

## **MINUTES**

The Tennessee State Board of Cosmetology Held a meeting November 5, 2012 at 9:00 am in Nashville, Tennessee.

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

Others present were: Bill Giannini, Assistant Commissioner, Laura Betty, Chief General Counsel, 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.

### **MINUTES-**

Minutes for the October 1, 2012 board meeting submitted for change and/or approval.

MOTION made by June Hucceby seconded by Muriel Smith to table the October 1, 2012 minutes until hard copy is received. Motion carried unanimously.

### **APPEAR BEFORE THE BOARD-**

Assistant Commissioner Bill Giannini appeared before the board to discuss the department's continuity plan for the day to day management of the board's administrative office and answered questions from members of the board.

Ted Raynor counsel for the Memphis European Wax Center, Chattanooga, TN

Mr. Raynor and his client Ms. Libsey James owner of EWC appeared before the board to seek clarification of Rule 0440-2-.07(2) of the Cosmetology Rules and further to request the board's approval of the EWC prototype. Mr. Raynor stated that several EWC shops in Memphis, TN were previously advised by the area inspector to install one (1) sink in each work area totaling six (6) sinks in addition to the bathroom. Mr. Raynor further stated that the proposed EWC prototype as presented meets the requirement in the rule for installation of one (1) sink in the work area excluding the bathroom. Mr. Raynor requested the board's approval for the EWC prototype.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to approve Mr. Raynor's proposal and the EWC prototype as presented. Vote: 3-Nays/ 2 Yeas

Ms. Rachel Powers counsel for the board advised that one (1) work area sink (excluding the bathroom in a skin care shop is sufficient to meet the requirements set forth in Rule 0440-2-.07(2) of the Cosmetology Rules and further compared this rule to the manicure shop rule which is enforced similarly by the board.

Ms. Linda Colley, Board Chairman called again for voting roll. Vote: 4-Yeas/ 1 Nay to approve the EWC prototype request made by Mr. Raynor.

Katrina Stuart was called, but she was not present at the meeting.

Ms. Powers, counsel for the board advised members of the board that Ms. Stuart requested to appear before the board to discuss her application and prior criminal charges. Board members deferred the request until information is received.

Kimberly Kostic (a licensed cosmetologist) appeared before the board to request permission from the board to provide manicuring, pedicuring and styling services to children during birthday parties for entertainment and fun. Ms. Kostic stated there would be no cutting or waxing and further that such services would be performed in a residence or a hotel room. Ms. Kostic further mentioned “spa-like” a mobile services proposal that was approved by the board to provide manicuring services to children for entertainment during birthdays parties. Members of the board advised Ms. Kostic that pursuant to the Rules mobile salons are prohibited, as well as, any cosmetology or manicure service performed outside of a shop or school. The board also explained the request was different than the previous proposal made to the board.

MOTION made by Muriel Smith and seconded by Nina Coppinger to deny the request and that, unless exempt, cosmetology services must be performed only in a licensed shop/establishment. Motion carried unanimously.

Narkeitha Holt appeared before the board to present her proposal for a mobile salon in Tennessee. Ms. Holt submitted a pamphlet to members of the board which detailed how the mobile salon would be operated, the laws that would need to be instituted to govern it, including examples of laws from various states, a letter from a Representative which approved the proposal and a request to the board to adopt the same laws and rules for mobile salons as presented. Ms. Holt also argued that approval of mobile salons in the state of Tennessee would generate money for the state and requested the board’s approval.

MOTION made by Muriel Smith and seconded by Nina Coppinger to take no action until the current law/rule is changed. Motion carried unanimously.

Members of the board advised Ms. Holt that a statutory change by the legislation is required prior to permitting her a license to operate a mobile salon in Tennessee.

MOTION made by Nina Coppinger and seconded by Muriel Smith to deny Ms. Holt's request for approval of a mobile salon pursuant to Rule 0440-2-.07(7) of the Tennessee Rules of Cosmetology. Motion carried unanimously.

