Georgia.

MOTION made by June Huckleby and seconded by Pearl Walker that Mrs. Conte will be required to sit for the Natural Hair Style Tennessee examination. Motion carried unanimously.

APPLICATIONS FOR EXAMINATIONS-

Applications for examination for Andre Johnson, Jennifer Nichole Holman, Christy Lawson, Bethany Abel, Mindy Wheelock, Chasity Perry, Colleen Hendrix, Delbert Forrester, Katrina Stuart, Misty Coffey, Alexis Helm, Danielle Williams and Cody Ewing who have felonies. The required information, disclosure from the student and letter of examination from school attended is submitted.

MOTION made by Coppinger and seconded by Smith for approval for each application for examination with a signed Agreed Order. Motion carried unanimously.

INSTRUCTOR SEMINAR EXTENSION REQUEST-

Request for extension from the 2012 aesthetician instructor seminar for Lesia Hook. She is currently not a practicing instructor, but simply an aesthetician and was not aware that she should have attended in 2012.

MOTION made by Nina Coppinger and seconded by Janet Wormsley to deny the request. Motion carried unanimously.

Request for extension from the 2011 cosmetology instructor seminar for Jennifer Brantley. Mrs. Brantley has already attended the 2012 seminar.

MOTION made by Nina Coppinger and seconded by Pearl Walker to grant her an extension for one (1) year. Must attend seminar in 2013. Motion carried unanimously.

Request for extension from the 2012 cosmetology instructor seminar for Leanne Lifsey. She has submitted a statement from her physician.

MOTION made by June Huckbey and seconded by Nina Coppinger to grant her an extension for one (1) year. Must attend seminar in 2013. Motion carried unanimously.

Request for extension from the 2011 cosmetology instructor seminar for Lakeitha Carter. She has already attended the 2012 seminar.

MOTION made by June Hucceby and seconded by Nina Coppinger to deny her request for an extension. Motion carried unanimously.

Request for extension from the 2012 cosmetology instructor seminar for Melanie Branham. She has submitted a statement from her physician.

MOTION made by June Hucceby and seconded by Muriel Smith to request for additional information and to defer until such information is received. Motion carried unanimously.

Request for extension from the 2011 cosmetology instructor seminar for Rebecca Huskey. Her father passed away.

MOTION made by Nina Coppinger and seconded by Muriel Smith to deny her request for an extension. Motion carried unanimously.

Request for extension from the 2009 cosmetology instructor seminar for Linda Dunbar to 2013. She has submitted a statement from her physician that she was under his care from 2009 to 2011.

MOTION made by June Hucceby and seconded by Nina Coppinger to deny her request for an extension. Motion carried unanimously.

Request for extension from the 2012 cosmetology instructor seminar for Tamica Lewis. She has submitted a statement from her physician.

MOTION made by June Hucceby and seconded by Muriel Smith to grant her an extension for one (1) year. Must attend seminar in 2013. Motion carried unanimously.

Request for extension from the 2012 cosmetology instructor seminar for Eric Sharp. He was just upgraded in 2010.

MOTION made by Nina Coppinger and seconded by June Hucceby to grant an extension for one(1) year. Must attend seminar in 2013. Motion carried unanimously.

Request for extension from the 2011 cosmetology instructor seminar for Cassandra Duvall. Her house was struck by a tornado and she has provided insurance verification information.

MOTION made by Nina Coppinger and seconded by Walker to grant her an extension for one (1) year. Motion carried unanimously.

MISCELLANEOUS REQUESTS

Christopher West appear before the board to request to sit for the Tennessee cosmetology exam. Mr. West was convicted of a felony.

MOTION made by Muriel Smith and seconded by Rufus Hereford to allow Mr. West to sit for the exam upon receiving a signed agreed order of license probation for two (2) years and to

allow Attorney Powers to approve application when all of paperwork is received. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of manicurist license for Minh Tran license from North Carolina and Washington. Certification verifies 500 hours of instruction in the manicure curriculum and initial date of licensing.

MOTION made by Nina Coppinger and seconded by Pearl Walker to grant reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license for Caitlin Springer from Florida submitted without transcript showing the hours of instruction received.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request a copy of the applicant's transcript and authorize Attorney Powers to approve when she receives transcript. Motion carried unanimously.

Application for reciprocity of aesthetician license from Oklahoma for Angela Dixon. Certification verifies 600 hours of instruction in the aesthetician curriculum, but no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Pearl Wormsley that applicant will be required to complete 150 hours of instruction in the aesthetician curriculum and sit for the Tennessee aesthetician exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from Texas for Tina Hansen. Certification verifies 1200 hours of instruction in the cosmetology curriculum, but no five (5) year work history submitted.

MOTION made by Coppinger and seconded by Pearl Walker that applicant will be required to complete 300 hours of instruction in cosmetology curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of manicurist license for Lisa Tran from Georgia. Certification verifies 525 hours, but no five (5) year work history submitted.

MOTION made by Muriel Smith and seconded by June Hucceby that applicant will be required to complete 75 hours of instruction in the manicurist curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology license for Maria Quezada from Mexico. Ms. Quezada submitted copies of cosmetology diplomas and a school transcript verifies 480 hours of instruction in the cosmetology curriculum.

MOTION made by Nina Coppinger and seconded by Rufus Hereford that applicant will be required to complete 1020 hours of instruction in the cosmetology curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Jessica Jones. Certification verifies 1200 hours of instruction, but no five (5) year work history.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to complete 300 hours of instruction in the cosmetology curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Loretta Leda. School transcript from Florida verifies 260 hours of instruction in the aesthetician curriculum, but no five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Janet Wormsley that applicant will be required to complete 490 hours of instruction in the aesthetician curriculum and sit for the Tennessee exam. Motion carried unanimously.

RECIPROCITY APPLICATIONS CONT.

Application for reciprocity of aesthetician license for Xuan Hoang from California with 600 hours of instruction in the aesthetician curriculum. No five (5) year work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to complete 150 hours of instruction in the aesthetician curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Nhu Bui received by endorsement from Vietnam. No five (5) year work history submitted.

MOTION made by June Huckleby and seconded by Nina Coppinger to defer until November meeting to verify more hours from Georgia and to check whether or not she has taken an exam in Georgia. Motion carried unanimously.

Application for reciprocity of aesthetician license from Colorado for Hannah Dowbiggin. Certification verifies 20 credits equal 600 hours of instruction in the aesthetician curriculum, but no five (5) years work history submitted.

MOTION made by Muriel Smith and seconded by Pearl Wormsley that applicant will be required to complete 150 hours of instruction in the aesthetician curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology apprentice from Georgia for Binh Bui.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request additional information from Georgia and to defer until the requested information is received. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Thanh Dang. School transcript verifies 1500 hours of instruction in the cosmetology curriculum.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant applicant Reciprocity. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Christina Colandrea. Certification verifies 1000 hours of instruction with partial work history submitted.

MOTION made by Nina Coppinger and seconded by Pearl Walker that applicant will be required to complete 500 hours of instruction in the cosmetology curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology license for Kelly Duggan. School transcript from Florida verifies 1507.93 hours of instruction in the cosmetology curriculum.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant applicant Reciprocity based on the transcript she submitted. Motion carried unanimously.

Application for reciprocity of aesthetician license from Alaska for Nancy Lam. Alaska requires 350 hours of instruction in the aesthetician curriculum and partial work history as nail technician

MOTION made by Nina Coppinger and seconded by Pearl Walker that applicant will be required to complete 400 hours of instruction in the aesthetician curriculum and sit for the Tennessee exam. Motion carried unanimously.

MISCELLANEOUS REQUESTS

Lori Moss – Her application for original license is six months expired. She is requesting that the Board waive the retesting due to medical issues.

MOTION made by Muriel Smith and seconded by Nina Coppinger that applicant will be required to provide a doctor's letter and to allow Attorey Powers to approve application if the information/documentation is sufficient. Motion carried unanimously.

Devonia Hart – Retired her license in 2011, without knowing that if she wanted to reinstate her license that she would have to retest. She is requesting that the retesting be waived.

MOTION made by Muriel Smith and seconded by Nina Coppinger to approve request and waive examination. Motion carried unanimously.

Trisha Sobczak (Logan) retired her license in 2009 because she moved to Georgia. She was unaware that if she wanted to reinstate her license that she would have to retest. She is requesting that the retesting be waived.

Motion made by Coppinger and seconded by Smith to deny the request. Motion carried unanimously.

Legal Counsel, Rachel Powers requested the board's permission to authorize her to approve reciprocity applications if all required documentation submitted by the applicant is sufficient to meet the state's statutory requirements.