### **COSMETOLOGY SCHOOLS-**

Application for change of name for Love Beauty School to Love Beauty School, Inc.

MOTION made by Muriel Smith and seconded by Rufus Hereford for approval of the change of name application as presented. Motion carried unanimously.

### **APPLICATIONS FOR EXAMINATIONS-**

Applications for examination for Shannon Agnew, Esther G. Franklin, Stephanie Elaine Morris, Amy Smith, Aneta Vileisyte, Charles Webb and Christal Wolfe who have felonies. The required information, disclosure from the student and letter of examination from school attended is submitted.

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

### **INSTRUCTOR SEMINAR EXTENSION REQUESTS-**

Request for extension from the 2012 instructor seminar for Theresa D. Smith due to health issues. Ms. Smith provided a doctor's note, but the note does not provide the dates of her treatment.

MOTION made by Muriel Smith and seconded by June Huckleby to request the date of Ms. Smith's treatment and to table this until December 2012 meeting or until further information is received. Motion carried unanimously.

Request for extension from the 2012 instructor seminar for Sheena D. Felts due to health issues.

MOTION made by Muriel Smith and seconded by Nina Coppinger to approve the request for a one (1) year extension and further provided she must attend the 2013 instructor seminar. Motion carried unanimously.

Request for extension from the 2009 instructor seminar for Dorothy Morris. Ms. Dorothy faxed a letter to the board office to reconsider her extension.

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

### **APPLICATIONS FOR RECIPROCITY**

Application for reciprocity of aesthetician license for JoAnna Stack presented with proof of six hundred sixty (660) hours in the curriculum completed in Montana and a license by reciprocity from North Carolina, but without five (5) years work history.

MOTION made by Muriel Smith and seconded by Janet Wormsley for Joanna Stack to sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Lee Ann Rampula presented with proof of one thousand (1000) hours of instruction in the cosmetology curriculum, but no five (5) years work history.

MOTION made by Muriel Smith and seconded by Nina Coppinger that applicant, Lee Ann Rampulla, will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of aesthetician license presented for Yvonne Harris from Pennsylvania with 360 hours in the aesthetician curriculum and a shampoo apprentice license from Texas, but no five (5) years work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to complete three hundred ninety (390) hours of instruction in the aesthetician curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of aesthetician license from Virginia presented for Darlene Snodgrass with a Certification that verifies six hundred (600) hours from Virginia and a partial work history.

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

Application for reciprocity of manager cosmetologist license from Massachusetts for Jennifer Clarice Connors. Certification verifies one thousand (1000) hours of instruction in the cosmetology curriculum where she was first licensed on 8/24/2004. Ms. Connors submitted work history for only 2008, 2009 and 2010.

MOTION made by Muriel Smith and seconded by June Huckleby that applicant will be required to complete five hundred (500) hours in the cosmetology curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity for a manicurist license presented for Phuoc Nguyen. Mr. Nguyen submitted a Certification of full specialist from Florida with work history for only 2009, 2010 and 2011.

MOTION made by Nina Coppinger and seconded by Muriel Smith that applicant will be required to complete three hundred sixty (360) hours of instruction in the manicurist curriculum and sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of aesthetician license presented from South Carolina for Brittany Mincey. Certification verifies six hundred thirty (630) hours of instruction completed in South Carolina and additional one hundred twenty four (124) hours of instruction in aesthetician curriculum received from Tennessee.

MOTION made by June Huckleby and seconded by Nina Coppinger that applicant will be required to sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of aesthetician license represented from Colorado for Hannah Dowboggin. Ms. Dowboggin provided courses along with Certification verifies that she completed seven hundred fifty (750) hours of instruction in the aesthetician curriculum, no five (5) years work history submitted.

MOTION made by June Huckleby and seconded by Nina Coppinger that applicant will be required to sit for the Tennessee exam. Motion carried unanimously.