MOTION by Nina Coppinger and seconded by Rufus Hereford to permit Attorney Powers approval of reciprocity applications. Motion carried unanimously.

Questions for the Board-

NO MOTION REQUIRED.

Q. Is a person allowed to use a foot pedal controlled drill?

Decision: To take under investigation by legal to determine if this is regulated by the board rules.

Q. Are cosmetologists still allowed to perform facial hair grooming with clippers and scissors?

Decision: Yes.

Q. Are cosmetologist allowed to remove facial hair with clippers or scissors? [The person stated that they are fully aware that the use of razor by cosmetologist is prohibited, but wanted clarification on the clippers and scissors].

Decision: Yes.

Q. Would a shop performing the following need a Cosmetology Shop License?

- Nail painting
- Light glittery makeup such as lipstick, eye shadow, and blush
- Hairstyling including hair chalk, glitter spray, braid, twisting and pinning

Decision: Yes, they would need to set up a full cosmetology shop and complete an application.

Q. Would a person performing the following in a photography studio be required to have a cosmetology license?

- Flat ironing and curling of hair (no washing, blow drying or cutting)
- Applying foundation and make-up products with disposable applicators (no skincare, nails, exfoliating or anything for that nature.

Decision: No license is required as this activity falls in a listed exemption.

Q. Would a salon need to employ a licensed nail tech if they were going to offer nail painting (paint only) to its children?

Decision: Yes – needs to be licensed.

Q. Is a nail technician allowed to use a pedicure peel without an Aesthetician license?

Decision: Board members requested additional information.

OTHER REQUESTS

Vatterott Career College is requesting approval from the board to allow its students to dress down on Fridays.

Decision: It is up to the school.

A request was received from a salon to allow a portable sink to be used in their skin care department.

Decision: This is okay as it has been approved in the past by the board.

Paul Mitchell – Knoxville is requesting hours for 10 of their students to be permitted to assist Jay Price from JPMS at a hair boot camp in Gatlinburg, Tennessee on October 15th and 16th. The request states that they will be sweeping the floors, stage set-up, etc.

MOTION made by June Hucceby and seconded by Nina Coppinger to approve hair Boot Camp. Motion carried unanimously.

OTHER REQUESTS CONT.

Q. Volunteer Beauty Academy would like to know if students High School hours are exempt

From the 7 year completion of coursework requirement?

Decision: NO

MISCELLANEOUS--- FORMS

MOTION made by Nina Coppinger and seconded by June Hucceby for approval of new shop inspection and Notice of Violation forms.

Motion carried unanimously to approve Notice of Violation form and Cosmetology shops inspection form.

FIELD TRIP REQUESTS

Empire Beauty School-Colonial --- Student Salon – October 8, 2012 – 10:00 AM – 4:00 PM. To the Memphis Airport Hotel and Conference Center.

MOTION made by June Hucceby and seconded by Nina Coppinger to approve Field Trip.