Application for reciprocity of cosmetology apprentice from Georgia for Binh Bui was represented. The board has previously requested a research from counsel Powers regarding Georgia apprentice. Ms. Powers stated that an apprentice in Georgia has to complete 3000 apprentice hours in 18 months from an approved apprentice cosmetology shop pursuant to Georgia laws and rules.

MOTION made by Coppinger and seconded by Huckleby to deny the application for reciprocity received by apprenticeship hours. Motion carried unanimously.

Application for reciprocity of Natural Hair stylist from Liberia presented for Joana Siaway. Certification verifies twelve hundred (1200) hours of instruction in the hair stylist curriculum and no five (5) years work history submitted.

MOTION made by June Huckleby and seconded by Muriel Smith that applicant will be required to sit for the Tennessee Natural Hair Stylist exam. Motion carried unanimously.

### **LICENSE RELATED REQUESTS-**

Request for license reinstatement without taking the practical test from Miki E. Goodman due to health issues. Doctor's note provided along with a letter from Ms. Goodman.

MOTION made by Nina Coppinger seconded by June Huckleby to deny the request. Motion carried unanimously.

Request for an extension of five hundred ninety two (592) hours of instruction attended from July 2005 to February 2006 for Princess Sanders due to her father's health issues. The board previously requested a detailed doctor's note which she provided.

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

Request by Dallas McLaird to waive the reexamination requirement as a cosmetology applicant who failed to complete the application process within six month due to a discipleship program attended. Mr. McLaird provided letters and documentation pertaining to his request.

MOTION made by Muriel Smith and seconded by Rufus Hereford to approve with requirement to complete the application within thirty (30) days.

### **MISCELLANEOUS REQUESTS-**

Request for a workshop approval of 2013 instructor seminar from Tennessee State University submitted.

Ms. Linda Colley, Board Chairman stated that the board usually gets a proposal of the contents, hours, breaks, curriculum and the dates according to the rules of cosmetology and that this year they should likely provide for curriculum for phase II of Milady.

MOTION made by Muriel Smith and seconded by Nina Coppinger to table this request until additional information is received. Motion carried unanimously.

Request for field trip approval for a Student Talk Student Competition 2012 from Volunteer Beauty Academy in Dyersburg, TN.

MOTION made by Nina Coppinger and seconded by Janet Wormsely to approve the request. Motion carried unanimously.

Request for field trip approval from Virginia College School of Business and Health for students to research different salons in the county as part of their job search model.

MOTION made by Rufus Hereford and seconded by Nina Coppinger to approve the request. Motion carried unanimously.

Request for field trip approval from Love Beauty School on October 15, 2012 to the Brazilian blowout class at Hotel Preston in Nashville.

MOTION made by June Huckleby and seconded by Nina Coppinger to approve the request. Motion carried unanimously.

Request for field trip approval from Volunteer Beauty Academy in Madison, TN to visit State Beauty Supply in Nashville, TN to allow students to learn about hair care product not used in the school.

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

Request for field trip approval from Sandra Academy for students to visit Helix Hair Academy for an advanced Haircutting Class and Obaji Training.

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

#### **QUESTIONS FOR THE BOARD-**

1. School student hourly daily maximum was discussed and Rule 0440-1-.03(7) and T.C.A. 62-4-120(b) details were reviewed because a school coming to Tennessee would like approval of a three (3) day/ten (10) hour curriculum.

The Members of Board requested to table this until the December 3, 2012 board meeting to wait for a letter to be sent from one of the schools who attended the previous meeting where it was clarified or until further review of past minutes which clarified the rules and law as discussed.

2. Board Policy regarding Transfer of Hours was presented for a change to remove the policy that general hours are only allowed to be transferred once.

MOTION made by Rufus Hereford and seconded by June Huckleby to retract the prior policy that hours only be allowed to be transferred once. Motion carried unanimously.

3. Board Counsel presented a request to the board that the Reciprocity Fee be submitted as a prepaid fee rather than after processing the reciprocity applications. Board Counsel also requested approval to draft a rule to change the fee to be nonrefundable.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to require an application fee to be paid along with the application, as well as, for board counsel to draft nonrefundable language for a rule change. Motion carried unanimously.

### **COSMETOLOGY CONSENT ORDERS- NOVEMBER 2012-**

Bella Nails  
2021 N. Highland  
Jackson, TN 38237

Violation issued March 20, 2011  
Pd \$2,000.00 on 10-26-2011

Elite Nail Spa  
3535 Tom Austin Hwy, Suite 2  
Springfield, TN 37172

Violation issued July 6, 2012  
Pd \$500.00 on 10-22-2012

Expo Nails  
617 C South Cumberland  
Lebanon, TN 37087

Violation issued March 14, 2012  
Pd \$2,000.00 on 10-22-2012

Norma's Beauty Salon  
110 Keith Street  
Cleveland, TN 37311

Violations issued 8-9-11, 11-10-11, 12-9-11  
Pd \$2,000.00 on 10-30-12

Serenity Nail Spa  
210 Franklin Road  
Brentwood, TN 37027

Violation issued August 16, 2012  
Pd \$500.00 on 10-22-12



Spring Nail & Hair Care  
1507 Columbia Avenue  
Franklin, TN 37064

Violation issued August 31, 2012  
Pd \$750.00 on 10-22-12

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. 2012008852-1**  
**First License Obtained: 10/21/2009**  
**License Expiration: 09/30/2013**  
**History: No Prior Complaints**

The above-cited case was previously presented at the June 4, 2012 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. A Consent Order was sent and later the Respondent paid the civil penalty that was recommended by the board for settlement of the case, but the signed Consent Order was never received — several attempts were made to contact the Respondent requesting the signed Order with no success. Board office records indicate the Respondent shop is now closed.

**Recommendation: Close with no further action.**

### **REGULAR REPORT:**

- 2. 201202275-1**  
**First License Obtained: 07/22/2010**  
**License Expiration: 06/30/2014**  
**History: 201201641-1 Closed 8/13/12 w/Cease & Desist advisory notice**

A September 14, 2012 Notice of Violation alleges the area inspector observed a cosmetologist (the owner and manager of the shop) blow drying a client's hair when the shop license had expired on June 30, 2012. Board office records indicate the shop license was renewed on October 3, 2012.

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

3. **201202273-1**  
**First License Obtained: 03/07/2012**  
**License Expiration: 02/28/2014**  
**History: No Prior Complaints**

An August 31, 2012 Notice of Violation alleges the area inspector observed the shop open for business prior to completion of a change of location application and inspection. Further, the inspector observed three (3) stylists practicing on clients at the time of the inspection. Board office records indicate that the change of location application is still pending as of this date.

**Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to complete the change of location inspection within ten (10) days.**

4. **201202132-1**  
**First License Obtained: 11/03/2009**  
**License Expiration: 09/30/2014**  
**History: 201201298-1 Closed w/ letter of warning 08/10/12**

A September 14, 2012 Notice of Violation alleges the area inspector observed an individual using a drill to prepare for acrylic service on a customer with the wrong identification tag and another individual practicing without wearing an identification tag. The inspector also observed five (5) dirty work stations and dirty drills and nail dusters, which were improperly stored. Further, the inspector observed a photo copy of a cosmetology license displayed in the shop.

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

5. **201202129-1**  
**First License Obtained: 04/18/2008**  
**License Expiration: 04/30/2014**  
**History: 201002113-1 Closed and flagged 8/17/11**

An August 29, 2012 consumer complaint brings to the board's attention a complaint that was filed against the Respondent (a licensed cosmetologist) who allegedly has been convicted of several misdemeanors. This complaint was previously closed by the board. The Complainant states that the Respondent has again been arrested of several misdemeanors, each of which reflects poorly on her fitness to continue practicing cosmetology and further submitted copies of the sheriff's office website showing the arrest dates. This complaint fails to provide sufficient proof of a violation of the Cosmetology Act.