COSMETOLOGY CONSENT ORDERS- OCTOBER 2012

Angel's Nails
2131 Sycamore View
Memphis, TN 38134

Violation issued May 18, 2012
Pd \$500.00 on 08-30-2012

Anjo's and Jenny's
87 North Lowry Street
Smyrna, TN 37167

Violation issued June 19, 2012
Pd \$500.00 on 09-14-2012

William Edge Salon Spa
5014 Spedale Court
Spring Hill, TN 37174

Violation issued December 13, 2011
Pd \$500.00 on 09-20-2012

Fashion Nail Spa
1335 Oak Ridge Turnpike
Oak Ridge, TN 37830

Violation issued February 25, 2011
Pd \$2,000.00 on 08-08-2012

Glamorous Nails
1745 Galleria Blvd., Suite 1010
Franklin, TN 37064

Violation issued May 15, 2012
Pd \$500.00 on 09-13-2012

Glamour Nails
658 Nashville Pike
Gallatin, TN 37066

Violation issued February 1, 2012
Pd \$1,000.00 on 09-26-2012

Happy Nails
708 17th St., Suite #4
Cleveland, TN 37311

Violation issued August 18, 2012
Pd \$750.00 on 08-24-2012

Holly's Nails 1031 West Main St. Lebanon, TN 37087	Violation issued September 29, 2011 Pd \$500.00 on 08-16-2012
Hollywood Nail 1790 Tiny Town Road, Suite D Clarksville, TN 37042	Violation issued June 20, 2012 Pd \$1,250.00 on 09-19-2012
Ingrid's Nails 433 Cotton Lane Nashville, TN 37211	Violation issued April 18, 2012 Pd \$500.00 on 09-13-2012
Jenny Lee Academy of Cosmetology 222 East Unaka Avenue Johnson City, TN 37601	Violation issued July 5, 2012 Pd \$500.00 on 09-05-2012
Lady Beautiful 407 Venus Place Murfreesboro, TN 37130	Violation issued April 25, 2012 Pd \$1,000.00 on 08-16-2012
Larry's Nails 2400 Madison Street #6 Clarksville, TN 37043	Violation issued July 5, 2012 Pd \$500.00 on 09-10-2012
Luxy Nails & Salon 1019 Crossing Blvd. Spring Hill, TN 37174	Violation issued May 10, 2012 Pd \$500.00 on 08-30-2012
Magical Nails 1741 South Rutherford Blvd. Suite O Murfreesboro, TN 37130	Violation issued September 21, 2011 Pd \$1,000.00 on 08-03-2012
Monee's Designs 301 E. 9 th Street Columbia, TN 38401	Violation issued November 17, 2011 Pd \$250.00 on 07-11-2012
Nail & Spa 1889 Louisville Road Alcoa, TN 37701	Violation issued May 11, 2012 Pd \$750.00 on 09-05-2012
Nail Envy 509-C South Broadway Portland, TN 37148	Violation issued May 30, 2012 Pd \$1,000.00 on 09-19-2012

Nail Trix 2801 Wilma Rudolph Blvd. #790 Clarksville, TN 37040	Violation issued June 20, 2012 Pd \$750.00 on 09-12-2012
Nails Desire 1782 West Northfield Blvd. Murfreesboro, TN 37219	Violation issued January 24, 2012 Pd \$500.00 on 09-18-2012
Nails So Happy 1705 #301 West Main Street Lebanon, TN 37087	Violations issued May 10, 2011 & December 2, 2011 Pd \$1,000.00 on 08-22-2012
Nails So Happy 1650 Lee Victory Pkwy Smyrna, TN 37167	Violations issued March 29, 2011 & September 30, 2011 Pd \$2,000.00 on 08-22-2012
Roses' Nails 1797 S. Third Street Memphis, TN 38109	Violation issued March 4, 2011 Pd \$4,000.00 on 08-01-2012
Sassy Nails 725 Parkway #5 Sevierville, TN 37862	Violation issued March 2, 2012 Pd \$500.00 on 07-30-2012
Tangerine, Inc. 845 North Thompson Lane Murfreesboro, TN 37129	Violation issued June 6, 2012 Pd \$750.00 on 09-05-2012

MOTION made by June Huckleby and seconded by Muriel Smith for approval of all Consent Orders. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

RE-PRESENTED MATTERS:

1. **201102613-1**
First License Obtained: 08/13/2008
License Expiration: 08/31/2014
History: No Prior Complaints

This matter was presented at the November 7, 2011 board meeting as follows: *August 3, 2011 Notice of Violation alleges that two (2) unlicensed individuals were observed practicing*

manicuring in a licensed manicure shop. In addition, the inspector alleges that individuals performing services in the shop were reusing buffers and files on shop clients and that the floors in the shop were unclean.

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

A letter from the Respondent's counsel was sent to the Office of Legal Counsel requesting a reduction of the civil penalty from \$1,000.00 to \$500.00 citing no prior violations. Upon reviewing the file along with evidence available, it is the opinion of the litigation counsel to approve the request.

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

- 2. 201102495-1**
First License Obtained: 10/24/2003
License Expiration: 11/30/2012
History: No Prior Complaint

The above-cited case was previously presented at the November 7, 2011 meeting where the board authorized a formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty for operating the shop with an expired license. Board office records indicate that an application for a change of location was approved on 12/20/11. The area inspector advised the shop was under a solo ownership when the change of location was made. Furthermore, the Respondent contacted the office of legal counsel and advised that he would like to settle the case and pay the assessed civil penalty; however, prior to the completion of such settlement, the owner of the shop passed away. It is the opinion of both board and litigation counsel that this matter be closed.

Recommendation: Close the case and send a request to the area inspector to visit the shop.

REGULAR REPORT:

- 3. 201201712-1**
First License Obtained: 10/25/2006
License Expiration: 10/31/2013
History: 201102579-1 Formal Charges Authorized

A July 16, 2012 consumer complaint alleges the Complainant contracted staph infection from a pedicure service she received at the Respondent shop. The Complainant states she was diagnosed with cellulitis due to the spread of infection to her legs resulting from the pedicure and further

provided medical records in support of her condition. The Respondent shop was served with a notice of the complaint, but failed to respond.

Recommendation: Close with a letter of warning for the failure to respond, request an area inspector to visit the shop and flag file.

4. **201201872-1**
 First License Obtained: 08/30/1991
 License Expiration: 03/31/2014
 History: No Prior Complaints

An August 16, 2012 Notice of Violation alleges the area inspector observed the shop open for business and offering services with an expired shop license displayed. Board office records indicate that the shop license in question was renewed on 8/17/12.

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

5. **201201873-1**
 First License Obtained: 06/09/2011
 License Expiration: 05/31/2013
 History: No Prior Complaints

An August 16, 2012 Notice of Violation alleges the area inspector observed a licensed aesthetician performing manicure services in a licensed manicure shop. Further, the inspector stated that the individual holds a manicurist license from the State of Texas, but is not licensed in Tennessee to perform such services. According to the Board licensing records, no reciprocity application for a manicurist license has been received from the individual as of this date of this report.

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

6. **201201874-1**
 First License Obtained: 06/09/2011
 License Expiration: 05/31/2013
 History: No Prior Complaints

An August 16, 2012 Notice of Violation alleges the area inspector observed that the managers cosmetology license for the licensed cosmetology shop had expired. The area inspector states that the shampoo bowl was disconnected in the hair salon section of the shop. Further the inspector found no sink in the aesthetics room and a dirty five-in-one machine with brushes and

metal electrodes left out uncovered. Board office records indicate that the cosmetology shop is now closed for business.

Recommendation: Close and flag.

7. **201201875-1**
First License Obtained: 12/02/2010
License Expiration: 10/31/2012
History: No Prior Complaints

An August 16, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist performing services when her license had expired. She was also wearing an identification name tag that belonged to another licensed cosmetologist. According to the area inspector, the owner of the shop admitted that when he made the tags, he made them with the wrong names and license numbers.

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

8. **201201876-1**
First License Obtained: 09/27/2007
License Expiration: 09/30/2013
History: No Prior Complaints

An August 17, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist (the owner of the shop) styling a client's hair with no personal license posted in the shop. Further, the area inspector observed two (2) individuals providing cosmetology services to clients in the Respondent shop with expired licenses and no identification tags. Board office records indicate that all licenses have been now renewed.

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

9. **201201877-1**
First License Obtained: 04/18/2007
License Expiration: 04/30/2013
History: 201102345-1 Closed and Flagged 12/06/11

An August 17, 2012 Notice of Violation alleges the area inspector observed the owner of the shop cutting a client's hair without a valid cosmetology license in an unapproved location. Board office records indicate that the owner of the shop submitted an application on 7/09/12 and such application is still pending as of the date of this report.

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

10. 201201878-1

First License Obtained: N/A

License Expiration: N/A

History: 201200921-1 Closed 06/08/12 with a Cease and Desist advisory notice

An August 16, 2012 Notice of Violation alleges the area inspector observed an individual practicing cosmetology in an unlicensed shop. The inspector advised that the shop is a wig store, but the customer who received the service did not have a wig. He further noted that there were two other work stations set up for service.

The Board previously issued a cease and desist advisory notice relative to this matter in June 2012. Board office records indicate no shop application has been received as of this date of this report.

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

11. 201201879-1

First License Obtained: 12/04/2009

License Expiration: 10/31/2013

History: 201100067-1 Closed 04/11/11 w/\$500.00 CP Satisfied

An August 7, 2012 Notice of Violation alleges the area inspector observed an unidentified individual practicing cosmetology in a licensed shop without a valid board-issued cosmetology license.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

12. 201201636-1

First License Obtained: 12/20/2004

License Expiration: 12/31/2012

History: No Prior Complaints

A July 3, 2012 complaint filed against the Respondent shop alleges the shop is a very unsanitary environment. The Complainant states the shop rugs throughout the building are covered with hair. The Complainant further states the Respondent shop reuses pedicure tools and implements without proper sanitation and that the shop created the inspection letter posted at the front door. A response from the owner of the Respondent shop states the Complainant was a prior employee

whose services at the shop were discontinued after a disagreement with the shop manager regarding performance. Further, the owner of the shop denies all allegations and advises that the shop grade inspection scores have continually been 95 and above. The response further states that the shop is in compliance with the board's sanitation rules and the Complainant's statements are false.