**Recommendation: Close with no further action.**

- 6. 201202124-1**  
**First License Obtained: N/A**  
**License Expiration: N/A**  
**History: No Prior Complaints**

An August 31, 2012 Notice of Violation alleges the area inspector observed an individual practicing cosmetology on a client in an unlicensed location. Board office records indicate that an application to license the shop was received on September 27, 2012 and is pending as of this date.

**Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to complete the opening inspection within ten (10) days.**

- 7. 201202131-1**  
**First License Obtained: 08/23/2007**  
**License Expiration: 08/31/2013**  
**History: 200801499-1 Closed 03/23/09 w/\$2,500.00 CP Satisfied**

A September 18, 2012 Notice of Violation alleges the area inspector observed two (2) manicurists working on customers without wearing identification tags in a licensed manicure shop and a manicurist who had no license posted in the shop. The inspector also observed a hot wax machine with all tools necessary to perform waxing, dirty drill bits which were improperly stored and dirty files and buffers in the shop.

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

- 8. 201202147-1**  
**First License Obtained: 03/23/2001**  
**License Expiration: 09/30/2014**  
**History: No Prior Complaints**

A September 24, 2012 consumer complaint alleges the Complainant took her daughter to have highlights retouched at the Respondent shop. The Complainant alleges that a licensee at the Respondent shop allowed the bleach to overlap and over process and that her daughter told the licensee that the chemicals were burning her scalp; however, the licensee put her daughter under the hair dryer which caused more burning. The Complainant further alleges that the licensee did not consult with her to correct the situation, but attempted to cover her mistake with a black hair color which caused more problems. The Complainant's daughter now has scalp burns, blisters and dark yellow color on all the hair regrowth that was to be retouched. A response to the complaint received from the licensee who performed the service on the Complainant's daughter states that she accepted the service and the Complainant signed a permission slip noting the existing color in her daughter's hair may overlap to get the hair as light as mother requested. Further, the licensee states that she did fail and over process the Complainant's daughter's hair.

When she tried to fix the problem, the Complainant and another lady came back into the shop and noticed the problem as well. Then the Complainant became aggressive and insulting and she asked them to speak with her manager in efforts to help. She states the daughter did not mention any scalp sensitivity at the time. She is very embarrassed and states this is not common practice for her. She also gave them a free service with a bottle of silver shine shampoo and further stated that this could be treated with a little more time and patience.

**Recommendation: Close with no action.**

**9. 201202128-1**

**First License Obtained: 03/23/2006**

**License Expiration: 07/31/2013**

**History: 200800201-1 Closed 03/04/08 w/\$1,500.00 CP Satisfied**

A September 12, 2012 Notice of Violation alleges the area inspector observed an individual working on a customer without wearing an identification tag. When the inspector requested the individual provide proof of identity to determine her licensure status, the individual admitted that she was unlicensed.

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

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

**10. 201202141-1**

**First License Obtained: 12/08/2008**

**License Expiration: 01/31/2014**

**History: No Prior Complaints**

A consumer complaint received from the Tennessee Department of Consumer Affairs on September 12, 2012 against the Respondent shop alleges that the Complainant contracted a fungus after a nail service she received at the Respondent shop. The Complainant further states that she suffers severe pain in her finger and may lose her nail according to her doctor. A response to the complaint received from the Respondent shop states the Complainant visited the shop for a nail service and a week later she returned to get one acrylic nail removed prior to visiting a doctor to check on her nail. The Respondent states the Complainant came back again and stated that the doctor's diagnosis report alleged to be a fungus. The Respondent further states that he asked the Complainant to review her doctor's report to assist her with the medical expenses, but she was not cooperative to show him the report.

**Recommendation: Close with no action.**

- 11. 201202278-1**  
**First License Obtained: 04/13/2012**  
**License Expiration: 03/31/2014**  
**History: No Prior Complaints**

An October 4, 2012 Notice of Violation alleges the area inspector observed a licensed master barber cutting hair and waxing eyebrows in a licensed cosmetology shop. Board office records indicate that the master barber does not hold a valid board-issued cosmetology license, further the shop is not dually licensed.

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

- 12. 201202130-1**  
**First License Obtained: 06/10/2011**  
**License Expiration: 06/30/2013**  
**History: No Prior Complaints**

An August 30, 2012 Notice of Violation alleges the area inspector observed an individual performing a pedicure on customer without a valid board-issued license in a licensed manicure shop.

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

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

- 13. 201202234-1**  
**First License Obtained: 05/30/2012**  
**License Expiration: 05/31/2014**  
**History: 201000040-1 Closed 06/29/10 w/\$5,000.00 CP Satisfied (under an old shop license)**  
**201200645-1 Closed 5/11/12 w/letter of warning (under an old shop license)**

An October 10, 2012 consumer complaint alleges the Complainant visited the Respondent shop for a manicure and gel nails service and during such service the manicurist cut the Complainant's cuticles which resulted in bleeding and pain on several fingers. The Complainant states the manicurist did have a sterile cuticle cutter; however alleges that the other equipment used on her nails was unsterile. She further alleges that the polish on her nails was a poor quality. A response to the complaint was received from the owner of the Respondent shop. The owner denies all the Complainant's allegations, stating that they always sterilize the cuticle cutters after each customer. The owner states that he talked to the Complainant on the phone and asked the Complainant to come in to remedy the problem, but she refused and simply requested a refund.

**Recommendation: Close with no further action**

- 14. 201202123-1**  
**First License Obtained: 04/21/2009**  
**License Expiration: 01/31/2013**  
**History: No Prior Complaints**

An August 23, 2012 Notice of Violation alleges the area inspector observed a work station set up for an unlicensed individual in a licensed cosmetology shop. No services were being provided at the time of the inspection. According to the board office licensing records the individual is now licensed.

**Recommendation: Close with a letter of warning.**

- 15. 201202126-1**  
**First License Obtained: 08/15/2012**  
**License Expiration: 07/31/2014**  
**History: No Prior Complaints**

A September 12, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual providing a manicuring service without wearing an identification tag in a licensed manicure shop. Further, the inspector also observed a hot wax machine with all the necessary tools to perform waxing services in the shop.

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

- 16. 201202142-1**  
**First License Obtained: 09/22/2010**  
**License Expiration: 03/31/2014**  
**History: No Prior Complaints**

A consumer complaint received on September 13, 2012 alleges the Complainant and her sister visited the Respondent shop for a pedicure and a manicure service and was dissatisfied with the service received at the Respondent shop. The Complainant states that her sister was given a free design; however, she did not receive what she requested and further the employees at the shop were calling each other by numbers and not by names so she couldn't recognize who promised her the free design from who performed the manicure for her sister. Further, the Complainant states the employee asked to soak her nails in acetone for 30 minutes and promised her that it would make her nail stronger; however, the procedure took longer than 30 minutes and damaged her nails. A response to the complaint received from the owner of the Respondent shop denies all the Complainant's allegations, stating that he never guaranteed her nails would be stronger and further that anyone who had acrylic nails would know that when you take the acrylic off, the nails will have markings from the prior service. Further, the owner states that the Complainant wanted to soak the nails off and he advised her to soak and leave them off so could air out and

recover from acrylic nails and also give her an additional 5% discount to make her happy. Furthermore, the owner states the Complainant called the shop and complained about her sister design and requested a refund; however, he asked her to come back to the shop to get the design she wants with no charge.