Recommendation: Close with a request for the area inspector to perform a follow-up inspection.

- 13. 201201707-1**
First License Obtained: 09/18/1995
License Expiration: 08/31/2014
History: No Prior Complaints

A July 9, 2012 consumer complaint alleges the Complainant was dissatisfied with the haircut she received from a licensee at the Respondent shop. The Complainant further alleges that the licensee ran an electric razor up the back of her head, did not put a towel on her neck, used a dirty brush, and further poked her in the eye with a rat tail comb. The Complainant also states the floors were dirty and there were rat holes in the baseboards and walls. A response to the complaint received from the licensee's counsel states that the Complainant did not express any discontent with her haircut at the time of service and paid a tip to the licensee with her payment. Further the licensee denies the allegations of using an electric razor, a dirty brush, or a rat-tail comb on the Complainant and provides that the shop's grade score was 98 at its last annual inspection. Further the licensee is offering the Complainant a refund.

Recommendation: Close with no action.

- 14. 201201705-1**
First License Obtained: 03/18/1994
License Expiration: 09/01/2013
History: 200601299-1 Closed 01/08/07 w/ L.O.W
200707397-1 Closed 11/05/07 w/ no action
200708521-1 Dismissal w/ no action
200800618-1 Dismissal w/ no action
200902556-1 Closed 10/11/10 w/ no action

A July 9, 2012 consumer complaint filed by a former student alleges that the school took three (3) weeks to send her paperwork to PSI to test and that the school employee who handled her file handled the matter with incompetence and a lack of care. A response to the complaint received from the student service coordinator (the "employee") at the Respondent school states that this delay occurred during the PSI processing switch. The employee further states that when she mailed the student's package to PSI she did not include her record of completion form and after finding out she promptly faxed the requested form. The respondent states that the PSI process is

much more efficient and helpful and further that it has accelerated the application process. This complaint fails to provide sufficient proof of a violation of the Cosmetology Act.

Recommendation: Close with no action.

15. 201201763-1

First License Obtained: 04/16/2007

License Expiration: 08/31/2013

History: 201200398-1 Closed 03/27/12 w/\$500.00 CP Satisfied

An August 2, 2012 Notice of Violation alleges the area inspector observed an individual providing manicuring services to a client without a valid license. The inspector further found dirty files in the drawers. Board office records indicate no application has been received from the individual as of the date of this report.

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

16. 201201757-1

First License Obtained: 05/13/2010

License Expiration: 04/30/2014

History: No Prior Complaints

An August 1, 2012 Notice of Violation alleges the area inspector observed a stylist servicing a client without a valid license posted in the Respondent shop. The area inspector further found three (3) work stations with expired licenses posted and a work station with improperly stored tools and implements.

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

17. 201201961-1

First License Obtained: 05/20/1999

License Expiration: 05/31/2013

History: 200603930-1 Closed 02/05/07 w/\$250.00 CP Satisfied

200902072-1 Closed 12/28/10 w/\$1,000.00 CP Satisfied

An August 15, 2012 Notice of Violation alleges the area inspector found a bottle of nail liquid containing methyl methacrylate (MMA) in a licensed manicure shop. A response to the Notice of Violation along with several purchase receipts and pictures of the (MMA) bottle were received from the owner of the shop. The response states that the bottle was wrongly purchased by the

shop owner's husband along with several other supplies. She fully aware that using such product is a violation of the law and never intended to use such product in her shop and that the bottle was kept closed with the intention of returning it. She is very upset with her husband for this mistake, apologizes for his actions and has stated she will never again allow him to purchase shop supplies.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

- 18. 201201960-1**
First License Obtained: 05/13/2010
License Expiration: 03/31/2014
History: No Prior Complaints