**Recommendation: Close with no action.**

- 17. 201202140-1**  
**First License Obtained: 09/10/2012**  
**License Expiration: 07/31/2014**  
**History: No Prior Complaint**

A September 1, 2012 consumer complaint alleges the Complainant (who is also an instructor) was informed by a walk-in client that neither the Respondent shop nor the lady who is cutting hair in the shop are licensed by the board. A response to the complaint sent from the owner of the Respondent shop denies all the Complainant's allegations stating that she is a licensed cosmetologist and she does maintain the proper licenses to operate the shop. Further, the Respondent shop owner states that she has been harassed by the Complainant and filed an Order of Protection against the Complainant. The Respondent shop owner attached pages of such Order detailing the incidents between her and the Complainant. Board office records indicate that the Respondent shop and the Respondent shop owner (both in question) do have current board issued licenses.

**Recommendation: Close with no further action.**

- 18. 201202274-1**  
**First License Obtained: 07/21/2006**  
**License Expiration: 07/31/2013**  
**History: No Prior Complaints**

A September 12, 2012 Notice of Violation alleges the area inspector observed a washer and dryer which were visible to the public in a licensed cosmetology shop. The inspector also observed dirty floors, an unclean work station and an individual practicing in the shop without a valid board-issued license.

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

- 19. 201201967-1**  
**First License Obtained: N/A**  
**License Expiration: N/A**  
**History: No Prior Complaints**

An August 24, 2012 consumer complaint alleges the Respondent is providing facial rejuvenation and acupuncture services without possessing a valid board-issued shop or aesthetician license. The Complainant further alleges there is a lack of sanitation at this salon. No response has been received as of the date of this report.

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

- 20. 201202277-1**  
**First License Obtained: 07/27/2009**  
**License Expiration: 06/30/2013**  
**History: No Prior Complaints**

An October 2, 2012 Notice of Violation alleges the area inspector found a bowl of hot wax and two (2) containers of wax with all tools necessary to perform waxing services in a licensed manicure shop. Further, the inspector observed three (3) manicurists practicing without wearing the proper identification tags — one of the manicurists did not have her license posted in the shop. The inspector also observed dirty work stations with nail dusters, files and buffers improperly stored, several nippers were improperly stored and all licenses were posted at the front wall of the shop.

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

- 21. 201202276-1**  
**First License Obtained: 07/22/2008**  
**License Expiration: 03/31/2014**  
**History: 201200368-1 Closed 04/20/12 w/\$500.00 CP Satisfied**

A September 19, 2012 Notice of Violation alleges the area inspector observed two (2) bottles of nail liquid one of which contained methyl methacrylate (MMA) in a licensed manicure and skincare shop.

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

- 22. 201202127-1**  
**First License Obtained: 11/08/1996**  
**License Expiration: 08/31/2014**  
**History: Violation issued 12/05/97 Paid \$300.00 CP**  
**Violation issued 08/12/98 Paid \$500.00 CP**  
**Violation issued 10/01/98 Paid \$500.00 CP**



**Violation issued 11/15/00 Paid \$300.00 CP**  
**Violation issued 08/27/04 Paid \$800.00 CP**  
**200502731-1 Closed 04/04/06 Paid \$1,000.00 CP**

A September 12, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual performing a pedicure on a customer in the shop. The inspector also observed two (2) manicurists practicing without identification tags, an expired license posted in the shop and improperly stored drill bits. Further, the inspector observed an aesthetics 5-in-1 machine, along with an aesthetics table and tubes of wax in this manicure shop.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,250.00 civil penalty.**

MOTION made by June Huckeby and seconded by Janet Wormsley to accept the legal report as amended. Motion carried unanimously.

#### **OTHER BUSINESS-**

Rachel Powers, attorney for the Board advised members of the board that another public meeting for the SR94 task force will be held at the Tennessee Department of Health on November 15, 2012.

Ms. Powers also discussed the new Attorney General Opinion No. 12-91 and answered board members questions relative to the opinion.

#### **ADJOURN-**

MOTION made by Rufus Hereford and seconded by Muriel Smith to adjourn. Motion carried unanimously.