An August 16, 2012 consumer complaint filed by the consumer's medical physician (the "Complainant") alleges the patient (the "consumer") contracted Hepatitis B after a manicure service she received on April 20, 2012 at the Respondent shop. The Complainant alleges the consumer did blood work in March 2012 prior to her manicure service without any significant risk factors for Hepatitis B. The Complainant stated that he believes the consumer acquired her infection through some infected individual at Respondent shop. The Complainant further states the consumer indicated to him that the instruments used on her were pulled out of a blue liquid and were not removed from a sterilized bag. A response to the complaint from the Respondent shop states, the shop does not use any tools that could puncture anyone. The technicians first clean tools with alcohol and then put tools into a UV autoclave to sterilize where each work station has its own autoclave prior to use. The Respondent shop further states the only blue liquid used is by the sink for customers to scrub their nails before painting, which is a sanitizer and is never used to clean instruments. The Respondent shop states that they contacted the Center for Disease Control who advised it takes an average of 7 to 15 weeks from onset of exposure to show up in the blood work which leads them to believe that she might have been contracted Hepatitis B before visiting the shop. The shop received a grade score of 100 at the last inspection.

Recommendation: Close and flag.

- 19. 201201842-1**
First License Obtained: 08/30/12
License Expiration: 07/31/2014
History: No Prior Complaints

An August 8, 2012 complaint filed against the Respondent shop alleges that after the Respondent resigned as an employee from the Complainant's shop she intentionally started to ruin the reputation of the shop by posting offensive comments on her website and other social networks disparaging the shop and its reputation. The Complainant states the Respondent's behavior is a terrible reflection for anyone in the cosmetology industry and further states the sheriff's department was called for investigation and a civil lawsuit is being initiated. A response to the complaint received from the Respondent states she left the Complainant's salon to open up hers

for better opportunities and further that she has no knowledge of the slander or offensive posting allegations. This complaint fails to provide a sufficient proof of a violation of the Cosmetology Act.

Recommendation: Close with no further action.

- 20. 201201963-1**
First License Obtained: 06/28/1999
License Expiration: 09/07/2012
History: No Prior Complaints

An August 22, 2012 Notice of Violation reports that a full service cosmetology shop was open for business when the shop license expired 10/31/11. Further, the area inspector found the shop owner's personal license was expired. No services were being provided at inspection time. Board office records indicate that both licenses have been now renewed.

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

- 21. 201201970-1**
First License Obtained: 06/29/1995
License Expiration: 08/31/2013
History: No Prior Complaints

An August 30, 2012 Notice of Violation alleges the area inspector observed the owner of the shop cleaning the shop while the shop license has been expired since 8/31/11. No services were being provided at the inspection time. Board office records indicate the shop license has been now renewed.

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

- 22. 201201971-1**
First License Obtained: 12/06/2010
License Expiration: 11/30/2012
History: No Prior Complaints

An August 30, 2012 Notice of Violation alleges the area inspector observed an individual displaying a barber license from the State of Virginia while styling a client's hair in the Respondent cosmetology shop without a valid board-issued license. According to departmental licensing records the individual has applied for a barber reciprocity license.

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

- 23. 201201973-1**
First License Obtained: 04/05/2001
License Expiration: 04/30/2013
History: 200502142-1 Closed 02/06/06 w/\$500.00 CP Satisfied
201200224-1 Closed 05/14/12 w/L.O.W
201201640-1 Closed 08/07/12 with no action

An August 31, 2012 Notice of Violation alleges the area inspector observed an individual performing services in the Respondent shop without a valid license. The area inspector also observed a licensed manicurist working without wearing an identification tag. The area inspector observed nail dusters improperly stored and inadequate wet sanitizer in the back sink.

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

- 24. 201201847-1**
First License Obtained: 01/18/2007
License Expiration: 12/31/2012
History: No Prior Complaints

An August 6, 2012 consumer complaint received from the Tennessee Department of Consumer Affairs alleges the Complainant was dissatisfied with the hair color service she received at the Respondent shop. The Complainant states she requested to get her hair highlighted blonde; however at the end of the service her hair was bright red. The Complainant states she asked for a refund and her request was denied and further advised of plans to file a civil lawsuit. A response to the complaint was received from the owner of the shop, stating that before performing the service on the Complainant she explained there was no guarantee to get her hair as light as she wanted in one (1) service and that it would take several attempts to get all the dark out. Further, the owner states that at the end of the service the hair was a very pretty pale blonde with a red base that the Complainant requested. The respondent explained to the Complainant that at the next service she could go lighter and further offered a free shampoo to make her happy.

Recommendation: Close with no further action.

- 25. 201201666-1**
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A July 19, 2012 Notice of Violation alleges the area inspector observed an individual performing cosmetology services in an unlicensed wig shop without a valid cosmetology license. A response to the Notice of Violation included a video of surveillance of the inspection in question, which does not provide conclusive evidence to either prove or deny the allegations set forth in the Notice of Violation. Further the response provided by the shop's counsel, states that both the owner and the employee vehemently dispute the allegations alleged, and additionally explains that the chair and station located in the shop is solely for clients use when purchasing wigs from the store.

Recommendation: Issue a Cease and Desist advisory notice and close.

26. 201201655-1

First License Obtained: 07/07/2004

License Expiration: 06/30/2014

History: 200503733-1 Closed 12/05/05 w/\$500.00 CP Satisfied

A July 6, 2012 Notice of Violation alleges the area inspector observed a licensed manicurist was providing a pedicure service to a client without wearing the proper identification tag. The area inspector further found five (5) work stations with dirty drill bits and nail dusters which were improperly stored. The owner of the shop (who is also the manager) was not present at the time of inspection.

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

27. 201201968-1

First License Obtained: 10/28/2010

License Expiration: 09/30/2012

History: 201102490-1 Closed 01/04/12 with a Cease and Desist;

An August 28, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist (who is also the owner and the manager of the shop) applying color to a client's hair without wearing an identification tag. The area inspector found no shop license or grade posted in the Respondent shop.

Recommendation: Issue a letter of warning with a request for the area inspector to perform a follow up inspection in thirty (30) days.

28. 201201965-1

First License Obtained: 04/02/2012

License Expiration: 03/31/2014

History: No Prior Complaints

An anonymous complaint filed on August 22, 2012 alleges the following: (1) the licensed aesthetician who is listed as the manager for the Respondent shop is not the actual manager, but the licensee signed the shop application as manager so the owner could open the shop in exchange for a raise every three (3) months; (2) someone broke into the back door of the shop and urinated and poured alcohol on the wax beads that are currently being used for waxing; and (3) the water in the restrooms and the wax room gets lukewarm. Various other allegations in the complaint are not noted because they are not subject to board regulation. A response to the complaint received from the Respondent's counsel denies all the Complainant's allegations stating: (1) the licensed aesthetician manager is the wax specialist manager; (2) it was never determined what was put into the wax bins and further 70% of the wax in the container was discarded and the additional 30% was used only after being tested on the owner of the shop; (3) the response further denies the any evidence of urine being present after the break in and vandalism and as a precautionary measure discarded the container where the wax was stored; and (4) the shop has a new hot water heater and received a 100 at the pre-opening inspection. The Respondent further provides the shop's sanitation and safety standards procedures and each employee's license.

Recommendation: Close with no further action.

29. 201201958-1

First License Obtained: 12/16/2006

License Expiration: 09/01/2013

History: 200901374-1 Closed 12/06/10 with no action

200901658-1 Closed 12/09/09 with no action

200901867-1 Closed 01/04/10 w/\$1,000.00 CP satisfied

An anonymous consumer complaint filed on July 27, 2012 alleges the Complainant was dissatisfied with the pedicure and relaxer service received at the Respondent school because of the school was out of several products to perform such service. The Complainant further alleged among other things several cosmetology violations including; but not limited to, no working pedicure chairs; two (2) sinks leaking water on the floors; no clean towels; dirty work stations; and hair left on the floors. The Complainant states the students were not in uniform, student service was rude and the entire experience was very unprofessional. A response to the complaint received from the school states the Complaint's allegations are vague. The school further states all students are governed by the College's general conduct policy which provides the school's rules, regulations and expectations that all students to conduct themselves in a professional manner. Further, the school states a grade score of 90 was received and the 10 points deducted was a result of un-sanitized floors, walls, and air vents. The school states that a member of the school's corporate Internal Audit team visited to conduct a rigorous review (enclosed with the school's response) regarding the salon and related facilities – such review demonstrates the school was in compliance, but noted the foot bath was “very dirty”.

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

MOTION made by Muriel Smith and seconded by Nina Coppinger approval of the legal report as recommended by counsel. Motion carried unanimously.

ADJOURNMENT-

MOTION made by Nina Coppinger and seconded by Muriel Smith to adjourn. Motion carried unanimously.